

State of Iowa

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REGULAR SESSION SEVENTY-EIGHTH GENERAL ASSEMBLY

**Convened January 11, 1999
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**Volume II
April 20, 1999 — General Index**

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

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ONE-HUNDRETH CALENDAR DAY
FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 20, 1999

The Senate met in regular session at 9:11 a.m., President Kramer presiding.

Prayer was offered by Reverend L.C. Gebhardt of St. John's Lutheran Church, Charter Oak, Iowa.

The Journal of Monday, April 19, 1999, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lundby until she arrives, on request of Senator Freeman; Senator Gaskill until he arrives, on request of Senator Miller; Senator McCoy until he arrives, on request of Senator Dvorsky.

UNFINISHED BUSINESS

House File 172

On motion of Senator Boettger, House File 172, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

Senator Boettger offered amendment S-3401 filed by her on April 15, 1999, to page 2 of the bill and moved its adoption.

Amendment S-3401 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 172), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Maddox	McKean	McKibben
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

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

UNFINISHED BUSINESS

House File 308

On motion of Senator Angelo, House File 308, a bill for an act relating to peace officer status for investigators of the department of inspections and appeals, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 308), the vote was:

Ayes, 28:

Angelo	Bartz	Behn	Boettger
Deluhery	Drake	Freeman	Gronstal
Iverson	Jensen	Judge	King
Kramer	Lamberti	Maddox	McKean
McKibben	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Soukup	Tinsman	Veenstra	Zieman

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Dvorsky	Fink	Flynn	Fraise
Hammond	Hansen	Harper	Hedge
Horn	Johnson	Kibbie	McCoy
McLaren	Rife	Shearer	Szymoniak

Absent or not voting, 2:

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

HOUSE AMENDMENTS CONSIDERED

Senate File 230

Senator Maddox called up for consideration Senate File 230, a bill for an act updating the Iowa Code references to the Internal Revenue Code, extending the loss carryback period for farm net operating losses, providing certain tax credits to estates and trusts, and providing an effective date and a retroactive applicability date, amended by the House, and moved that the Senate concur in House amendment S-3302 filed April 7, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 230), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gaskill Lundby

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

Senate File 186

Senator Angelo called up for consideration Senate File 186, a bill for an act providing that a county enterprise includes housing for persons who are elderly or persons with physical disability, amended by the House, and moved that the Senate concur in House amendment S-3380 filed April 14, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 186), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink

Flynn	Fraise	Freeman	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gaskill Lundby

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 172, 308 and Senate Files 186 and 230 be immediately messaged to the House.

UNFINISHED BUSINESS

House File 210

On motion of Senator Redfern, House File 210, a bill for an act relating to the exclusion of certain transactions under the business opportunities law and providing effective and retroactive applicability dates, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

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

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

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Lundby

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

HOUSE AMENDMENT CONSIDERED

Senate File 407

Senator Fraise called up for consideration Senate File 407, a bill for an act relating to registration of all-terrain vehicles and snowmobiles and providing for and applying penalties, amended by the House, and moved that the Senate concur in House amendment S-3399 filed April 15, 1999.

President pro tempore Redfern took the chair at 9:50 a.m.

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

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

On the question "Shall the bill pass?" (S.F. 407), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 1:

Rife

Absent or not voting, 1:

Lundby

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

UNFINISHED BUSINESS

House File 255

On motion of Senator Dvorsky, House File 255, a bill for an act relating to visitation provisions between siblings under a custody order, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 255), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink

Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Lundby

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gronstal until he returns, on request of Senator Hansen.

UNFINISHED BUSINESS

House File 312

On motion of Senator Bartz, House File 312, a bill for an act relating to regulation of the grain industry and providing for civil penalties, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

Senator Miller offered amendment S-3359 filed by him on April 13, 1999, to pages 2-6, 8 and 9 of the bill and moved its adoption.

A non-record roll call was requested.

The ayes were 19, nays 26.

Amendment S-3359 lost.

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

On the question "Shall the bill pass?" (H.F. 312), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Gaskill	Hammond	Hansen
Harper	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Maddox	McCoy
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 3:

Fraise	Hedge	Miller
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Absent or not voting, 3:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 210, 255, 312 and Senate File 407 be immediately messaged to the House.

HOUSE AMENDMENTS CONSIDERED

Senate File 413

Senator Redwine called up for consideration Senate File 413, a bill for an act providing for access to a safe deposit box on the death of the owner or lessee of such box, and exempting state banks and credit unions from liability associated with such access, amended by

the House, and moved that the Senate concur in House amendment S-3341 filed April 13, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 413), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Gaskill	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Johnson	Judge	Kibbie
King	Kramer	Lamberti	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

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

Senate File 294

Senator Angelo called up for consideration Senate File 294, a bill for an act relating to lifetime registration for certain sex offenders, the performance of sex offender risk assessments, and the procedures for dissemination of registry information to agencies and the public, amended by the House, and moved that the Senate concur in House amendment S-3413 filed April 15, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 294), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gronstal Lundby.

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

UNFINISHED BUSINESS

House File 433

On motion of Senator King, House File 433, a bill for an act relating to the exclusion of certain transactions involving a public utility or common carrier from the applicability of the consumer credit code, with report of committee without recommendation, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

Senator Deluhery asked and received unanimous consent that action on **House File 433** be **deferred**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 294 and 413** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:44 a.m., until 1:00 p.m.

APPENDIX**BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 20th day of April, 1999:

Senate Files 51, 106, and 264.

MICHAEL E. MARSHALL
Secretary of the Senate

PRESENTATION OF VISITORS

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

Fifth grade students from Colo-Nesco, McCallsburg elementary, McCallsburg, Iowa, accompanied by Kathy Bendixen, Denise Hill, and seven parents. Senator McKibben.

STUDY BILL RECEIVED**SSB 1221 Ways and Means**

Relating to the appropriation made for the livestock production tax credit.

SUBCOMMITTEE ASSIGNMENTS**House File 748**

WAYS AND MEANS: McKibben, Chair; Deluhery and Johnson

House File 749

WAYS AND MEANS: Redwine, Chair; Bolkom and Johnson

House File 767

WAYS AND MEANS: Lamberti, Chair; Flynn and Johnson

SSB 1221

WAYS AND MEANS: Hedge, Chair; Johnson and Soukup

AFTERNOON SESSION

The Senate reconvened at 1:06 p.m., President Kramer presiding.

QUORUM CALL

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

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Drake until he returns, on request of Senator Jensen; Senator Szymoniak until she returns, on request of Senator Dvorsky.

SPECIAL GUEST

The Chair welcomed the Honorable Bill Reichardt, former member of the Senate from Polk County, Des Moines, Iowa, who was present on the floor of the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 460

Senator Redwine called up for consideration Senate File 460, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, other properly related matters, and providing effective date, amended by the House in House amendment S-3392 filed April 14, 1999.

Senator Flynn asked and received unanimous consent to withdraw amendment S-3440 filed by him from the floor to amendment S-3392.

Senator Flynn asked and received unanimous consent to withdraw amendment S-3441 filed by him from the floor to amendment S-3392.

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

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

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

On the question "Shall the bill pass?" (S.F. 460), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Drake Szymoniak

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

Senator Iverson asked and received unanimous consent that **Senate File 460** be **immediately messaged** to the House.

HOUSE AMENDMENTS CONSIDERED

Senate File 248

Senator Redwine called up for consideration Senate File 248, a bill for an act relating to acquired immune deficiency syndrome,

providing penalties, and providing for a repeal, amended by the House, and moved that the Senate concur in House amendment S-3265 filed April 6, 1999.

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

Senate File 8

Senator Maddox called up for consideration Senate File 8, a bill for an act relating to coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses by providing coverage for costs associated with equipment, supplies, and education for the treatment of diabetes, amended by the House, and moved that the Senate concur in House amendment S-3379 filed April 14, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 8), the vote was:

Ayes, 46:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Miller	Redfern	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, 3:

Behn	King	Redwine
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Absent or not voting, 1:

Drake

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 8 and 248** be **immediately messaged** to the House.

PRESENTATION OF VISITORS

The Chair welcomed fourth-grade students from Southeast Elementary School, Ankeny, Iowa. Senator Lamberti.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz until he returns, on request of Senator Freeman.

BUSINESS PENDING

House File 433

The Senate resumed consideration of House File 433, a bill for an act relating to the exclusion of certain transactions involving a public utility or common carrier from the applicability of the consumer credit code, previously deferred.

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

On the question "Shall the bill pass?" (H.F. 433), the vote was:

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

Ayes, 25:

Angelo	Behn	Boettger	Drake
Freeman	Hedge	Iverson	Jensen
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Shearer	Veenstra
Zieman			

Nays, 24:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gaskill	Gronstal	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	McKean	Rife
Sexton	Soukup	Szymoniak	Tinsman

Absent or not voting, 1:

Bartz

The bill having not received a constitutional majority was declared to have failed to pass the Senate.

The Senate stood at ease at 2:10 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 3:55 p.m., President Kramer presiding.

PRESENTATION OF VISITORS

The Chair welcomed fourth and fifth grade students from Coolidge Elementary School, Cedar Rapids, Iowa. Senator Horn.

UNFINISHED BUSINESS

House File 115

On motion of Senator Gaskill, House File 115, a bill for an act relating to the award of a contract for a public improvement by a city or the governing body of a city utility, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 115), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymboniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Redfern

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

UNFINISHED BUSINESS

House File 448

On motion of Senator Bolkcom, House File 448, a bill for an act prohibiting the transmission of electronic mail which includes advertisements in certain circumstances and providing for monetary damages, criminal penalties, and other remedies, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

Senator Bolkcom offered amendment S-3439 filed by Senators Bolkcom and Jensen on April 19, 1999, striking everything after the enacting clause of the bill and moved its adoption.

Amendment S-3439 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 448), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy for the remainder of the day, on request of Senator Kramer.

UNFINISHED BUSINESS

House File 343

On motion of Senator Shearer, House File 343, a bill for an act providing for the collection of moneys by a county board of supervisors arising out of the construction of a drainage improvement within a railroad right-of-way, with report of committee

recommending passage, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

Senator Shearer offered amendment S-3444 filed by him from the floor, to page 1 of the bill and moved its adoption.

Amendment S-3444 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 343), the vote was:

Ayes, 48:

Bartz	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 1:

Angelo

Absent or not voting, 1:

McCoy

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 115, 343 and 448 be immediately messaged to the House.

HOUSE AMENDMENTS CONSIDERED

Senate File 287

Senator Veenstra called up for consideration Senate File 287, a bill for an act relating to child welfare provisions involving foster home damages, voluntary foster care placements of children with mental retardation or other developmental disability, release of child abuse information, and annual group foster care and decategorization plans, and providing a contingent effective date, amended by the House, and moved that the Senate concur in House amendment S-3404 filed April 15, 1999.

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

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

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

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McCoy

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

Senate File 429

Senator Lamberti called up for consideration Senate File 429, a bill for an act relating to notification of forfeited and cancelled mechanic's liens, challenging a mechanic's lien, and providing a remedy, amended by the House, and moved that the Senate concur in House amendment S-3372 filed April 14, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 429), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy McLaren

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

Senate File 437

Senator Lamberti called up for consideration Senate File 437, a bill for an act relating to notification regarding mechanics' liens, amended by the House, and moved that the Senate concur in House amendment S-3371 filed April 14, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 437), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McCoy

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

The Senate stood at ease at 4:36 p.m. until the fall of the gavel.

The Senate resumed session at 4:45 p.m., President Kramer presiding.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 287, 429 and 437 be immediately messaged to the House.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1999, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 468, a bill for an act relating to and making appropriations to the justice system and providing effective dates. (S-3442)

ALSO: That the House has on April 20, 1999, passed the following bill in which the concurrence of the House was asked:

Senate File 436, a bill for an act relating to practices involving the marketing of livestock concerning packers, by providing for the regulation of certain purchase information and contracting, and providing penalties and effective dates.

ALSO: That the House has on April 20, 1999, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 472, a bill for an act relating to burial sites on private property.

House File 660, a bill for an act relating to certain property of a debtor which is exempt from execution, and providing an effective date and for the Act's applicability.

House File 721, a bill for an act relating to the Iowa egg council by providing for its administration and membership, and providing an effective date.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 23, by Rittmer and Kibbie, a concurrent resolution encouraging Congress to rescind Health Care Financing Administration rules requiring onerous home health agency reporting.

Read first time and referred to committee on **Rules and Administration**.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 459** be referred from the **Ways and Means Calendar** to the committee on **Appropriations**.

APPENDIX**REPORT OF COMMITTEE MEETING****RULES AND ADMINISTRATION**

Convened: April 20, 1999, 4:40 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Dvorsky, Fink, Harper, Lundby, Redfern, Rehberg, and Rittmer.

Members Absent: Jensen (excused).

Recessed: 4:42 p.m.

Reconvened: April 20, 1999, 4:43 p.m.

Committee Business: Passed SCR 14, SCR 22, SR 14, SR 15, and HJR 15.

Adjourned: 4:44 p.m.

CERTIFICATES OF RECOGNITION

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

Jeremiah Cantu, McGregor – For achieving the rank of Eagle Scout. Senator Zieman (04/20/99).

Travis Weipert, McGregor – For achieving the rank of Eagle Scout. Senator Zieman (04/20/99).

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which House File 433 failed to pass the Senate on April 20, 1999.

MICHAEL E. GRONSTAL

MADAM PRESIDENT: I move to reconsider the vote by which House File 433 failed to pass the Senate on April 20, 1999.

MIKE SEXTON

PETITIONS

The following petitions were presented and placed on file by:

Senator Rife, from two hundred and forty residents of Jones, Cedar, and Scott Counties, Iowa, favoring legislation for school infrastructure funding.

Senator Connolly, from Dubuque residents, favoring legislation on the bond referendum.

STUDY BILLS RECEIVED

SSB 1222 Ways and Means

Increasing the state foundation base for purposes of the state school aid funding formula and including effective and applicability date provisions.

SSB 1223 Ways and Means

Exempting from the state sales and use taxes certain equipment used in transmitting telecommunications services.

SUBCOMMITTEE ASSIGNMENTS

Senate File 459

APPROPRIATIONS: Redwine, Chair; Connolly and McLaren

SSB 1222

WAYS AND MEANS: Lamberti, Chair; Harper and Maddox

SSB 1223

WAYS AND MEANS: McKibben, Chair; Flynn and Johnson

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 14, a concurrent resolution urging congressional action to reject the plan by the United States Census Bureau to use statistical sampling in reporting population data to the states for purposes of redistricting.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 22, a concurrent resolution designating a week in September 1999 as Iowa Education Week.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 14, a resolution honoring Nina Smith for being named girls' high school basketball National Player of the Year.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 15, a resolution honoring the city of Cedar Rapids on its sesquicentennial year.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE JOINT RESOLUTION 15, a joint resolution to nullify an administrative rule of the secretary of state concerning preparation of descriptions of constitutional amendments and statewide public measures and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3440	S.F. 460	Tom Flynn
S-3441	S.F. 460	Tom Flynn
S-3442	S.F. 468	House
S-3443	S.F. 466	Mike Sexton
S-3444	H.F. 343	Mark Shearer
S-3445	S.F. 470	Jeff Lamberti
S-3446	S.F. 470	Jeff Lamberti
S-3447	H.F. 322	Merlin E. Bartz
S-3448	S.F. 470	Jeff Lamberti

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:47 p.m., until 9:00 a.m., Wednesday, April 21, 1999.

JOURNAL OF THE SENATE

ONE-HUNDRED FIRST CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 21, 1999

The Senate met in regular session at 9:11 a.m., Senator Hedge presiding.

Prayer was offered by H. D. Mitchell, pastor of the Trinity United Methodist Church, Huxley, Iowa.

The Journal of Tuesday, April 20, 1999, was approved.

SPECIAL GUESTS

Senator Kramer introduced representatives of the Valley High School Music Department, winners of the National Association of Recording Artists Foundation Grammy Signature School Award. Members of the group include: Dr. Les Omotani, Superintendent of West Des Moines Schools; Dr. Phyliss Staplin, Curriculum Director; Dr. Robert Brooks, Principal Valley High School; Phil Peters, Chair Music Department, of Valley High School; students Scott Olson, representing the Vocal Music Department; Clarissa Henry, representing the band; Ken Jarvis, representing the orchestra, who were present on the floor of the Senate as guests of Senator Kramer and Senator Maddox.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dvorsky for the day, on request of Senator Gronstal; Senator Soukup until she arrives, on request of Senator Hansen; Senator Redwine until he arrives, on request of Senator Schuerer.

UNFINISHED BUSINESS

House File 689

On motion of Senator Angelo, House File 689, a bill for an act relating to a proposal by the department of cultural affairs concerning the establishment of an Iowa freedom trail program, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 689), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Szymoniak until she returns, on request of Senator Shearer.

INTRODUCTION OF VISITORS

The Chair welcomed eight women mayors from Slovakia. They are visiting Ames, Fort Dodge, Cedar Rapids, Polk City, Collins, Zearing and Stanhope, accompanied by Judie Hoffman. Senator Hammond.

UNFINISHED BUSINESS

(Deferred April 12, 1999)

House File 218

The Senate resumed consideration of House File 218, a bill for an act creating a loess hills preservation and development alliance, providing for its responsibilities, and providing for other properly related matters, and amendment S-3212 filed by Senator Hansen on March 31, 1999, to page 2 of the bill; amendment S-3169 filed by Senator Hansen on March 25, 1999, to page 2 of the bill; and amendment S-3170 filed by Senator Hansen on March 29, 1999, to pages 2-4 of the bill, deferred April 12, 1999.

Senator Hansen asked and received unanimous consent to withdraw amendments S-3212, S-3169 and S-3170.

With the withdrawal of amendment S-3212, the Chair ruled amendment S-3301, filed by Senator Bartz on April 7, 1999, to amendment S-3212, out of order.

Senator King offered amendment S-3435 filed by Senators King, et al., on April 19, 1999, to page 2 of the bill and moved its adoption.

Amendment S-3435 was adopted by a voice vote.

Senator King offered amendment S-3143 filed by Senators King and McLaren on March 24, 1999, to pages 2-4 and to the title page of the bill and moved its adoption.

Amendment S-3143 was adopted by a voice vote.

Senator King asked and received unanimous consent to withdraw amendment S-3177 filed by him on March 29, 1999, to the title page of the bill.

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

On the question "Shall the bill pass?" (H.F. 218), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Dvorsky Szymoniak

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 218 and 689** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 20, 1999, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 337, a bill for an act relating to landlords' and tenants' relations, by providing notice requirements, establishing a

tenant's duty to properly maintain utility facilities, and providing for other properly related matters and an effective date. (S-3449)

Senate File 449, a bill for an act relating to public policy involving the use of the English language and assistance to legal immigrants and foreign nationals and providing a future repeal. (S-3450)

ALSO: That the House has on April 20, 1999, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 760, a bill for an act relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, and providing effective dates.

INTRODUCTION OF BILL

Senate File 475, by Administrative Rules Review Committee, a bill for an act relating to the rules adopted by the state fire marshal applicable to certain low-occupancy residential care facilities.

Read first time and referred to committee on **State Government**.

The Senate stood at ease at 10:11 a.m. until the fall of the gavel.

The Senate resumed session at 11:21 a.m., President Kramer presiding.

PRESENTATION OF VISITORS

The Chair welcomed fifth graders from Jordan Creek Elementary School, West Des Moines, Iowa. Senator Kramer.

RECESS

On motion of Senator Schuerer, the Senate recessed at 11:22 a.m., until 1:00 p.m.

AFTERNOON SESSION

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

QUORUM CALL

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

The vote revealed 37 present, 13 absent, and a quorum present.

PRESENTATION OF VISITORS

The Chair welcomed the law class from Carlisle High School, Carlisle, Iowa, accompanied by Mrs. Garner. Senator Fink.

WITHDRAWN

Senator King asked and received unanimous consent that **Senate File 315** be **withdrawn** from further consideration of the Senate.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 21, 1999, passed the following bills in which the **concurrence** of the House was asked:

Senate File 160, a bill for an act relating to pipelines, interstate natural gas pipelines, and hazardous liquid pipelines, and the restoration of agricultural lands, making penalties applicable, and providing an effective date.

Senate File 323, a bill for an act relating to the use of professional designations by audiologists and speech pathologists.

ALSO: That the House has on April 21, 1999, concurred in the Senate amendment and passed the following bills in which the **concurrence** of the House was asked:

House File 343, a bill for an act providing for the collection of moneys by a county board of supervisors arising out of the construction of a drainage improvement within a railroad right-of-way.

House File 448, a bill for an act prohibiting the transmission of electronic mail which includes advertisements in certain circumstances and providing for monetary damages, criminal penalties, and other remedies.

House File 532, a bill for an act relating to practitioner preparation programs and providing for a pilot study to assess the performance of teacher education graduates.

House File 570, a bill for an act relating to the Iowa turkey marketing council, by providing procedures for the administration of the council, a producer assessment, refunds, and for the expenditure of moneys by the council, and providing an effective date.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 470.

Senate File 470

On motion of Senator Lamberti, Senate File 470, a bill for an act relating to campaign finance disclosure by regulating express advocacy of candidates and ballot issues, requiring annual authorization for political representation financed from deductions from wages, dues, and fees, providing and applying penalties, providing an effective date and for applicability, and providing for severability, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Lamberti asked and received unanimous consent that action on **Senate File 470** be deferred.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 14.

Senate Resolution 14

On motion of Senator Redfern, Senate Resolution 14, a resolution honoring Nina Smith for being named girls' high school basketball National Player of the Year, with report of committee recommending passage, was taken up for consideration.

Senator Harper moved the adoption of Senate Resolution 14, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Harper introduced National High School Player of the Year, Nina Smith, from Waterloo West High School, Waterloo, Iowa, accompanied by her coach, Tony Pappas. Ms. Smith addressed the Senate with brief remarks.

The Senate stood at ease at 1:30 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:26 p.m., President Kramer presiding.

QUORUM CALL

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

The vote revealed 42 present, 8 absent, and a quorum present.

PRESENTATION OF VISITORS

The Chair welcomed students from Pocahontas Elementary School, Pocahontas, Iowa. Senator Freeman.

BUSINESS PENDING

Senate File 470

The Senate resumed consideration of Senate File 470, a bill for an act relating to campaign finance disclosure by regulating express

advocacy of candidates and ballot issues, requiring annual authorization for political representation financed from deductions from wages, dues, and fees, providing and applying penalties, providing an effective date and for applicability, and providing for severability, previously deferred.

Senator Connolly offered amendment S-3386 filed by him on April 14, 1999, striking everything after the enacting clause and to the title page of the bill.

Senator Lamberti asked and received unanimous consent to withdraw amendment S-3448 filed by him on April 20, 1999 to pages 1-8 of amendment S-3386.

Senator Connolly moved adoption of amendment S-3386 and requested a record roll call.

On the question "Shall amendment S-3386 be adopted?" (S.F. 470), the vote was:

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

Ayes, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Fink	Flynn	Fraise
Freeman	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
Lundby	McCoy	Rittmer	Shearer
Soukup	Szymoniak	Tinsman	

Nays, 25:

Angelo	Bartz	Behn	Boettger
Drake	Gaskill	Hedge	Iverson
Jensen	Johnson	King	Kramer
Lamberti	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Schuerer	Sexton	Veenstra
Zieman			

Absent or not voting, 2:

Dvorsky	Maddox
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Amendment S-3386 lost.

The Senate stood at ease at 3:33 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:27 p.m., President Kramer presiding.

BUSINESS PENDING

Senate File 470

The Senate resumed consideration of Senate File 470, a bill for an act relating to campaign finance disclosure by regulating express advocacy of candidates and ballot issues, requiring annual authorization for political representation financed from deductions from wages, dues, and fees, providing and applying penalties, providing an effective date and for applicability, and providing for severability, previously deferred.

Senator Fink offered amendment S-3453 filed by him from the floor, striking everything after the enacting clause and to the title page of the bill.

Senator Fink asked and received unanimous consent that action on amendment S-3453 be **deferred**.

Senator McKean asked and received unanimous consent to withdraw amendment S-3409 filed by him on April 15, 1999, to pages 1, 12 and to the title page of the bill.

Senator Kibbie offered amendment S-3376 filed by him on April 14, 1999, to page 4 and to the title page of the bill.

Senator Lamberti raised the point of order that amendment S-3376 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3376 out of order.

Senator Connolly offered amendment S-3385 filed by him on April 14, 1999, to page 4 and to the title page of the bill.

Senator Lamberti raised the point of order that amendment S-3385 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3385 out of order.

Senator Gronstal offered amendment S-3394 filed by him on April 15, 1999, to page 4 of the bill, moved its adoption and requested a non-record roll call.

The ayes were 17, nays 29.

Amendment S-3394 lost.

Senator Connolly asked and received unanimous consent to withdraw amendment S-3384 filed by him on April 14, 1999, to page 4 and to the title page of the bill.

Senator Kibbie asked and received unanimous consent to withdraw amendment S-3381 filed by him on April 14, 1999, to page 5 and to the title page of the bill.

Senator Kibbie offered amendment S-3377 filed by him on April 14, 1999, to page 8 and to the title page of the bill.

Senator Lamberti raised the point of order that amendment S-3377 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3377 out of order.

Senator Dearden offered amendment S-3375 filed by him on April 14, 1999, to pages 10, 12 and to the title page of the bill.

Senator Lamberti raised the point of order that amendment S-3375 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3375 out of order.

Senator McCoy offered amendment S-3374 filed by him on April 14, 1999, to page 12 and to the title page of the bill.

Senator Lamberti raised the point of order that amendment S-3374 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3374 out of order.

Senator Gronstal asked and received unanimous consent to withdraw amendment S-3393 filed by him on April 15, 1999, to page 12 of the bill.

Senator Lamberti offered amendment S-3445 filed by him on April 20, 1999, striking everything after the enacting clause and to the title page of the bill.

Senator Lamberti offered amendment S-3446 filed by him on April 20, 1999, to pages 1-12 of amendment S-3445 and moved its adoption.

Amendment S-3446 was adopted by a voice vote.

Senator Lamberti moved adoption of amendment S-3445, which motion prevailed by a voice vote.

With the adoption of amendment S-3345, the Chair ruled amendment S-3382, filed by the committee on State Government on April 14, 1999, to pages 8, 12 and to the title page of the bill, and amendment S-3453, filed by Senator Fink from the floor, striking everything after the enacting clause and to the title page of the bill, previously deferred, out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Szymoniak until she returns, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 470

The Senate resumed consideration of Senate File 470.

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

On the question "Shall the bill pass?" (S.F. 470), the vote was:

Ayes, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Veenstra	Zieman

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	Lundby
McCoy	Shearer	Soukup	Tinsman

Absent or not voting, 2:

Dvorsky Szymoniak

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate File 470 be immediately messaged to the House.

**CONSIDERATION OF BILL
(Appropriations Calendar)**

Senator Iverson asked and received unanimous consent to take up for consideration House File 746.

House File 746

On motion of Senator Behn, House File 746, a bill for an act relating to and making appropriations for agriculture and natural resources and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

The Senate stood at ease at 6:09 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:42 p.m., President Kramer presiding.

Senator Behn asked and received unanimous consent to withdraw amendment S-3357 filed by the committee on Appropriations on April 13, 1999, to pages 1, 2, 4, 15 and 16 of the bill.

Senator Behn offered amendment S-3459 filed by Senators Behn, Black and McLaren from the floor, to pages 1, 2, 7, 8, 12-17, 20 and 21 of the bill and moved its adoption.

Amendment S-3459 was adopted by a voice vote.

Senator Kibbie offered amendment S-3457 filed by Senators Kibbie and Fraise from the floor, to pages 1-2 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3457 be adopted?" (H.F. 746), the vote was:

Ayes, 22:

Black
Deluhery
Gronstal
Horn

Bolkcom
Fink
Hammond
Johnson

Connolly
Flynn
Hansen
Judge

Dearden
Fraise
Harper
Kibbie

McCoy	Miller	Rehberg	Schuerer
Shearer	Soukup		

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rife	Rittmer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 2:

Dvorsky Szymoniak

Amendment S-3457 lost.

Senator Behn asked and received unanimous consent to withdraw amendment S-3367 filed by Senators Behn and Black on April 14, 1999, to pages 7, 14, 16 and 17 of the bill.

Senator Black offered amendment S-3400 filed by him on April 15, 1999, to pages 12 and 17 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3400 be adopted?" (H.F. 746), the vote was:

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

Ayes, 22:

Black	Boettger	Bolkcom	Connolly
Dearden	Deluhery	Fink	Flynn
Fraise	Freeman	Gronstal	Hammond
Hansen	Harper	Horn	Judge
Kibbie	King	McCoy	Miller
Shearer	Soukup		

Nays, 26:

Angelo	Bartz	Behn	Drake
Gaskill	Hedge	Iverson	Jensen

Johnson	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 2:

Dvorsky Szymoniak

Amendment S-3400 lost.

Senator Flynn offered amendment S-3395 filed by him on April 15, 1999, to page 16 of the bill and moved its adoption.

A non-record roll call was requested.

The ayes were 17, nays 31.

Amendment S-3395 lost.

Senator Fraise offered amendment S-3458 filed by Senators Fraise and Kibbie from the floor, to pages 16, 18, 20 and 21 of the bill.

Senator Hedge raised the point of order that amendment S-3458 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3458 out of order.

Senator Shearer offered amendment S-3456 filed by Senators Shearer, Fraise and Kibbie from the floor, to page 18 of the bill.

Senator Hedge raised the point of order that amendment S-3456 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3456 out of order.

Senator Kibbie offered amendment S-3460 filed by him from the floor, to page 18 of the bill.

Senator Hedge raised the point of order that amendment S-3460 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3460 out of order.

Senator Connolly offered amendment S-3461 filed by Senators Connolly, et al., from the floor, to page 5 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3461 be adopted?" (H.F. 746), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
McKean	Miller	Shearer	Soukup

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKibben	McLaren	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Ziemann

Absent or not voting, 2:

Dvorsky Szymoniak

Amendment S-3461 lost.

Senator Bartz took the chair at 8:13 p.m.

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

On the question "Shall the bill pass?" (H.F. 746), the vote was:

Ayes, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup		

Absent or not voting, 2:

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

Senator Iverson asked and received unanimous consent that **House File 746** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 21, 1999 passed the following bill in which the **concurrence** of the House was asked:

Senate File 367, a bill for an act adopting the Uniform Child Custody Jurisdiction and Enforcement Act.

ALSO: That the House has on April 21, 1999, passed the following bill in which the **concurrence** of the Senate is asked:

House File 766, a bill for an act relating to the national board certification awards, establishing a national board certification pilot project, and requiring studies by the department of education.

Read first time and referred to committee on Education.

ALSO: That the House has on April 21, 1999, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bills in which the **concurrence** of the **Senate** is asked:

House File 172, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling. (S-3455)

House File 700, a bill for an act relating to the liability for unpaid rates or charges of a city utility or enterprise service for water, sewage, and solid waste services. (S-3454)

APPENDIX

COMMUNICATIONS RECEIVED

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

April 5, 1999

STATE LIBRARY OF IOWA

1997-98 copy of Iowa Public Library Statistics.

April 12, 1999

AUDITOR OF STATE

Single Audit Report for fiscal year ending June 30, 1999.

April 13, 1999

IOWA WORKFORCE DEVELOPMENT

1999 Status Report.

April 20, 1999

CITIZENS' AIDE OMBUDSMAN

Annual Report for 1998, pursuant to Iowa Code Section 2C.

ICN REPORT

March 31, 1999

SUPREME COURT OF IOWA

Report on ICN savings by Judicial Branch, pursuant to Iowa Code Section 8D.10.

CERTIFICATES OF RECOGNITION

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

Associated General Contractors of Iowa – For supporting and underwriting the daily legislative updates on WOI/AM Public Radio. Senator Iverson (04/21/99).

Tresa M. Gray, Corning – For being selected to the 1999 All-State Academic Team for Iowa's two-year colleges. Senator Angelo (04/21/99).

Kathryn R. McCampbell, Creston – For being selected to the 1999 All-State Academic Team for Iowa's two-year colleges. Senator Angelo (04/21/99).

James Wolfe, Shenandoah – For being selected to the 1999 All-State Academic Team for Iowa's two-year colleges. Senator Angelo (04/21/99).

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 20, 1999, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 264 – Relating to the regulatory authority of the natural resource commission on the Sac and Fox tribe of the Mississippi in Iowa settlement in Tama county.

A communication was received announcing that on April 21, 1999, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 265 – Relating to the taking of muskrats by colony trap.

S.F. 276 – Relating to health care service and treatment coverage by providing for continuity of care, discussion and advocacy of treatment options, coverage of emergency room services, utilization review requirements, and an external review process, and providing an effective date.

S.F. 366 – Making a supplemental appropriation for the fiscal year beginning July 1, 1998, for replacement of certain embedded chips in the technology and equipment of state departments and providing an effective date.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills (and resolutions) have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 21st day of April, 1999:

Senate Files 67, 92, 280, and 335.
Senate Joint Resolution 2.

MICHAEL E. MARSHALL
Secretary of the Senate

STUDY BILL RECEIVED

SSB 1224 Appropriations

Relating to financial assistance for air transportation expansion and infrastructure and making an appropriation.

SUBCOMMITTEE ASSIGNMENT

SSB 1224

APPROPRIATIONS: McLaren, Chair; Flynn and Kramer

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 459 (Formerly SSB 1195 and SF 425), a bill for an act relating to state school aid for budget years commencing with the budget year beginning July 1, 1999, and making appropriations and including effective and applicability date provisions.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3451.

Final Vote: Ayes, 24: McLaren, Kramer, Flynn, Behn, Black, Bolkcom, Connolly, Deluhery, Freeman, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3449	S.F. 337	House
S-3450	S.F. 449	House
S-3451	S.F. 459	Appropriations
S-3452	S.F. 459	Michael W. Connolly
S-3453	S.F. 470	Bill Fink
S-3454	H.F. 700	House
S-3455	H.F. 172	House
S-3456	H.F. 746	Mark Shearer Eugene S. Fraise John P. Kibbie
S-3457	H.F. 746	John P. Kibbie Eugene S. Fraise

S-3458	H.F. 746	Eugene S. Fraise John P. Kibbie
S-3459	H.F. 746	Jerry Behn Dennis H. Black Derryl McLaren
S-3460	H.F. 746	John P. Kibbie
S-3461	H.F. 746	Michael W. Connolly Patricia M. Harper Eugene S. Fraise Matt McCoy Betty Soukup
S-3462	H.F. 322	Merlin E. Bartz

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:47 p.m., until 9:00 a.m., Thursday, April 22, 1999.

JOURNAL OF THE SENATE

ONE-HUNDRED SECOND CALENDAR DAY
SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 22, 1999

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

Prayer was offered by Reverend Dan Herndon, pastor of Trinity Methodist Church, Waverly, Iowa.

The Journal of Wednesday, April 21, 1999, was approved.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 21, 1999, passed the following bill in which the concurrence of the Senate is asked:

House File 769, a bill for an act relating to the classification of apartments in condominiums for purposes of property taxation.

Read first time and referred to committee on **Ways and Means**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Zieman until he arrives, on request of Senator Johnson; Senator McCoy until he arrives, on request of Senator Dearden.

UNFINISHED BUSINESS

Senate File 466

On motion of Senator Sexton, Senate File 466, a bill for an act relating to the remediation of agrichemical sites, providing for fees, and providing for the repeal of a section relating to cleanup prioritization, placed on the Unfinished Business Calendar on April 5, 1999, with report of committee on Ways and Means recommending passage, was taken up for consideration.

Senator Sexton offered amendment S-3443 filed by him on April 20, 1999, to pages 1-7 and 10-16 of the bill and moved its adoption.

Amendment S-3443 was adopted by a voice vote.

With the adoption of amendment S-3443, the Chair ruled amendment S-3370, filed by Senator Bartz on April 14, 1999, to page 16 of the bill, out of order.

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

On the question "Shall the bill pass?" (S.F. 466), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra

Nays, none.

Absent or not voting, 2:

McCoy

Zieman

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

PRESENTATION OF VISITORS

The Chair welcomed sixth grade students from Northwestern Middle School, Barnum, Iowa. Senator Sexton.

The Chair welcomed students from West Central Middle School, Redfield, Iowa. Senator Johnson.

UNFINISHED BUSINESS (Ways and Means Calendar)

Senate File 459

On motion of Senator Redfern, Senate File 459, a bill for an act relating to state school aid for budget years commencing with the budget year beginning July 1, 1999, and making appropriations and including effective and applicability date provisions, with report of committee on Appropriations recommending amendment and passage, placed on the Unfinished Business Calendar on March 31, 1999, was taken up for consideration.

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

The Senate resumed session at 10:43 a.m., President Kramer presiding.

Senator Redfern offered amendment S-3451 filed by the committee on Appropriations on April 21, 1999, to pages 2, 5-8 and 11 of the bill and moved its adoption.

Amendment S-3451 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent to withdraw amendment S-3452 filed by him on April 21, 1999, to pages 1 and 11 of the bill.

Senator Connolly asked and received unanimous consent that action on **Senate File 459** be deferred.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Maddox until he returns, on request of Senator Angelo; Senator Jensen until he arrives, on request of Senator Iverson.

UNFINISHED BUSINESS (Deferred March 25, 1999)

House File 322

On motion of Senator Bartz, House File 322, a bill for an act relating to production contracts, providing penalties, and providing an effective date, deferred March 25, 1999, was taken up for consideration.

Senator Bartz asked and received unanimous consent to withdraw amendment S-3398 filed by him on April 15, 1999, striking everything after the enacting clause and to the title page of the bill.

Senator Bartz offered amendment S-3447 filed by him on April 20, 1999, striking everything after the enacting clause of the bill.

Senator Bartz offered amendment S-3462 filed by him on April 21, 1999, to page 3 of amendment S-3447 and moved its adoption.

Amendment S-3462 was adopted by a voice vote.

Senator Bartz moved adoption of amendment S-3447, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 322), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 3:

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

WITHDRAWN

Senator Bartz asked and received unanimous consent that **Senate File 443** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 466** and **House File 322** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 21, 1999, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 464, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, providing related statutory changes, and providing effective dates. (S-3463)

ALSO: That the House has on April 22, 1999, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 521, a bill for an act relating to the licensure and operation of employment agencies and providing a penalty.

ALSO: That the House has on April 22, 1999, receded from the House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 248, a bill for an act relating to acquired immune deficiency syndrome, providing penalties, and providing for a repeal.

ALSO: That the House has on April 22, 1999, passed the following bills in which the concurrence of the House was asked:

Senate File 305, a bill for an act relating to the payment by a county of the family farm tax credit and reimbursement to the county of its payment and including an effective date.

Senate File 308, a bill for an act relating to the levy rate for fire protection imposed in an area of a benefited fire district and including an effective date.

ALSO: That the House has on April 22, 1999, passed the following bills in which the concurrence of the Senate is asked:

House File 755, a bill for an act relating to the time limit when property omitted from assessment may be assessed and when a taxpayer may receive a refund for erroneous property taxes paid and including an effective date provision.

Read first time and referred to committee on **Ways and Means**.

House File 757, a bill for an act relating to the payment and allocation of the real estate transfer tax.

Read first time and referred to committee on **Ways and Means**.

INTRODUCTION OF BILL

Senate File 476, by committee on Appropriations, a bill for an act relating to financial assistance for air transportation expansion and infrastructure and making an appropriation.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 11:13 a.m., until 1:30 p.m.

APPENDIX**REPORT OF COMMITTEE MEETING****APPROPRIATIONS**

Convened: April 21, 1999, 11:05 a.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Bolkom, Connolly, Deluhery, Freeman, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman.

Members Absent: Black, Dvorsky, and Maddox (all excused).

Recessed: 11:20 a.m.

Reconvened: April 21, 1999, 8:50 p.m.

Committee Business: Passed HF 761. Approved SSB 1224.

Adjourned: 8:55 p.m.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 22nd day of April, 1999:

Senate Files 115, 176, 216, 392, and 405.

MICHAEL E. MARSHALL
Secretary of the Senate

REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 405, the following corrections were made:

1. Page 3, line 9, the words "workers compensation" were changed to the words "workers' compensation".
2. Page 4, line 11, the words "workers compensation" were changed to the words "workers' compensation".

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 424, the following correction was made:

1. Page 7, line 33, the word and number "Section 4" were changed to the word and number "Section 6".

MICHAEL E. MARSHALL
Secretary of the Senate

SUBCOMMITTEE ASSIGNMENTS

House File 757

WAYS AND MEANS: Bartz, Chair; Harper and Maddox

House File 769

WAYS AND MEANS: McLaren, Chair; Drake and Soukup

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 476 (SSB 1224), a bill for an act relating to financial assistance for air transportation expansion and infrastructure and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 20: McLaren, Kramer, Flynn, Bolkcom, Connolly, Deluhery, Freeman, Hammond, Horn, Jensen, Johnson, King, Lamberti, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, 2: Behn and Hedge. Absent or not voting, 3: Black, Dvorsky, and Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 761, a bill for an act relating to child care provisions administered by the department of human services and to the terminology used to describe child care, and including effective dates and applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 22: McLaren, Kramer, Flynn, Behn, Bolkcom, Connolly, Deluhery, Freeman, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, 3: Black, Dvorsky, and Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 1:53 p.m., President Kramer presiding.

QUORUM CALL

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

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

PRESENTATION OF VISITORS

The Chair welcomed sixth grade students from the East Buchanan School DARE Program. Senator Rehberg.

The Chair welcomed the eighth grade class from Issac Newton Christian Academy, Cedar Rapids, Iowa. Senator Schuerer.

HOUSE AMENDMENT CONSIDERED

Senate File 395

Senator Angelo called up for consideration Senate File 395, a bill for an act relating to the department of corrections by providing for purchases from Iowa prison industries, the study of inmate worker safety issues, the establishment of a criminal offense for attempts to escape, the crediting of time served by inmates, inmate work program agreements, the revolving farm fund, and deductions from inmate work program earnings, standards for the employment of probation and parole officers, and making penalties applicable, amended by the House, and moved that the Senate concur in House amendment S-3405 filed April 15, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 395), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Iverson	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Dearden Horn

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

UNFINISHED BUSINESS

House File 708

On motion of Senator Tinsman, House File 708, a bill for an act establishing a governor's award for quality care in health care facilities, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 708), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink

Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

UNFINISHED BUSINESS

House File 688

On motion of Senator Fink, House File 688, a bill for an act providing for the designation of a state poet laureate, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

Senator Dvorsky offered amendment S-3312 filed by Senators Dvorsky, Fink and Rittmer on April 8, 1999, to page 1 of the bill and moved its adoption.

Amendment S-3312 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 688), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper

Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 395** and **House Files 688** and **708** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 459 .

The Senate resumed consideration of Senate File 459, a bill for an act relating to state school aid for budget years commencing with the budget year beginning July 1, 1999, and making appropriations and including effective and applicability date provisions, previously deferred.

Senator McCoy offered amendment S-3470 filed by Senators McCoy and Dearden from the floor, to page 1 and to the title page of the bill.

Senator Redfern raised the point of order that amendment S-3470 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3470 out of order.

Senator Rife asked and received unanimous consent to withdraw amendment S-3468 filed by him from the floor to page 1 of the bill.

Senator Rife offered amendment S-3469 filed by him from the floor, to pages 1 and 9-11 of the bill.

The Senate stood at ease at 2:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:36 p.m., President Kramer presiding.

SPECIAL GUEST

The Chair welcomed the Honorable James Black, former member of the Senate from Kossuth County, Algona, Iowa, who was present in the Senate chamber.

QUORUM CALL

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

The vote revealed 31 present, 19 absent, and a quorum present.

BUSINESS PENDING

Senate File 459

The Senate resumed consideration of Senate File 459.

Senator Rife asked and received unanimous consent to withdraw amendment S-3469.

Senator Gronstal asked unanimous consent that action on **Senate File 459** be deferred.

Senator Boettger took the chair at 3:54 p.m.

President Kramer took the chair at 4:00 p.m.

Senator Gronstal withdrew his request.

Senator Connolly offered amendment S-3471 filed by Senators Connolly and Hammond from the floor, to page 11 of the bill.

Senator Redfern raised the point of order that amendment S-3471 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3471 out of order.

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

On the question "Shall the bill pass?" (S.F. 459), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, 1:

Rife

Absent or not voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 459** be **immediately messaged** to the House.

The Senate stood at ease at 4:42 p.m. until the fall of the gavel.

The Senate resumed session at 5:42 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Schuerer until he returns, on request of Senator Bartz.

COMMITTEE REPORT

EDUCATION

Final Bill Action: HOUSE FILE 766, a bill for an act relating to the national board certification awards, establishing a national board certification pilot project, and requiring studies by the department of education.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 766.

House File 766

On motion of Senator Rehberg, House File 766, a bill for an act relating to the national board certification awards, establishing a national board certification pilot project, and requiring studies by the department of education, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg offered amendment S-3474 filed by her from the floor, to page 2 of the bill and moved its adoption.

Amendment S-3474 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 766), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Rife Schuerer

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

HOUSE AMENDMENT CONSIDERED

Senate File 464

Senator Rehberg called up for consideration Senate File 464, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, providing related statutory changes, and providing effective dates, amended by the House in House amendment S-3463 filed April 22, 1999.

Senator Rehberg offered amendment S-3472 filed by Senators Rehberg and Angelo from the floor, to pages 8 and 11 of amendment S-3463 and moved its adoption.

Amendment S-3472 was adopted by a voice vote.

Senator Angelo offered amendment S-3476 filed by Senators Angelo and Rehberg from the floor, to pages 9, 23 and 31 of amendment S-3463 and moved its adoption.

Amendment S-3476 was adopted by a voice vote.

Senator Connolly offered amendment S-3473 filed by Senators Connolly and Hansen from the floor, to page 24 of amendment S-3463, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3473 to House amendment S-3463 be adopted?" (S.F. 464) the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Freeman	Gronstal	Hansen
Horn	Judge	Kibbie	McCoy
Rittmer	Shearer	Soukup	Szymoniak
Tinsman	Veenstra		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Gaskill	Hammond	Harper
Hedge	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Sexton	Zieman	

Absent or not voting, 1:

Schuerer

Amendment S-3473 lost.

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

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

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

On the question "Shall the bill pass?" (S.F. 464), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Schuerer

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 464** and **House File 766** be **immediately messaged** to the House.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 15.

Senate Resolution 15

On motion of Senator Lundby, Senate Resolution 15, a resolution honoring the City of Cedar Rapids on its sesquicentennial year, with report of committee recommending passage, was taken up for consideration.

Senator Lundby moved the adoption of Senate Resolution 15, which motion prevailed by a voice vote.

CONSIDERATION OF BILL (Ways and Means)

Senator Iverson asked and received unanimous consent to take up for consideration House File 199.

House File 199

On motion of Senator Lamberti, House File 199, a bill for an act relating to the taxation of aircraft under the state sales, services, and use taxes, with report of committee recommending passage, was taken up for consideration.

Senator Connolly asked and received unanimous consent to withdraw amendment S-3257 filed by him on April 6, 1999, to pages 1 and 3 of the bill.

Senator Connolly asked and received unanimous consent to withdraw amendment S-3362 filed by him on April 14, 1999, to pages 1, 3 and to the title page of the bill.

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

On the question "Shall the bill pass?" (H.F. 199), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal

Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 1:

Dearden

Absent or not voting, 1:

Schuerer

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

UNFINISHED BUSINESS

House File 675

On motion of Senator Sexton, House File 675, a bill for an act relating to schools and school districts by affecting boiler and steam vessel maintenance and monitoring, the regular school calendar, superintendent licensure and qualifications, and school breakfast programming, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

Senator Sexton offered amendment S-3218 filed by the committee on Education on April 1, 1999, to pages 1-3, 5, 6 and to the title page of the bill.

Senator Connolly asked and received unanimous consent to withdraw amendment S-3258 filed by him on April 6, 1999, to page 1 of amendment S-3218.

Senator Sexton offered amendment S-3411 filed by Senators Sexton and Connolly on April 15, 1999, to pages 1 and 3-5 of amendment S-3218 and moved its adoption.

Amendment S-3411 was adopted by a voice vote.

Senator Sexton moved adoption of amendment S-3218, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 675), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Schuerer

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 199 and 675** be **immediately messaged** to the House.

INTRODUCTION OF BILLS

Senate File 477, by committee on Ways and Means, a bill for an act relating to the appropriation made for the livestock production tax credit.

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

Senate File 478, by committee on Ways and Means, a bill for an act relating to the state sales and use tax exemption of sales and rentals of property used for or in aquacultural production, and including an effective date and retroactive applicability provision.

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

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 1999, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 137, a bill for an act relating to funding for the arts by providing an Iowa individual income tax checkoff for the arts, making an appropriation, and providing a retroactive applicability date. (S-3467)

APPENDIX**REPORTS OF COMMITTEE MEETINGS****EDUCATION**

Convened: April 22, 1999, 1:25 p.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra.

Members Absent: None.

Committee Business: Passed HF 766.

Adjourned: 1:29 p.m.

WAYS AND MEANS

Convened: April 22, 1999, 11:27 a.m.

Members Present: Johnson, Chair; McKibben, Vice Chair; Harper, Ranking Member; Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup.

Members Absent: None.

Committee Business: Approved SSBs 1218 and 1221. Passed HF 749, as amended. Passed HFs 744, 748, 767, and 769.

Adjourned: 1:18 p.m.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 21, 1999, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 277 - Relating to hospital clinical privileges of a physician assistant or advanced registered nurse practitioner.

A communication was received announcing that on April 22, 1999, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 51 - Authorizing a county conservation board to cooperate with private, not-for-profit organizations to carry out conservation and recreation programs.

S.F. 106 – Providing for accessibility requirements for church buildings and providing an effective date.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 459, the following corrections were made:

1. Page 14, line 31, the words and numbers "Sections 1 through 11" were changed to the words and numbers "Sections 1 through 15".
2. Page 14, line 35, the words and numbers "Sections 12 through 15" were changed to the words and numbers "Sections 16 through 19".

MICHAEL E. MARSHALL
Secretary of the Senate

CERTIFICATES OF RECOGNITION

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

Matt Hildebrandt, LeGrand – For achieving the rank of Eagle Scout. Senator McKibben (04/22/99).

Brian Kreimeyer, Marshalltown – For achieving the rank of Eagle Scout. Senator McKibben (04/22/99).

Burl and Maysel Bone, Conrad – For celebrating your 65th Wedding Anniversary on April 22, 1999. Senator McKibben (04/22/99).

Connor Reynolds, Marshalltown – For achieving the rank of Eagle Scout. Senator McKibben (04/22/99).

David Stanfield, Marshalltown – For achieving the rank of Eagle Scout. Senator McKibben (04/22/99).

PETITION

The following petition was presented and placed on file by:

Senator Rehberg, from twenty-eight residents of Fayette County, Iowa, favoring legislation supporting a fuel quality standard for Iowa.

COMMITTEE REPORTS

WAYS AND MEANS

Final Bill Action: SENATE FILE 477 (SSB 1221), a bill for an act relating to the appropriation made for the livestock production tax credit.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 478 (SSB 1218), a bill for an act relating to the state sales and use tax exemption of sales and rentals of property used for or in aquacultural production, and including an effective date and retroactive applicability provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 744, a bill for an act relating to reductions in the state individual income tax by increasing the deduction for pension income and increasing the personal and dependent credits, and including a retroactive applicability date provision.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Johnson, McKibben, Bartz, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, McLaren, and Redwine. Nays, 3: Harper, Bolkcom, and Soukup.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 748, a bill for an act exempting internet from the state sales, services, and use taxes.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Johnson, McKibben, Bartz, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, McLaren, and Redwine. Nays, 3: Harper, Bolkcom, and Soukup.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 767, a bill for an act relating to certified capital companies and providing for a certified capital company insurance premium tax credit.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Johnson, McKibben, Harper, Bartz, Bolkcom, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup. Nays, 1: Connolly.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 769, a bill for an act relating to the classification of apartments in condominiums for purposes of property taxation.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Johnson, McKibben, Bartz, Deluhery, Drake, Flynn, Lamberti, Maddox, McLaren, and Redwine. Nays, 4: Harper, Bolkcom, Connolly, and Hedge. Absent or not voting, 1: Soukup.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *HOUSE FILE 749, a bill for an act relating to a sales tax exemption for the inputs purchased for use in a vehicle wash and wax facility.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3475.

Final Vote: Ayes, 13: Johnson, McKibben, Harper, Bartz, Bolkcom, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, McLaren, and Redwine. Nays, 2: Connolly and Soukup.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on House File 749, and they were attached to the committee report.

AMENDMENTS FILED

S-3463	S.F. 464	House
S-3464	H.F. 761	Jeff Angelo
S-3465	H.F. 761	Jeff Angelo
S-3466	H.F. 761	Jeff Angelo
S-3467	S.F. 137	House
S-3468	S.F. 459	Jack Rife
S-3469	S.F. 459	Jack Rife
S-3470	S.F. 459	Matt McCoy Dick L. Dearden
S-3471	S.F. 459	Michael W. Connolly Johnie Hammond
S-3472	S.F. 464	Kitty Rehberg Jeff Angelo
S-3473	S.F. 464	Michael W. Connolly Steven D. Hansen
S-3474	H.F. 766	Kitty Rehberg
S-3475	H.F. 749	Ways and Means
S-3476	S.F. 464	Jeff Angelo Kitty Rehberg

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:34 p.m., until 10:00 a.m., Monday, April 26, 1999.

JOURNAL OF THE SENATE

ONE-HUNDRED SIXTH CALENDAR DAY
SIXTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 26, 1999

The Senate met in regular session at 10:23 a.m., President Kramer presiding.

The Kuhlmann Sisters sang "The National Anthem." They were followed by their father, Gerald Kuhlmann, who led the Senate in "The Pledge of Allegiance."

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

The Journal of Thursday, April 22, 1999, was approved.

ANNOUNCEMENT

President Kramer announced that the Senate Pages Mary Jo Hommer, Jaqui Waddell, Emily Kinser and Lisa DeBoef were nominees for the Des Moines Register Academic All-State award.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 1999, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 476, a bill for an act relating to the exercise of the power of eminent domain and to condemnation proceedings and providing for the Act's applicability. (S-3478)

ALSO: That the House has on April 22, 1999, passed the following bills in which the concurrence of the Senate is asked:

House File 733, a bill for an act relating to economic development tax credits by amending the new investment tax credit under the new jobs and income program, amending the incentives and assistance under the enterprise zone program, and requesting an enterprise zone interim study committee.

House File 772, a bill for an act relating to and making appropriations from and to the rebuild Iowa infrastructure fund and the Iowa resources enhancement and protection fund to state departments and agencies, including the department of agriculture and land stewardship, the department of cultural affairs, the department of economic development, the department of corrections, the department of general services, the Iowa state fair foundation, the judicial branch, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, office of treasurer of state, and the commission of veterans affairs and providing effective dates.

Read first time and referred to committee on **Appropriations**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lamberti until he arrives, on request of Senator Boettger.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 477** be referred from the **Ways and Means Calendar** to the committee on **Appropriations**.

ADOPTION OF RESOLUTIONS

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 13.

Senate Resolution 13

On motion of Senator Dvorsky, Senate Resolution 13, a resolution congratulating the University of Iowa Hawkeyes Wrestling Team, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved adoption of Senate Resolution 13, which motion prevailed by a voice vote.

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 19.

Senate Concurrent Resolution 19

On motion of Senator Fraise, Senate Concurrent Resolution 19, a concurrent resolution designating December 15, 1999, as Bill of Rights Day, with report of committee recommending passage, was taken up for consideration.

Senator Fraise moved adoption of Senate Concurrent Resolution 19, which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hammond until she arrives, on request of Senator Bolkcom; Senator Gaskill until he arrives, on request of Senator Redfern; Senator Lundby until she arrives, on request of Senator Freeman.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 418.

House File 418

On motion of Senator McKibben, House File 418, a bill for an act exempting the sale of argon and similar gases used in the manufacturing process from the sales and use taxes, providing

limited refunds, and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 418), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Fink	Flynn	Fraise
Freeman	Gronstal	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, 4:

Dearden	Dvorsky	Rife	Szymoniak
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Absent or not voting, 4:

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 172

Senator Boettger called up for consideration House File 172, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-3455 to Senate amendment H-1703 filed April 21, 1999.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 19** and **House Files 172** and **418** be **immediately messaged** to the House.

RECESS

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

AFTERNOON SESSION

The Senate reconvened at 1:49 p.m., President Kramer presiding.

PRESENTATION OF VISITORS

The Chair welcomed fifteen students from Hoover and Kennedy Elementary Schools, Dubuque, Iowa. Senator Connolly.

QUORUM CALL

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

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

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 26, 1999, passed the following bill in which the **concurrence** of the **Senate** is asked:

House File 776, a bill for an act relating to urban renewal.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 26, 1999, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

Senate File 221, a bill for an act relating to welfare reform provisions involving the family investment program and individual development accounts. (S-3480)

ALSO: That the House has on April 26, 1999, passed the following bills in which the **concurrence** of the **House** was asked:

Senate File 210, a bill for an act increasing the minimum daily pay for members of the Iowa national guard while in state active service.

Senate File 275, a bill for an act requiring the department of human services to establish certification or licensing standards for children's centers.

ALSO: That the House has on April 26, 1999, concurred in the Senate amendment and passed the following bills in which the **concurrence** of the **House** was asked:

House File 218, a bill for an act creating a loess hills preservation and development alliance, providing for its responsibilities, and providing for other properly related matters.

House File 766, a bill for an act relating to the national board certification awards, establishing a national board certification pilot project, and requiring studies by the department of education.

ALSO: That the House has on April 26, 1999, concurred in the Senate amendment to the House amendment, and passed the following bill in which the **concurrence** of the **House** was asked:

Senate File 464, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, providing related statutory changes, and providing effective dates.

SPECIAL GUEST

Senator Szymoniak introduced Ms. Patricia Roa, advisor to the Minister General Secretariat of the Government from Santiago,

Chile. Ms. Roa is a participant in the International Visitor Program sponsored by the United States Information Agency. Ms. Veronica Barzelatto, a professional U.S. Escort Interpreter, accompanied Ms. Roa.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 700

Senator Redfern called up for consideration House File 700, a bill for an act relating to the liability for unpaid rates or charges of a city utility or enterprise service for water, sewage, and solid waste services, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-3454 to Senate amendment H-1639 filed April 21, 1999.

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

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

On the question "Shall the bill pass?" (H.F. 700), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 1:

Dvorsky

Absent or not voting, 1:

McLaren

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 497

Senator Veenstra called up for consideration House File 497, a bill for an act relating to certain programs and public health issues under the purview of the Iowa department of public health, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-3408 to Senate amendment H-1405 filed April 15, 1999.

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

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

On the question "Shall the bill pass?" (H.F. 497), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer

Soukup
Zieman

Szymoniak

Tinsman

Veenstra

Nays, none.

Absent or not voting, 1:

McLaren

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 473.

Senate File 473

On motion of Senator Lamberti, Senate File 473, a bill for an act relating to the administration of the state individual income tax, corporate income tax, sales and use taxes, franchise tax, replacement taxes on electric and natural gas providers, motor fuel taxes, inheritance and estate taxes, property taxes, collection of taxes and debts owed to or collected by the state, and including effective and retroactive applicability date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 473), the vote was:

Ayes, 50:

Angelo
Boettger
Deluhery
Flynn
Gronstal
Hedge
Johnson
Kramer

Bartz
Bolkcom
Drake
Fraise
Hammond
Horn
Judge
Lamberti

Behn
Connolly
Dvorsky
Freeman
Hansen
Iverson
Kibbie
Lundby

Black
Dearden
Fink
Gaskill
Harper
Jensen
King
Maddox

McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 497, 700 and Senate File 473** be immediately messaged to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senate File 471

On motion of Senator Johnson, Senate File 471, a bill for an act directing the department of revenue and finance to submit a proposal to simplify the Iowa individual income tax, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 471), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg

Rittmer
Soukup
Zieman

Schuerer
Szymoniak

Sexton
Tinsman

Shearer
Veenstra

Nays, none.

Absent or not voting, 1:

Rife

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

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 476.

Senate File 476

On motion of Senator McLaren, Senate File 476, a bill for an act relating to financial assistance for air transportation expansion and infrastructure and making an appropriation, was taken up for consideration.

Senator McLaren offered amendment S-3482 filed by him from the floor, to page 1 of the bill and moved its adoption.

Amendment S-3482 was adopted by a voice vote.

Senator Hansen asked and received unanimous consent that action on **Senate File 476** be **deferred**.

UNFINISHED BUSINESS

House File 656

On motion of Senator Rittmer, House File 656, a bill for an act relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, with report of committee

recommending amendment and passage, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

Senator Rittmer offered amendment S-3153 filed by the committee on State Government on March 25, 1999, to page 1 of the bill and moved its adoption.

Amendment S-3153 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent to withdraw amendment S-3254 filed by him on April 6, 1999, to page 1 of the bill.

Senator Connolly offered amendment S-3255 filed by him on April 6, 1999, to page 1 of the bill and moved its adoption.

Amendment S-3255 was adopted by a voice vote.

With the adoption of amendment S-3255, the Chair ruled amendment S-3256, filed by Senator Connolly on April 6, 1999, to page 1 of the bill, out of order.

Senator Hedge took the chair at 2:55 p.m.

Senator Drake offered amendment S-3479 filed by Senators Drake and Rittmer from the floor, to page 13 of the bill.

Senator Gronstal asked and received unanimous consent that action on amendment S-3479 and **House File 656** be deferred.

BUSINESS PENDING
(Appropriations Calendar)

Senate File 476

The Senate resumed consideration of Senate File 476, a bill for an act relating to financial assistance for air transportation expansion and infrastructure and making an appropriation, previously deferred.

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

On the question "Shall the bill pass?" (S.F. 476), the vote was:

Ayes, 37:

Bartz	Black	Bolkcom	Connolly
Dearden	Deluhery	Drake	Dvorsky
Fink	Fraise	Gaskill	Gronstal
Hammond	Hansen	Harper	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	Kramer	Lamberti	Lundby
Maddox	McCoy	McKibben	McLaren
Miller	Redfern	Redwine	Rife
Rittmer	Shearer	Szymoniak	Tinsman
Zieman			

Nays, 13:

Angelo	Behn	Boettger	Flynn
Freeman	Hedge	King	McKean
Rehberg	Schuerer	Sexton	Soukup
Veenstra			

Absent or not voting, none.

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

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House File 758.

House File 758

On motion of Senator Johnson, House File 758, a bill for an act relating to the authority of counties and cities to require storm shelters in mobile home parks, providing a property tax exemption, and providing an applicability date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 758), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

President Kramer took the chair at 4:28 p.m.

CONSIDERATION OF BILL (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House Joint Resolution 15.

House Joint Resolution 15

On motion of Senator Iverson, House Joint Resolution 15, a joint resolution to nullify an administrative rule of the secretary of state concerning preparation of descriptions of constitutional amendments and statewide public measures and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.J.R. 15), the vote was:

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

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
Lundby	McCoy	Shearer	Soukup
Szymoniak			

Absent or not voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 471, 476, House File 758 and House Joint Resolution 15 be immediately messaged to the House.

APPENDIX**BILLS SIGNED BY THE GOVERNOR**

A communication was received announcing that on April 23, 1999, the Governor approved and transmitted to the Secretary of State the following bills:

S.J.R. 2 – Relating to the designation of the old state historical building as the Ola Babcock Miller State Office Building.

S.F. 92 – Relating to the notice provisions for transfer of assets which create a medical assistance debt.

S.F. 280 – Providing for investments by banks in Iowa agricultural industry finance corporations.

S.F. 335 – Relating to the transfer of real estate, the filing of a release of mortgage, and providing a remedy.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 23rd day of April, 1999:

Senate Files 9, 146, 149, 231, and 424.

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 26th day of April, 1999:

Senate Files 8, 186, 192, 309, and 429.

MICHAEL E. MARSHALL
Secretary of the Senate

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 22, 1999, when the vote was taken on amendment S-3463 to Senate File 464. Had I been present, I would have voted "Nay."

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 22, 1999, when the votes were taken on Senate File 464, House Files 199, 675, and 766. Had I been present, I would have voted "Aye" on all.

NEAL SCHUERER

CERTIFICATES OF RECOGNITION

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

Clark Brindle, Marshalltown – For celebrating your 99th Birthday on April 24, 1999. Senator McKibben (04/26/99).

Gladys Brindle, Marshalltown – For celebrating your 100th Birthday on April 24, 1999. Senator McKibben (04/26/99).

Gladys and Clark Brindle, Marshalltown – For celebrating your 76th Wedding Anniversary on March 16, 1999. Senator McKibben (04/26/99).

Keely Casady, Marshalltown – For being selected Outstanding Senior Class "Woman of the Year" from Southern Methodist University. Senator McKibben (04/26/99).

Jerry Ellingson, Marshalltown – For your thirty-six years of dedicated service to music education. Senator McKibben (04/26/99).

Evan Erichsen, Harley – For achieving the rank of Eagle Scout. Senator Veenstra (04/26/99).

David Posz, Fort Madison – For achieving the rank of Eagle Scout. Senator Fraise (04/26/99).

Coach Jim Zalesky, University of Iowa Wrestling Team – For winning the NCAA Division I Wrestling Tournament. Senator Dvorsky (04/26/99).

SIMILAR BILL RECEIVED

On April 26, 1999, House File 733 was received and attached to similar Senate File 286 on the calendar.

STUDY BILL RECEIVED

SSB 1225 Ways and Means

Relating to a tax levy for a county hospital fund in certain counties and providing an applicability date.

SUBCOMMITTEE ASSIGNMENTS

Senate File 477

APPROPRIATIONS: Johnson, Chair; Jensen and Soukup

House File 755

WAYS AND MEANS: Drake, Chair; Deluhery and McLaren

House File 772

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen

House File 776

WAYS AND MEANS: Johnson, Chair; Harper and Hedge

SSB 1225

WAYS AND MEANS: Deluhery, Chair; Harper and Maddox

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 26, 1999, 4:45 p.m.

Members Present: McLaren, Chair; Flynn, Ranking Member; Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Horn, Jensen, Johnson, Lamberti, McCoy, Redwine, Rehberg, Rife, Soukup, and Tinsman.

Members Absent: Kramer, Vice Chair; King, Maddox, and Schuerer (all excused).

Committee Business: Passed SF 477.

Adjourned: 4:55 p.m.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 477 (SSB 1221), a bill for an act relating to the appropriation made for the livestock production tax credit.

Recommendation: DO PASS.

Final Vote: Ayes, 21: McLaren, Flynn, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Horn, Jensen, Johnson, Lamberti, McCoy,

Redwine, Rehberg, Rife, Soukup, and Tinsman. Nays, none. Absent or not voting, 4: Kramer, King, Maddox, and Schuerer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3477	H.F. 761	Jeff Angelo
S-3478	H.F. 476	House
S-3479	H.F. 656	Richard F. Drake Sheldon Rittmer
S-3480	S.F. 221	House
S-3481	H.F. 656	Jeff Angelo John P. Kibbie
S-3482	S.F. 476	Derryl McLaren
S-3483	H.F. 656	John P. Kibbie Sheldon Rittmer
S-3484	H.F. 656	Merlin E. Bartz
S-3485	H.F. 769	Joe Bolkcom Robert E. Dvorsky
S-3486	H.F. 656	Johnie Hammond Bill Fink Joe Bolkcom

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:40 p.m., until 9:00 a.m., Tuesday, April 27, 1999.

JOURNAL OF THE SENATE

ONE-HUNDRED SEVENTH CALENDAR DAY
SIXTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 27, 1999

The Senate met in regular session at 9:10 a.m., Senator Hedge presiding.

Prayer was offered by Reverend Bob Connors of the Union Park Christian Church, Des Moines, Iowa. Reverend Connors also sang "I Go to the Rock."

The Journal of Monday, April 26, 1999, was approved.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 26, 1999, passed the following bill in which the concurrence of the House was asked:

Senate File 136, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income; franchise, sales and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes, and the livestock production credit; providing penalties; and including effective and retroactive applicability date provisions.

ALSO: That the House has on April 26, 1999, passed the following bills in which the concurrence of the Senate is asked:

House File 770, a bill for an act relating to the treatment of manufactured housing under the state sales and use taxes and the requirements for the issuance of a certificate of title.

House File 777, a bill for an act relating to the limited licensure of motor vehicle rental companies by authorizing motor vehicle rental companies to offer and sell certain types of insurance with the rental of vehicles, providing for licensure of counter employees, relating to the use of qualified vendor for purposes of administering examinations, and providing for a fee for license issuance.

Read first time and referred to committee on **Ways and Means**.

House File 779, a bill for an act providing for linked investment loan programs and providing effective dates.

Read first time and referred to committee on **Appropriations**.

ALSO: That the House has on April 26, 1999, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 398, a bill for an act relating to the requirements for issuance of intermediate driver's licenses and full driver's licenses. (S-3489)

Senate File 445, a bill for an act relating to gambling, by imposing a moratorium on the issuance or transfer of certain gambling licenses and on increasing the number of games and machines, authorizing the use of video slot machines, providing for the transfer of collective bargaining agreements, limiting the location of excursion gambling boats and pari-mutuel racetracks, prohibiting the dispensing of cash or credit on certain gambling premises, imposing a scheduled fine for gambling by persons under twenty-one years of age, limiting civil penalties related to violations of legal age for gambling, providing for the disposition of charitable contributions, nullifying certain administrative rules relating to gambling, rescinding the nine-year period of operation for certain licenses, providing a tax rate for gambling receipts at racetrack enclosures, providing for properly related matters, and providing effective dates. (S-3490)

Senate File 457, a bill for an act relating to the Iowa educational savings plan trust, and including an effective date and retroactive applicability provision. (S-3488)

ALSO: That the House has on April 26, 1999, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 746, a bill for an act relating to and making appropriations for agriculture and natural resources and providing effective dates. (S-3487)

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Flynn for the day, on request of Senator Gronstal; Senator Angelo until he arrives, on request of Senator Rife; Senator Dearden until he returns, on request of Senator Judge.

HOUSE AMENDMENT CONSIDERED

Senate File 337

Senator Fraise called up for consideration Senate File 337, a bill for an act relating to landlords' and tenants' relations, by providing notice requirements, establishing a tenant's duty to properly maintain utility facilities, and providing for other properly related matters and an effective date, amended by the House, and moved that the Senate concur in House amendment S-3449 filed April 21, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 337), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Cannolly	Deluhery	Drake
Fink	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper

Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, 2:

Bolkcom Dvorsky

Absent or not voting, 2:

Dearden Flynn

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

HOUSE AMENDMENT CONSIDERED

Senate File 393

Senator Veenstra called up for consideration Senate File 393, a bill for an act providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by counties, cities, fire districts, and school district, amended by the House, and moved that the Senate concur in House amendment S-3378 filed April 14, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 393), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fink	Fraise

Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Dearden Flynn

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

ADOPTION OF RESOLUTION

Senator Bartz asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 22.

Senate Concurrent Resolution 22

On motion of Senator Gronstal, Senate Concurrent Resolution 22, a concurrent resolution designating a week in September 1999 as Iowa Education Week, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved adoption of Senate Concurrent Resolution 22, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Bartz asked and received unanimous consent that Senate Files 337, 393 and Senate Concurrent Resolution 22 be immediately messaged to the House.

The Senate stood at ease at 9:50 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:07 a.m., President Kramer presiding.

QUORUM CALL

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

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

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 27, 1999, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the House was asked:

House File 688, a bill for an act providing for the designation of a state poet laureate.

ALSO: That the House has on April 27, 1999, amended and passed the following bill in which the **concurrence** of the Senate is asked:

Senate File 462, a bill for an act relating to veterans' benefits, veterans preference, veterans' claims, reimbursement for military service tax exemption, and providing a penalty and applicability date. (S-3494)

INTRODUCTION OF RESOLUTION

Senate Resolution 16, by Iverson and McCoy, a resolution congratulating the Des Moines Buccaneers.

Read first time and referred to committee on **Rules and Administration**.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 746

Senator Behn called up for consideration House File 746, a bill for an act relating to and making appropriations for agriculture and natural resources and providing effective dates, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-3487 to Senate amendment H-1762 filed April 27, 1999.

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

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

On the question "Shall the bill pass?" (H.F. 746), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gronstal
Hammond	Harper	Hedge	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
Miller	Redfern	Redwine -	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, 2:

Hansen	Judge
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Absent or not voting, 2:

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

SPECIAL GUESTS

Senator Shearer introduced Cindy Morgan, Iowa Elementary Principal of the Year, and four fourth graders from Clark Elementary School, New London, Iowa, who were present on the floor of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House File 746 be immediately messaged to the House.

PRESENTATION OF VISITORS

The Chair welcomed seventy-five students from South O'Brien Junior High. Senator Freeman.

HOUSE AMENDMENT CONSIDERED

Senate File 445

Senator Lundby called up for consideration Senate File 445, a bill for an act relating to gambling, by imposing a moratorium on the issuance or transfer of certain gambling licenses and on increasing the number of games and machines, authorizing the use of video slot machines, providing for the transfer of collective bargaining agreements, limiting the location of excursion gambling boats and pari-mutuel racetracks, prohibiting the dispensing of cash or credit on certain gambling premises, imposing a scheduled fine for gambling by persons under twenty-one years of age, limiting civil penalties related to violations of legal age for gambling, providing for the disposition of charitable contributions, nullifying certain administrative rules relating to gambling, rescinding the nine-year period of operation for certain licenses, providing a tax rate for gambling receipts at racetrack enclosures, providing for properly related matters, and providing effective date, amended by the House, and moved that the Senate concur in House amendment S-3490 filed April 27, 1999.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 445) the vote was:

Ayes, 19:

Angelo	Bartz	Behn	Boettger
Bolkcom	Drake	Dvorsky	Freeman
Hammond	Hedge	Jensen	King
McKean	McKibben	Miller	Redwine
Rehberg	Schuerer	Veenstra	

Nays, 30:

Black	Connolly	Dearden	Deluhery
Fink	Fraise	Gaskill	Gronstal
Hansen	Harper	Horn	Iverson
Johnson	Judge	Kibbie	Kramer
Lamberti	Lundby	Maddox	McCoy
McLaren	Redfern	Rife	Rittmer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Zieman		

Absent or not voting, 1:

Flynn

The motion lost and the Senate **refused to concur** in the House amendment.

Senator Iverson asked and received unanimous consent that **Senate File 445** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 27, 1999, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the House was asked:

House File 675, a bill for an act relating to schools and school districts by affecting boiler and steam vessel maintenance and monitoring, the regular school calendar, superintendent licensure and qualifications, and school breakfast programming.

ALSO: That the House has on April 27, 1999, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 101, a bill for an act relating to the offense of promoting or possessing contraband in prisons and juvenile facilities and establishing penalties. (S-3496)

ALSO: That the House has on April 27, 1999, passed the following bill in which the concurrence of the Senate is asked:

House File 773, a bill for an act relating to child support enforcement, including child support recovery in instances of guardianships, income withholding, and payments to financial institutions for record matches.

Read first time and referred to committee on **Appropriations**.

RECESS

On motion of Senator Iverson, the Senate recessed at 12:04 p.m., until 1:15 p.m.

APPENDIX

GOVERNOR'S VETO MESSAGES

April 26, 1999

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

Senate File 176, an act relating to the elimination of investment counseling as a taxable service under the state sales and use taxes, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

While this particular measure has merit and could be approved under other circumstances, I must examine all budget decisions as part of the whole of the state's fiscal picture. It would be irresponsible to focus only on the singular aspects of this bill and not consider it as a part of the aggregate decisions that will determine our state's fiscal health.

I have shared my concerns with the budget framework that has been developed to date by the Legislature. Projecting the Legislature's targets for taxes and spending levels into the future, their budget could require as much as a \$110 million reduction in services or tax increase to meet our legal budget requirements in the fiscal year starting July 1, 2000. Using similar assumptions, the non-partisan Legislative Fiscal Bureau has reached similar conclusions. I will not gamble with our state's fiscal future by adhering to this risky and irresponsible budget scheme.

I believe that the Governor and the Legislature are elected to make hard choices. This budget must reflect our priorities as a state. While reducing taxes is a priority, it must not come at the expense of our local schools, health care for children, nursing home care for senior citizens, or public safety.

Nearly sixty percent of our state budget is dedicated to education, which is and will continue to be my highest priority as Governor. Given the prospect of future budget deficits - and then having to choose between cutting \$66 million from the budgets for education in FY 2000 or vetoing this and other tax cut bills - I must choose the responsible course.

Until the Legislature can demonstrate a sound approach to fiscal policy, I cannot in good conscience approve this bill. I am hopeful that the Legislature will reverse this dangerous tax and spending course. If they do not, I will continue to act to ensure that the state budget is balanced without gimmicks, tricks, or risky assumptions.

For the above reasons, I hereby respectfully disapprove Senate File 176.

Sincerely,
THOMAS J. VILSACK
Governor

April 26, 1999

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 405, an act limiting the liability of certain persons for certain actions arising out of the failure of information technology as the result of a year 2000 problem.

I am unable to approve SF 405 and hereby transmit it to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Many concerns have been raised about the potential for year 2000 computer problems (Y2K). I am confident that the financial institutions, public utilities and others identified in SF 405 have taken reasonable and prudent steps to address and to alleviate these potential problems.

The taking of reasonable and prudent steps to prevent computer problems insulates financial institutions, public utilities and others from exposure to liability. Only those who have failed to take the reasonable and prudent steps to avoid problems require the immunity protection afforded under SF 405. Damages resulting from the failure to take such steps should not be borne by customers, consumers or the general public, nor should the costs of identifying and holding those parties liable be borne by innocent customers, consumers or members of the general public.

I believe those responsible for taking reasonable and prudent steps should be held accountable when such steps are not taken and people suffer as a result. Current protections in existing law provide adequate protections against frivolous and non-meritorious suits.

For the above reasons, I hereby respectfully disapprove Senate File 405.

Sincerely,
THOMAS J. VILSACK
Governor

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 26, 1999, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 9 - Relating to the exemption of the sales and use tax on building materials, supplies, or equipment of certain rural water districts, and providing retroactive applicability and effective dates.

S.F. 115 – Relating to alcohol testing of private sector employees and prospective employees and providing an effective date.

S.F. 216 – Relating to the commitment of sexually violent predators, by changing the deadline for filing a petition by the attorney general; providing for waiver or continuance of the probable cause hearing; granting greater enforcement power to the prosecuting attorney; extending the time to hold a trial; establishing supervised release for sexually violent persons who have been rehabilitated; providing for the preservation of certain child abuse reports; and providing the department of justice with access to such reports.

S.F. 231 – Providing a sales and use tax exemption for hospices.

S.F. 392 – Relating to telecommunications systems or services which may be provided by a city utility, establishing certain requirements on such city, and including effective date and retroactive applicability provisions.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 460, the following corrections were made:

1. Page 3, line 6, the word "beverage" was changed to the word "beverages".
2. Page 5, line 18, the word "purpose" was changed to the word "purposes".
3. Page 20, line 4, the word "amount" was changed to the word "amounts".
4. Page 22, line 34, the number "1." was taken out.
5. Page 24, line 28, the word "amount" was changed to the word "amounts".
6. Page 26, line 8, the word "acts" was changed to the word "Acts".
7. Page 27, line 9, the words and numbers "Sections 101 and 102" were changed to the words and numbers "Sections 30 and 31".

MICHAEL E. MARSHALL
Secretary of the Senate

COMPANION BILL RECEIVED

On April 27, 1999, House File 770 was received and attached to companion Senate File 474 on the Ways and Means Calendar.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: April 27, 1999, 11:15 a.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Dvorsky, Fink, Harper, Jensen, Redfern, Rehberg, and Rittmer.

Members Absent: Lundby (excused).

Committee Business: Passed SCR 23 and SR 16.

Adjourned: 11:16 a.m.

SUBCOMMITTEE ASSIGNMENT

House File 777

WAYS AND MEANS: Hedge, Chair; Johnson and Soukup

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 23, a concurrent resolution encouraging Congress to rescind Health Care Financing Administration rules requiring onerous home health agency reporting.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 16, a resolution congratulating the Des Moines Buccaneers.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3487	H.F. 746	House
S-3488	S.F. 457	House
S-3489	S.F. 398	House
S-3490	S.F. 445	House

S-3491	H.F. 656	Joe Bolkcom Robert E. Dvorsky Matt McCoy
S-3492	H.F. 656	Michael E. Gronstal
S-3493	H.F. 656	Michael E. Gronstal
S-3494	S.F. 462	House
S-3495	H.F. 656	Mark Shearer
S-3496	S.F. 101	House

AFTERNOON SESSION

The Senate reconvened at 1:36 p.m., President Kramer presiding.

QUORUM CALL

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

The vote revealed 34 present, 16 absent, and a quorum present.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 16.

Senate Resolution 16

On motion of Senator Maddox, Senate Resolution 16, a resolution congratulating the Des Moines Buccaneers, with report of committee recommending passage, was taken up for consideration.

Senator Maddox moved the adoption of Senate Resolution 16, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Maddox introduced the Des Moines Buccaneers, winners of the Clark Cup of the United States Hockey League, and their coach Scott Owens.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 27, 1999, amended and adopted the following resolution in which the concurrence of the Senate is asked:

Senate Concurrent Resolution 11, a concurrent resolution requesting the United States Congress to prevent the federal

government from attempting to recoup Medicaid payments from the state tobacco litigation settlement agreement moneys, and to allow the states to keep all settlement moneys, without offset. (S-3497)

ALSO: That the House has on April 27, 1999, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 469, a bill for an act relating to the state sales and use taxes by providing for the effective date for any rate increase or decrease, filing of consolidated sales tax returns by affiliated corporations, changing the statute of limitations for assessing tax and applying for refunds and relating to local sales and services taxes by providing the effective dates for imposing, repealing, or changing rates, allowing cities in more than one county to impose the tax, providing for refunds of tax payable to construction contractors, allowing for 28E agreements to be entered into between school districts and counties or other school districts, and providing for utilization of excess revenue for property tax reduction, and including retroactive applicability and effective dates. (S-3498)

ALSO: That the House has on April 27, 1999, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 696, a bill for an act relating to the sale of timber by a county conservation board. (S-3499)

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Szymoniak until she returns, on request of Senator Kibbie; Senator McCoy until he returns, on request of Senator Shearer.

UNFINISHED BUSINESS

House File 337

On motion of Senator Sexton, House File 337, a bill for an act relating to the workforce development fund account and fees paid by community colleges and generated by the funding of new jobs training program, with report of committee recommending passage,

placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 337), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

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

PRESENTATION OF VISITORS

The Chair welcomed 120 eighth grade students from Urbandale Middle School, Urbandale, Iowa, accompanied by Rhonda Tillson and Mr. Telke.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 476

Senator Angelo called up for consideration House File 476, a bill for an act relating to the exercise of the power of eminent domain and to condemnation proceedings and providing for the Act's applicability, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-3478 to Senate amendment H-1536 filed April 26, 1999.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 476) the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Drake	Fraise	Freeman	Gaskill
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
McCoy	McKean	McLaren	Miller
Redwine	Rehberg	Rife	Schuerer
Sexton	Shearer	Soukup	Veenstra
Zieman			

Nays, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Gronstal
Hammond	Hansen	Harper	Kramer
Lamberti	Lundby	Maddox	McKibben
Redfern	Rittmer	Tinsman	

Absent or not voting, 2:

Flynn Szymoniak

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

Senator Angelo asked and received unanimous consent that action on House File 476 be deferred.

The Senate stood at ease at 2:25 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:27 p.m., President Kramer presiding.

QUORUM CALL

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

The vote revealed 34 present, 16 absent, and a quorum present.

IMMEDIATELY MESSAGED

Senator Hedge asked and received unanimous consent that **House File 337** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 696

Senator Bartz called up for consideration House File 696, a bill for an act relating to the sale of timber by a county conservation board, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-3499 to Senate amendment H-1683 filed April 27, 1999.

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

MOTION TO RECONSIDER WITHDRAWN

House File 433

Senator Gronstal withdrew the motion to reconsider House File 433, a bill for an act relating to the exclusion of certain transactions involving a public utility or common carrier from the applicability of the consumer credit code, filed by him on April 20, 1999, and found on page 1227 of the Senate Journal.

MOTION TO RECONSIDER ADOPTED

House File 433

Senator Sexton called up the motion to reconsider House File 433 filed by him on April 20, 1999, found on page 1227 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 433) the vote was:

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Freeman	Gaskill	Hedge	Horn
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKibben	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Veenstra	Zieman		

Nays, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Fraise	Gronstal	Hammond	Hansen
Harper	Judge	Kibbie	McCoy
McKean	McLaren	Rife	Soukup
Tinsman			

Present, 1:

Shearer

Absent or not voting, 2:

Flynn Szymoniak

The motion prevailed.

Senator Sexton moved to reconsider the vote by which House File 433 went to its final reading, which motion prevailed by a voice vote.

House File 433

On motion of Senator King, House File 433, a bill for an act relating to the exclusion of certain transactions involving a public

utility or common carrier from the applicability of the consumer credit code, was taken up for reconsideration.

Senator Lundby asked and received unanimous consent that action on **House File 433** be deferred.

BUSINESS PENDING

House File 476

The Senate resumed consideration of House File 476, a bill for an act relating to the exercise of the power of eminent domain and to condemnation proceedings and providing for the Act's applicability, previously deferred.

Senator Angelo asked and received unanimous consent to withdraw the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3478 to House File 476 was concurred in by the Senate on April 27, 1999.

Senator McCoy asked and received unanimous consent to withdraw the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3478 to House File 476 was concurred in by the Senate on April 27, 1999.

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

On the question "Shall the bill pass?" (H.F. 476), the vote was:

Ayes, 27:

Angelo	Bartz	Behn	Boettger
Drake	Fink	Fraise	Freeman
Gaskill	Hedge	Horn	Iverson
Jensen	Johnson	Judge	Kibbie
McKean	McLaren	Miller	Redwine
Rehberg	Rife	Schuerer	Sexton
Shearer	Veenstra	Zieman	

Nays, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Gronstal	Hammond
Hansen	Harper	Kramer	Lamberti
Maddox	McCoy	McKibben	Redfern
Rittmer	Soukup	Tinsman	

Absent or not voting, 4:

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

HOUSE AMENDMENT CONSIDERED

Senate File 221

Senator Tinsman called up for consideration Senate File 221, a bill for an act relating to welfare reform provisions involving the family investment program and individual development accounts, amended by the House, and moved that the Senate concur in House amendment S-3480 filed April 26, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 221), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	Miller	Redfern

Redwine
Schuerer
Tinsman

Rehberg
Sexton
Veenstra

Rife
Shearer
Zieman

Rittmer
Soukup

Nays, none.

Absent or not voting, 3:

Flynn

McLaren

Szymoniak

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 221** and **House File 476** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 406

Senator Gronstal called up for consideration Senate File 406, a bill for an act relating to entities and subject matter under the regulatory authority of the insurance division, including securities, business opportunities, cemetery merchandise and residential service contracts, providing for fees, and establishing penalties, amended by the House, and moved that the Senate concur in House amendment S-3373 filed April 14, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 406), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Flynn McLaren Szymoniak

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

Senator Iverson asked and received unanimous consent that **Senate File 406 be immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 137

Senator Connolly called up for consideration Senate File 137, a bill for an act relating to funding for the arts by providing an Iowa individual income tax checkoff for the arts, making an appropriation, and providing a retroactive applicability date, amended by the House, and moved that the Senate concur in House amendment S-3467 filed April 22, 1999.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 137 and House File 696 be immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 478.

Senate File 478

On motion of Senator Hedge, Senate File 478, a bill for an act relating to the state sales and use tax exemption of sales and rentals of property used for or in aquacultural production, and including an effective date and retroactive applicability provision, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 478), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Boettger
Bolkcom	Cannolly	Deluhery	Drake
Dvorsky	Fink	Fraise	Freeman
Gaskill	Gronstal	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Johnson	Judge	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Veenstra	Zieman		

Nays, 4:

Black	Dearden	Shearer	Tinsman
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Absent or not voting, 4:

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

UNFINISHED BUSINESS

House File 714

On motion of Senator Miller, House File 714, a bill for an act relating to alternative forms of identification to be attached to a petition in an action for seeking a name change, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

Senator Miller offered amendment S-3209 filed by the committee on Judiciary on March 31, 1999, to page 1 and to the title page of the bill.

Senator Miller offered amendment S-3278 filed by him on April 6, 1999, to amendment S-3209 and moved its adoption.

Amendment S-3278 was adopted by a voice vote.

Senator Miller moved adoption of amendment S-3209, which motion prevailed by a voice vote.

With the adoption of amendment S-3209, the Chair ruled amendment S-3201, filed by Senator McKean on March 30, 1999, to page 1 and to the title page of the bill, out of order.

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

On the question "Shall the bill pass?" (H.F. 714), the vote was:

Ayes, 47:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern

Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

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

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 27, 1999, passed the following bill in which the **concurrence** of the House was asked:

Senate File 451, a bill for an act relating to the payment of the legal defense costs of indigent persons, expanding the duties of the state public defender, and providing for the appointment and removal of certain state public defender personnel.

ALSO: That the House has on April 27, 1999, adopted the following resolution in which the **concurrence** of the Senate is asked:

House Concurrent Resolution 24, a concurrent resolution encouraging Congress to rescind Health Care Financing Administration rules requiring onerous home health agency reporting.

ALSO: That the House has on April 27, 1999, insisted on its amendment to **House File 172**, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling, and that the members of the Conference Committee on the part of the House are: The Representative from Cedar, Representative Boddicker, Chair; the Representative from Wapello, Representative Davis; the Representative from Linn, Representative Foege; the Representative from Davis, Representative Krieman; the Representative from Linn, Representative Larson.

ALSO: That the House has on April 27, 1999, insisted on its amendment to **Senate File 445**, a bill for an act relating to gambling, by imposing a moratorium on the issuance or transfer of certain gambling licenses and on increasing the number of games and machines, authorizing the use of video slot machines, providing for the

transfer of collective bargaining agreements, limiting the location of excursion gambling boats and pari-mutuel racetracks, prohibiting the dispensing of cash or credit on certain gambling premises, imposing a scheduled fine for gambling by persons under twenty-one years of age, limiting civil penalties related to violations of legal age for gambling, providing for the disposition of charitable contributions, nullifying certain administrative rules relating to gambling, rescinding the nine-year period of operation for certain licenses, providing a tax rate for gambling receipts at racetrack enclosures, providing for properly related matters, and providing effective dates, and that the members of the Conference Committee on the part of the House are: The Representative from Polk, Representative Raeker, Chair; the Representative from Polk, Representative Chiodo; the Representative from Scott, Representative Martin; the Representative from Franklin, Representative Sukup; the Representative from Chickasaw, Representative Weigel.

APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the following conference committee on **Senate File 445** on the part of the Senate: Senators Lundby, Chair; Kramer, McKean, Gronstal and Connolly.

The Chair announced the conference committee on **House File 172** on part of the Senate: Senators Boettger, Chair; Lamberti, Miller, McCoy and Hammond.

COMMITTEE REPORT

WAYS AND MEANS

Final Bill Action: HOUSE FILE 757, a bill for an act relating to the payment and allocation of the real estate transfer tax.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Johnson, McKibben, Harper, Bartz, Bolkcom, Drake, Hedge, Lamberti, Maddox, Redwine, and Soukup. Nays, none. Absent or not voting, 4: Connolly, Deluhery, Flynn, and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration House File 757 and Senate File 472.

House File 757

On motion of Senator Bartz, House File 757, a bill for an act relating to the payment and allocation of the real estate transfer tax, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 757), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Flynn Szymoniak

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

Senate File 472

On motion of Senator Johnson, Senate File 472, a bill for an act relating to a sales and use tax exemption for the providing of personal emergency response system services, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 472), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Flynn Szymoniak

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

IMMEDIATELY MESSAGED

Senator Hedge asked and received unanimous consent that Senate Files 472, 478 and House Files 714 and 757 be immediately messaged to the House.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration Senate Files 477 and 474.

Senate File 477

On motion of Senator Hedge, Senate File 477, a bill for an act relating to the appropriation made for the livestock production tax

credit, with report of committee on Appropriations recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 477), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Present, 1:

Fraise

Absent or not voting, 2:

Flynn Szymoniak

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

Senate File 474

On motion of Senator Maddox, Senate File 474, a bill for an act relating to the treatment of manufactured housing under the state sales and use taxes and the requirements for the issuance of a certificate of title, was taken up for consideration.

Senator Maddox offered amendment S-3502 filed by him from the floor, to pages 2 and 3 of the bill and moved its adoption.

Amendment S-3502 was adopted by a voice vote.

Senator Maddox asked and received unanimous consent that House File 770 be substituted for Senate File 474.

House File 770

On motion of Senator Maddox, House File 770, a bill for an act relating to the treatment of manufactured housing under the state sales and use taxes and the requirements for the issuance of a certificate of title, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 770), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

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

WITHDRAWN

Senator Maddox asked and received unanimous consent that **Senate File 474** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 477** and **House File 770** be **immediately messaged** to the House.

INTRODUCTION OF BILL

Senate File 479, by committee on Ways and Means, a bill for an act exempting from the state sales and use taxes certain equipment used in transmitting telecommunications services.

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

APPENDIX**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS**

Convened: April 27, 1999, 7:15 p.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Behn, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Jensen, Johnson, King, Lamberti, Maddox, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman.

Members Absent: Flynn, Ranking Member; Black, Horn, and McCoy (all excused).

Committee Business: Passed HF 772, as amended. Passed HF 773. Approved LSB 3432SC.

Adjourned: 7:55 p.m.

WAYS AND MEANS

Convened: April 27, 1999, 1:07 p.m.

Members Present: Johnson, Chair; McKibben, Vice Chair; Harper, Ranking Member; Bartz, Bolkcom, Deluhery, Drake, Hedge, Lamberti, Maddox, Redwine, and Soukup.

Members Absent: Connolly, Flynn, and McLaren (all excused).

Committee Business: Approved SSB 1223. Passed HFs 755, 757, 776, and 777.

Adjourned: 1:25 p.m.

CERTIFICATES OF RECOGNITION

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

John A. Birkland IV, Central City – For achieving the rank of Eagle Scout. Senator McKean (04/27/99).

Joe and Helen Hutton, St. Charles – For celebrating your 50th Wedding Anniversary on May 15, 1999. Senator Johnson (04/27/99).

Emily Kinser, Walnut – For being named “1999 State of Iowa Scholar.” Senator Boettger (04/27/99).

Jeff Vanis, Central City – For achieving the rank of Eagle Scout. Senator McKean (04/27/99).

COMPANION BILL RECEIVED

On April 27, 1999, **House Concurrent Resolution 24** was received and attached to companion **Senate Concurrent Resolution 23** on the calendar.

EXPLANATION OF VOTE

MADAM PRESIDENT: I erroneously voted "Nay" on HF 476. I intended to vote "Aye."

BETTY SOUKUP

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 27, 1999, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 146 – Relating to worker and public safety and protection laws administered by the labor services division of Iowa workforce development.

S.F. 149 – Establishing a time limit for disallowance or reduction of motor vehicle warranty claims, relating to establishment of motor vehicle service or warranty facilities, and making a penalty applicable.

S.F. 424 – Relating to and making transportation and other infra-structure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for a commercial truck parking study, and providing for the nonreversion of certain moneys and an effective date.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 27th day of April, 1999:

Senate Files 160, 254, 305, 436, and 460.

MICHAEL E. MARSHALL
Secretary of the Senate

SUBCOMMITTEE ASSIGNMENTS

LSB 3432SC

APPROPRIATIONS: Rife, Chair; Behn and Horn

House File 773

APPROPRIATIONS: Redwine, Chair; Dvorsky and Tinsman

House File 779

APPROPRIATIONS: Johnson, Chair; McCoy and Rehberg

INTRODUCTION OF BILL

Senate File 480, by committee on Appropriations, a bill for an act relating to public expenditure and regulatory matters, making appropriations, and providing effective dates.

Read first time under Rule 28 and placed on **Appropriations calendar**.

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 480, a bill for an act relating to public expenditure and regulatory matters, making appropriations, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 21: McLaren, Kramer, Behn, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Jensen, Johnson, King, Lamberti, Maddox, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, 4: Flynn, Black, Horn, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 772, a bill for an act relating to and making appropriations from and to the rebuild Iowa infrastructure fund and the Iowa resources enhancement and protection fund to state departments and agencies, including the department of agriculture and land stewardship, the department of cultural affairs, the department of economic development, the department of corrections, the department of general services, the Iowa state fair foundation, the judicial branch, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of

regents, the state department of transportation, office of treasurer of state, and the commission of veterans affairs and providing effective dates.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3505.

Final Vote: Ayes, 20: McLaren, Kramer, Behn, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hedge, Jensen, Johnson, King, Lamberti, Maddox, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, 1: Hammond. Absent or not voting, 4: Flynn, Black, Horn, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 773, a bill for an act relating to child support enforcement, including child support recovery in instances of guardianships, income withholding, and payments to financial institutions for record matches.

Recommendation: DO PASS.

Final Vote: Ayes, 21: McLaren, Kramer, Behn, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Jensen, Johnson, King, Lamberti, Maddox, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, 4: Flynn, Black, Horn, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 479 (SSB 1223), a bill for an act exempting from the state sales and use taxes certain equipment used in transmitting telecommunications services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Johnson, McKibben, Harper, Bartz, Bolkcom, Deluhery, Drake, Hedge, Lamberti, Maddox, Redwine, and Soukup. Nays, none. Absent or not voting, 3: Connolly, Flynn, and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 755, a bill for an act relating to the time limit when property omitted from assessment may be assessed and when a taxpayer may receive a refund for erroneous property taxes paid and including an effective date provision.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Johnson, McKibben, Harper, Bartz, Bolkcom, Deluhery, Drake, Hedge, Lamberti, Maddox, Redwine, and Soukup. Nays, none. Absent or not voting, 3: Connolly, Flynn, and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 776, a bill for an act relating to urban renewal.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Johnson, McKibben, Harper, Bartz, Bolkcom, Drake, Hedge, Lamberti, Maddox, Redwine, and Soukup. Nays, none. Absent or not voting, 4: Connolly, Deluhery, Flynn, and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 777, a bill for an act relating to the limited licensure of motor vehicle rental companies by authorizing motor vehicle rental companies to offer and sell certain types of insurance with the rental of vehicles, providing for licensure of counter employees, relating to the use of qualified vendor for purposes of administering examinations, and providing for a fee for license issuance.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Johnson, McKibben, Harper, Bartz, Bolkcom, Drake, Hedge, Lamberti, Redwine, and Soukup. Nays, 1: Maddox. Absent or not voting, 4: Connolly, Deluhery, Flynn, and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3497	S.C.R. 11	House
S-3498	S.F. 469	House
S-3499	H.F. 696	House
S-3500	H.F. 772	Patricia Harper Kitty Rehberg Lyle E. Ziemann Betty A. Soukup John W. Jensen
S-3501	H.F. 772	Patricia Harper Donald B. Redfern
S-3502	S.F. 474	Gene Maddox

S-3503	S.F. 189	Andy McKean Jeff Lamberti
S-3504	H.F. 769	H. Kay Hedge
S-3505	H.F. 772	Appropriations

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:54 p.m., until 9:00 a.m., Wednesday, April 28, 1999.

JOURNAL OF THE SENATE

ONE-HUNDRED EIGHTH CALENDAR DAY
SIXTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 28, 1999

The Senate met in regular session at 9:39 a.m., Senator Hedge presiding.

Prayer was offered by the Honorable Nancy Boettger, member of the Senate from Shelby County, Harlan, Iowa.

The Journal of Tuesday, April 27, 1999, was approved.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 27, 1999, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 23, a concurrent resolution in support of maintaining the Mississippi River as a major transportation route for various products shipped into and out of the Upper Mississippi region.

Read first time and referred to committee on **Rules and Administration**.

ALSO: That the House has on April 27, 1999, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 150, a bill for an act concerning judicial administration. (S-3510)

Senate File 439, a bill for an act relating to the Iowa community empowerment Act and related provisions, and providing an effective date. (S-3509)

Senate File 459, a bill for an act relating to state school aid for budget years commencing with the budget year beginning July 1, 1999, and making appropriations and including effective and applicability date provisions. (S-3513)

HOUSE AMENDMENT CONSIDERED

Senate File 101

Senator McKean called up for consideration Senate File 101, a bill for an act relating to the offense of promoting or possessing contraband in prisons and juvenile facilities and establishing penalties, amended by the House, and moved that the Senate concur in House amendment S-3496 filed April 27, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 101), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Dearden

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

HOUSE AMENDMENT CONSIDERED

Senate File 189

Senator Lamberti called up for consideration Senate File 189, a bill for an act to change the penalty for and to reclassify certain misdemeanors, amended by the House in House amendment S-3383 filed April 14, 1999.

Senator McKean offered amendment S-3503 filed by Senators McKean and Lamberti on April 27, 1999, to amendment S-3383 and moved its adoption.

Amendment S-3503 was adopted by a voice vote.

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

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

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

On the question "Shall the bill pass?" (S.F. 189), the vote was:

Ayes, 50:

Angelo
Boettger
Deluhery
Flynn
Gronstal

Bartz
Bolkcom
Drake
Fraise
Hammond

Behn
Connolly
Dvorsky
Freeman
Hansen

Black
Dearden
Fink
Gaskill
Harper •

Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 101 and 189** be **immediately messaged** to the House.

PRESENTATION OF VISITORS

The Chair welcomed eighty-one fourth grade students from Terrace Elementary School, Ankeny, Iowa, accompanied by Judy Gronemey.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redwine until he arrives, on request of Senator Schuerer.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Bartz asked and received unanimous consent to take up for consideration House File 755.

House File 755

On motion of Senator Drake, House File 755, a bill for an act relating to the time limit when property omitted from assessment may be assessed and when a taxpayer may receive a refund for.

erroneous property taxes paid and including an effective date provision, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 755), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Redwine

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

Senator Bartz asked and received unanimous consent that **House File 755** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 457

Senator McKibben called up for consideration Senate File 457, a bill for an act relating to the Iowa educational savings plan trust, and including an effective date and retroactive applicability provision,

amended by the House, and moved that the Senate concur in House amendment S-3488 filed April 27, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 457), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

PRESENTATION OF VISITORS

The Chair welcomed 120 eighth grade students from Urbandale Middle School, Urbandale, Iowa. Senator Maddox.

HOUSE AMENDMENT CONSIDERED

Senate File 398

Senator Drake called up for consideration Senate File 398, a bill for an act relating to the requirements for issuance of intermediate driver's licenses and full driver's license, amended by the House, and moved that the Senate concur in House amendment S-3489 filed April 27, 1999.

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

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

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

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

Senator Bartz took the chair at 10:23 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Deluhery until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration House File 777.

House File 777

On motion of Senator Hedge, House File 777, a bill for an act relating to the limited licensure of motor vehicle rental companies by authorizing motor vehicle rental companies to offer and sell certain types of insurance with the rental of vehicles, providing for licensure of counter employees, relating to the use of qualified vendor for purposes of administering examinations, and providing for a fee for license issuance, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 777), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Drake	Dvorsky	Fink	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	McCoy	McKean	McKibben
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, 2:

Flynn Maddox

Absent or not voting, 1:

Deluhery

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

IMMEDIATELY MESSAGED

Senator Hedge asked and received unanimous consent that House File 777 and Senate Files 398 and 457 be immediately messaged to the House.

The Senate stood at ease at 10:35 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:54 a.m., Senator Hedge presiding.

QUORUM CALL

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

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

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1999, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 714, a bill for an act relating to alternative forms of identification to be attached to a petition in an action for seeking a name change.

ALSO: That the House has on April 28, 1999, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 322, a bill for an act relating to production contracts, providing penalties, and providing an effective date. (S-3519)

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 322

Senator Bartz called up for consideration House File 322, a bill for an act relating to production contracts, providing penalties, and providing an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-3519 to Senate amendment H-1791 filed April 28, 1999.

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

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

On the question "Shall the bill pass?" (H.F. 322), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Dearden

Deluhery

Shearer

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

Senator Iverson asked and received unanimous consent that **House File 322** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 12:03 p.m., until 1:30 p.m.

APPENDIX**BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 28th day of April, 1999:

Senate Files 95, 211, 248, 287, and 294.

MICHAEL E. MARSHALL
Secretary of the Senate

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 27, 1999, when the votes were taken on Senate Files 221, 337, 393, 406, 472, 477, 478, and House Files 337, 714, 746, 757, and 770. Had I been present, I would have voted "Aye" on all. Also, I was necessarily absent from the Senate chamber on April 27, 1999, when the votes were taken on Senate File 445, the Motion to Concur on House File 476, House File 476, and the Motion to Reconsider on House File 433. Had I been present, I would have voted "No" on all.

TOM FLYNN

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 28, 1999, when the vote was taken on House File 755. Had I been present, I would have voted "Aye."

JOHN REDWINE

STUDY BILL RECEIVED**SSB 1226 Appropriations**

Relating to the compensation and benefits for public officials and employees, providing for related matters, making appropriations, and including effective and retroactive applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**SSB 1226**

APPROPRIATIONS: McLaren, Chair; Flynn and Kramer

AMENDMENTS FILED

S-3506	H.F. 772	Derryl McLaren
S-3507	H.F. 772	Derryl McLaren
S-3508	H.F. 772	Derryl McLaren
S-3509	S.F. 439	House
S-3510	S.F. 150	House
S-3511	H.F. 767	Jeff Lamberti
S-3512	H.F. 772	Kitty Rehberg
S-3513	S.F. 459	House
S-3514	H.F. 772	Mary Lou Freeman
S-3515	H.F. 772	Joe Bolkcom Mary Lou Freeman
S-3516	H.F. 772	Jeff Lamberti
S-3517	H.F. 761	Maggie Tinsman Jeff Angelo Nancy Boettger Kitty Rehberg Merlin E. Bartz
S-3518	S.F. 286	Tom Flynn
S-3519	H.F. 322	House
S-3520	H.F. 772	Dennis H. Black
S-3521	H.F. 772	Michael W. Connolly
S-3522	S.F. 462	Richard F. Drake John P. Kibbie
S-3523	H.F. 772	Dennis H. Black Mary A. Lundby Robert E. Dvorsky Bill Fink Betty Soukup John Judge Tom Flynn Johnie Hammond Michael E. Gronstal Steven D. Hansen Eugene Fraise Michael W. Connolly Joe Bolkcom Mark Shearer Patricia M. Harper Matt McCoy

		Elaine Szymoniak
		John P. Kibbie
		Wally E. Horn
		Dick L. Dearden
S-3524	H.F. 772	Joe Bolkcom
		Mary Lou Freeman
S-3525	S.F. 439	Nancy Boettger
		Elaine Szymoniak
		Maggie Tinsman
S-3526	H.F. 772	Michael E. Gronstal
		Dennis H. Black
		Steven D. Hansen
		Robert E. Dvorsky
		Bill Fink
		Michael W. Connolly
		Matt McCoy
		Eugene S. Fraise
		Mark Shearer
		Patricia M. Harper
		Johnie Hammond
		Betty Soukup
		John Judge
		Tom Flynn
		Joe Bolkcom
		Elaine Szymoniak
S-3527	H.F. 773	John Judge
		Mary E. Kramer
S-3528	H.F. 772	John Judge
		Tom Flynn
		Matt McCoy
		Betty Soukup
		Johnie Hammond
		Michael W. Connolly
		Joe Bolkcom
		Mark Shearer
		Patricia M. Harper
		Elaine Szymoniak
		Eugene S. Fraise
		Michael E. Gronstal
		Dennis H. Black
		Steven D. Hansen

Robert E. Dvorsky
Bill Fink
Wally E. Horn
Dick L. Dearden
John P. Kibbie
Derryl McLaren

S-3529

H.F. 772

AFTERNOON SESSION

The Senate reconvened at 1:50 p.m., President Kramer presiding.

QUORUM CALL

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

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

PRESENTATION OF VISITORS

The Chair welcomed fourth grade students from Columbus Junction Elementary School, accompanied by Becky Quigley. Senators Drake and Shearer.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gaskill until he returns, on request of Senator Sexton.

HOUSE AMENDMENT CONSIDERED

Senate File 462

Senator Drake called up for consideration Senate File 462, a bill for an act relating to veterans' benefits, veterans preference, veterans' claims, reimbursement for military service tax exemption, and providing a penalty and applicability date, amended by the House in House amendment S-3494 filed April 27, 1999.

Senator Drake offered amendment S-3522 filed by Senators Drake and Kibbie from the floor, to House amendment S-3494, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3522 to House amendment S-3494 be adopted?" (S.F. 462) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Deluhery Gaskill Szymoniak

Amendment S-3522 was adopted.

Senator Drake moved that the Senate concur in the House amendment as amended, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 462), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Deluhery

Gaskill

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 767.

House File 767

On motion of Senator Lamberti, House File 767, a bill for an act relating to certified capital companies and providing for a certified capital company insurance premium tax credit, with report of committee recommending passage, was taken up for consideration.

President pro tempore Redfern took the chair at 2:05 p.m.

Senator Hedge took the chair at 2:11 p.m.

Senator Lamberti offered amendment S-3511 filed by him from the floor, to pages 2, 4-8, 10, 11, 16 and 18 of the bill and moved its adoption.

Amendment S-3511 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 767), the vote was:

Ayes, 44:

Angelo
Boettger
Freeman
Hansen
Iverson
Kibbie

Bartz
Bolkcom
Gaskill
Harper
Jensen
King

Behn
Drake
Gronstal
Hedge
Johnson
Kramer

Black
Dvorsky
Hammond
Horn
Judge
Lamberti

Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 5:

Connolly	Dearden	Fink	Flynn
Fraise			

Absent or not voting, 1:

Deluhery

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 462** and **House File 767** be immediately messaged to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 772.

House File 772

On motion of Senator Freeman, House File 772, a bill for an act relating to and making appropriations from and to the rebuild Iowa infrastructure fund and the Iowa resources enhancement and protection fund to state departments and agencies, including the department of agriculture and land stewardship, the department of cultural affairs, the department of economic development, the department of corrections, the department of general services, the Iowa state fair foundation, the judicial branch, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, office of treasurer of state, and the commission of veterans affairs and providing effective dates,

with report of committee recommending amendment and passage, was taken up for consideration.

The Senate stood at ease at 2:53 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:55 p.m., President Kramer presiding.

QUORUM CALL

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

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

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1999, adopted the conference committee report and passed **House File 172**, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling.

ALSO: That the House has on April 28, 1999, passed the following bill in which the concurrence of the Senate is asked:

House File 781, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, making appropriations, and including effective and retroactive applicability provisions.

ALSO: That the House has on April 28, 1999, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 76, a bill for an act relating to the administration of the state department of transportation by allowing the reversion of operating funds for training and technology, making a standing appropriation, and providing for the nonreversion of certain railroad funds. (S-3536)

Senate File 458, a bill for an act relating to information required to be placed on property tax statements. (S-3535)

INTRODUCTION OF RESOLUTION

Senate Resolution 17, by Iverson and Gronstal, a resolution paying tribute to the memory of Elizabeth M. Osenbaugh and recognizing her many contributions to state government.

Read first time and referred to committee on **Rules and Administration**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fraise until he returns, on request of Senator Gronstal.

BUSINESS PENDING

House File 772

The Senate resumed consideration of House File 772.

Senator Freeman offered amendment S-3505 filed by the committee on Appropriations on April 27, 1999, to page 24 of the bill.

Senator McLaren offered amendment S-3529 filed by him from the floor, to amendment S-3505 and moved its adoption.

Amendment S-3529 was adopted by a voice vote.

Senator Freeman moved adoption of amendment S-3505, which motion prevailed by a voice vote.

Senator Freeman offered amendment S-3514 filed by her from the floor, to pages, 1-4, 7-9, 14 and 18 of the bill.

Senator Bolkom asked and received unanimous consent to withdraw amendment S-3524 filed by Senators Bolkom and Freeman from the floor to amendment S-3514.

Senator Freeman moved adoption of amendment S-3514 and requested a record roll call.

On the question "Shall amendment S-3514 be adopted?" (H.F. 772), the vote was:

Ayes, 6:

Bartz	Freeman	King	Lamberti
Miller	Rehberg		

Nays, 41:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fink	Flynn	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	Redfern	Redwine	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Absent or not voting, 3:

Deluhery	Fraise	McLaren
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Amendment S-3514 lost.

Senator Iverson offered amendment S-3531 filed by him from the floor, to pages 1-3, 7-9, 14 and 18 of the bill.

Senator Iverson asked and received unanimous consent that action on amendment S-3531 be **deferred**.

Senator Connolly offered amendment S-3521 filed by him from the floor, to page 2 of the bill and moved its adoption.

Amendment S-3521 was adopted by a voice vote.

The Senate resumed consideration of amendment S-3531.

Senator Bolkcom offered amendment S-3540 filed by Senators Bolkcom and Freeman from the floor, to amendment S-3531, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3540 to amendment S-3531 be adopted?" (H.F. 772) the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Deluhery	Rife	Sexton	Szymoniak
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Amendment S-3540 was adopted.

Senator Iverson moved adoption of amendment S-3531, which motion prevailed by a voice vote.

With the adoption of amendment S-3531, the Chair ruled amendment S-3515, filed by Senators Bolkcom and Freeman from the floor, to pages 2 and 3 of the bill, out of order.

Senator Lamberti offered amendment S-3516 filed by him from the floor, to pages 3 and 4 of the bill and moved its adoption.

Amendment S-3516 was adopted by a voice vote.

Senator Hedge took the chair at 4:36 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer until she returns, on request of Senator Iverson.

BUSINESS PENDING

House File 772

The Senate resumed consideration of House File 772.

Senator Harper offered amendment S-3500 filed by Senators Harper, et al., on April 27, 1999, to page 5 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3500 be adopted?" (H.F. 772), the vote was:

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

Ayes, 21:

Black	Bolkcom	Dvorsky	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Jensen	Judge
Kibbie	McCoy	Redfern	Rehberg
Schuerer	Shearer	Soukup	Szymoniak
Zieman			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Connolly	Dearden	Drake	Freeman
Gaskill	Hedge	Horn	Iverson
Johnson	King	Lamberti	Lundby
Maddox	McKean	McKibben	McLaren
Miller	Redwine	Rife	Rittmer
Sexton	Tinsman	Veenstra	

Absent or not voting, 2:

Deluhery	Kramer
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Amendment S-3500 lost.

Senator Harper offered amendment S-3501 filed by Senators Harper and Redfern on April 27, 1999, to page 11 of the bill and moved its adoption.

A non-record roll call was requested.

The ayes were 19, nays 27.

Amendment S-3501 lost.

Senator Black asked and received unanimous consent to withdraw amendment S-3520 filed by him from the floor, to page 12 of the bill.

Senator Maddox offered amendment S-3533 filed by Senators Maddox, Lamberti and McCoy from the floor, to page 12 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3533 be adopted?" (H.F. 772), the vote was:

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

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	Lamberti
Maddox	McCoy	Shearer	Soukup
Szymoniak			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Lundby	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 2:

Deluhery Kramer

Amendment S-3533 lost.

Senator McLaren offered amendment S-3506 filed by him from the floor, to page 16 of the bill and moved its adoption.

Amendment S-3506 was adopted by a voice vote.

Senator McCoy asked and received unanimous consent to withdraw amendment S-3534 filed by him from the floor, to page 18 of the bill.

Senator Rehberg offered amendment S-3512 filed by her from the floor, to page 19 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3512 be adopted?" (H.F. 772), the vote was:

Ayes, 18:

Behn	Boettger	Flynn	Fraise
Freeman	Gronstal	Hansen	Kibbie
King	Lamberti	Lundby	McCoy
McKean	Miller	Rehberg	Soukup
Tinsman	Zieman		

Nays, 31:

Angelo	Bartz	Black	Bolkcom
Connolly	Dearden	Drake	Dvorsky
Fink	Gaskill	Hammond	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kramer	Maddox
McKibben	McLaren	Redfern	Redwine
Rife	Rittmer	Schuerer	Sexton
Shearer	Szymoniak	Veenstra	

Absent or not voting, 1:

Deluhery

Amendment S-3512 lost.

Senator Black offered amendment S-3523 filed by Senators Black, et al., from the floor, to pages 20 and 21 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3523 be adopted?" (H.F. 772), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	Lundby
McKean	Shearer	Soukup	Szymoniak

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	King	Kramer
Lamberti	Maddox	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 3:

Deluhery	Johnson	McCoy
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Amendment S-3523 lost.

President Kramer took the chair at 6:03 p.m.

Senator McLaren offered amendment S-3507 filed by him from the floor, to page 20 of the bill and moved its adoption.

Amendment S-3507 was adopted by a voice vote.

Senator Judge offered amendment S-3528 filed by Senators Judge, et al., from the floor, to pages 21 and 23 of the bill.

Senator Freeman raised the point of order that amendment S-3528 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3528 out of order.

Senator Gronstal offered amendment S-3526 filed by Senators Gronstal, et al., from the floor, to pages 21 and 29 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3526 be adopted?" (H.F. 772), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Hedge	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 2:

Bartz	Deluhery
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Amendment S-3526 lost.

Senator McLaren offered amendment S-3508 filed by him from the floor, to pages 22 and 23 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3508 be adopted?" (H.F. 772), the vote was:

Ayes, 34:

Angelo	Bartz	Behn	Boettger
Connolly	Drake	Fraise	Freeman

Gaskill	Hedge	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 15:

Black	Bolkcom	Dearden	Dvorsky
Fink	Flynn	Gronstal	Hammond
Hansen	Harper	Horn	Judge
Shearer	Soukup	Szymoniak	

Absent or not voting, 1:

Deluhery

Amendment S-3508 was adopted.

Senator Gronstal offered amendment S-3537 filed by him from the floor, to pages 4-9 of the bill and called for a division: lines 18 and 21-26 as division S-3537A; lines 3-17 and 19-20 as division S-3537B.

Senator Gronstal asked and received unanimous consent to withdraw division S-3537A.

Senator Gronstal moved adoption of division S-3537B, which motion prevailed by a voice vote.

Senator Redwine asked and received unanimous consent to withdraw amendment S-3539 filed by Senators Redwine and Hansen from the floor, to page 4 of the bill.

Senator Szymoniak offered amendment S-3542 filed by her from the floor, to page 10 of the bill and moved its adoption.

Amendment S-3542 was adopted by a voice vote.

Senator McCoy offered amendment S-3541 filed by Senators McCoy and Jensen from the floor, to page 29 of the bill and moved its adoption.

Amendment S-3541 was adopted by a voice vote.

Senator Gronstal offered amendment S-3545 filed by him from the floor, to page 30 of the bill and moved its adoption.

Amendment S-3545 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 772), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 1:

Miller

Absent or not voting, 1:

Deluhery

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

Senator Iverson asked and received unanimous consent that **House File 772** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1999, passed the following bill in which the concurrence of the Senate is asked:

House File 782, a bill for an act relating to public expenditure and regulatory matters, making appropriations, and providing effective dates.

ALSO: That the House has on April 28, 1999, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 470, a bill for an act relating to campaign finance disclosure, including the study of campaign finance disclosure and related laws, by regulating express advocacy of candidates and ballot issues, requiring annual authorization for political representation financed from deductions from wages, dues, and fees, establishing a commission to study campaign finance disclosure and related laws, providing and applying penalties, providing an effective date and for applicability, and providing for severability. (S-3547)

INTRODUCTION OF BILL

Senate File 481, by committee on Appropriations, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, making appropriations, and including effective and retroactive applicability provisions.

Read first time and placed on **Appropriations Calendar**.

HOUSE AMENDMENT CONSIDERED

Senate File 468

Senator Maddox called up for consideration Senate File 468, a bill for an act relating to and making appropriations to the justice system and providing effective date, amended by the House in House amendment S-3442 filed April 20, 1999.

Senator Boettger took the chair at 7:34 p.m.

Senator Maddox offered amendment S-3544 filed by him from the floor to pages 1, 3, 5, 6, 11, 12, 15, 17, 19, 23 and 24 of amendment S-3442 and moved its adoption.

Amendment S-3544 was adopted by a voice vote.

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

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

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

On the question "Shall the bill pass?" (S.F. 468), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Deluhery

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

Senator Iverson asked and received unanimous consent that Senate File 468 be immediately messaged to the House.

The Senate stood at ease at 7:58 p.m. until the fall of the gavel.

The Senate resumed session at 9:21 p.m., President Kramer presiding.

QUORUM CALL

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

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

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1999, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 189, a bill for an act to change the penalty for and to reclassify certain misdemeanors.

ALSO: That the House has on April 28, 1999, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 767, a bill for an act relating to certified capital companies and providing for a certified capital company insurance premium tax credit.

HOUSE AMENDMENT CONSIDERED

Senate File 439

Senator Boettger called up for consideration Senate File 439, a bill for an act relating to the Iowa community empowerment Act and related provisions, and providing an effective date, amended by the House in House amendment S-3509 filed April 28, 1999.

Senator Boettger asked and received unanimous consent to withdraw amendment S-3525 filed by Senators Boettger, Szymoniak and Tinsman from the floor to House amendment S-3509.

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

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

Senator Bartz took the chair at 9:37 p.m.

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

On the question "Shall the bill pass?" (S.F. 439), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 761.

House File 761

On motion of Senator Tinsman, House File 761, a bill for an act relating to child care provisions administered by the department of human services and to the terminology used to describe child care, and including effective dates and applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Angelo asked and received unanimous consent to withdraw amendment S-3465 filed by him on April 22, 1999, to pages 3, 4, 6-8, 14-16 and 26-28 of the bill.

Senator Angelo asked and received unanimous consent to withdraw amendment S-3466 filed by him on April 22, 1999, to pages 3, 4, 6-8, 14-16 and 26-28 of the bill.

Senator Angelo asked and received unanimous consent to withdraw amendment S-3464 filed by him on April 22, 1999, to pages 7 and 13 of the bill.

Senator Angelo asked and received unanimous consent to withdraw amendment S-3477 filed by him on April 26, 1999, to pages 3, 4, 6-8, 14-16, 26 and 28 of the bill.

Senator Flynn asked and received unanimous consent that action on **House File 761** be deferred.

The Senate stood at ease at 9:47 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:03 p.m., Senator Bartz presiding.

MOTION TO RECONSIDER WITHDRAWN

Senator Boettger asked and received unanimous consent to withdraw the following motion to reconsider filed by her from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3509 to Senate File 439 was adopted by the Senate and Senate File 439 passed the Senate on April 28, 1999.

Senator Boettger asked and received unanimous consent that **Senate File 439 be immediately messaged to the House.**

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 172

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 172, a bill for an act relating to adoption procedural requirements including those related to investigation, reports, and counseling, respectfully make the following report:

1. That the House recedes from its amendment, S-3455.
2. That the Senate recedes from its amendment, H-1703.

On the Part of the House:

DAN BODDICKER, Chair
GALEN DAVIS
RO FOEGE
KEITH KREIMAN
CHUCK LARSON

On the Part of the Senate:

NANCY BOETTGER, Chair
JOHNNIE HAMMOND
JEFF LAMBERTI
MATT McCOY
DAVID MILLER

CONFERENCE COMMITTEE REPORT ADOPTED

House File 172

Senator Boettger called up the conference committee report on House File 172, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling, filed on April 28, 1999, and moved its adoption.

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

On the question "Shall the bill pass?" (H.F. 172), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Kramer

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

HOUSE AMENDMENT CONSIDERED

Senate File 469

Senator Lamberti called up for consideration Senate File 469, a bill for an act relating to the state sales and use taxes by providing for the effective date for any rate increase or decrease, filing of consolidated sales tax returns by affiliated corporations, changing the statute of limitations for assessing tax and applying for refunds and relating to local sales and services taxes by providing the effective dates for imposing, repealing, or changing rates, allowing cities in more than one county to impose the tax, providing for refunds of tax payable to construction contractors, allowing for 28E agreements to be entered into between school districts and counties or other school districts, and providing for utilization of excess revenue for property tax reduction, and including retroactive applicability and effective dates, amended by the House, and moved that the Senate concur in House amendment S-3498 filed April 27, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 469), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 2:

Rife Rittmer

Absent or not voting, none.

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

SIMILAR BILL RECEIVED

On April 28, 1999, House File 781 was received and attached to similar Senate File 481 on the calendar.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 481.

Senate File 481

On motion of Senator McLaren, Senate File 481, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, making appropriations, and including effective and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator McLaren asked and received unanimous consent that **House File 781 be substituted for Senate File 481.**

House File 781

On motion of Senator McLaren, House File 781, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, making appropriations, and including effective and retroactive applicability provisions, was taken up for consideration.

Senator Sexton asked and received unanimous consent to withdraw amendment S-3538 filed by Senator Sexton, et al., from the floor to pages 10 and 11 of the bill.

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

On the question "Shall the bill pass?" (H.F. 781), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

WITHDRAWN

Senator McLaren asked and received unanimous consent that **Senate File 481** be **withdrawn** from further consideration of the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 76

Senator Jensen called up for consideration Senate File 76, a bill for an act relating to the administration of the state department of transportation by allowing the reversion of operating funds for training and technology, making a standing appropriation, and providing for the nonreversion of certain railroad fund, amended by the House, and moved that the Senate concur in House amendment S-3536 filed April 28, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 76), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King

Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

SIMILAR BILL RECEIVED

On April 28, 1999, House File 782 was received and attached to similar Senate File 480 on the calendar.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 480.

Senate File 480

On motion of Senator Rife, Senate File 480, a bill for an act relating to public expenditure and regulatory matters, making appropriations, and providing effective dates, was taken up for consideration.

Senator Connolly asked and received unanimous consent to withdraw amendment S-3532 filed by him from the floor, to page 13 of the bill.

Senator McLaren offered amendment S-3543 filed by him from the floor, to pages 9, 12 and 13 of the bill and moved its adoption.

Amendment S-3543 was adopted by a voice vote.

Senator Rife asked and received unanimous consent that House File 782 be substituted for Senate File 480.

House File 782

On motion of Senator Rife, House File 782, a bill for an act relating to public expenditure and regulatory matters, making appropriations, and providing effective dates, was taken up for consideration.

Senator Connolly offered amendment S-3546 filed by him from the floor, to pages 15 and 16 of the bill.

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

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

Senator Connolly moved adoption of amendment S-3546 and requested a record roll call.

On the question "Shall amendment S-3546 be adopted?" (H.F. 782), the vote was:

Ayes, 24:

Black	Boettger	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Lamberti	McCoy	Redwine
Sexton	Shearer	Soukup	Szymoniak

Nays, 26:

Angelo	Bartz	Behn	Drake
Freeman	Gaskill	Hedge	Iverson
Jensen	Johnson	King	Kramer
Lundby	Maddox	McKean	McKibben
McLaren	Miller	Redfern	Rehberg
Rife	Rittmer	Schuerer	Tinsman
Veenstra	Zieman		

Absent or not voting, none.

Amendment S-3546 lost.

Senator Fink offered amendment S-3548 filed by him from the floor, to page 16 of the bill.

Senator Rife raised the point of order that amendment S-3548 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3548 out of order.

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

On the question "Shall the bill pass?" (H.F. 782), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 76, 469 and House Files 172, 781 and 782 be immediately messaged to the House.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: HOUSE FILE 779, a bill for an act providing for linked investment loan programs and providing effective dates.

Recommendation: DO PASS.

Final Vote: Ayes, 23: McLaren, Kramer, Flynn, Behn, Black, Bolkcom, Connolly, Dvorsky, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, 2: Deluhery and Freeman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 779.

House File 779

On motion of Senator Johnson, House File 779, a bill for an act providing for linked investment loan programs and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Senator Johnson offered amendment S-3549 filed by Senators Johnson, Rehberg and McCoy from the floor, to pages 1-5 and to the title page of the bill.

Senator Johnson offered amendment S-3550 filed by her from the floor, to amendment S-3549 and moved its adoption.

Amendment S-3550 was adopted by a voice vote.

Senator Johnson moved adoption of amendment S-3549, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 779), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 2:

Rife Sexton

Absent or not voting, none.

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

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1999, concurred in the Senate amendment to the House amendment, and passed the following bill in which the **concurrence** of the House was asked:

Senate File 468, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

ALSO: That the House has on April 28, 1999, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the **concurrence** of the Senate is asked:

House File 772, a bill for an act relating to and making appropriations from and to the rebuild Iowa infrastructure fund and the Iowa resources enhancement and protection fund to state departments and agencies, including the department of agriculture

and land stewardship, the department of cultural affairs, the department of economic development, the department of corrections, the department of general services, the Iowa state fair foundation, the judicial branch, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, office of treasurer of state, and the commission of veterans affairs and providing effective dates. (S-3551)

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 772

Senator Freeman called up for consideration House File 772, a bill for an act relating to and making appropriations from and to the rebuild Iowa infrastructure fund and the Iowa resources enhancement and protection fund to state departments and agencies, including the department of agriculture and land stewardship, the department of cultural affairs, the department of economic development, the department of corrections, the department of general services, the Iowa state fair foundation, the judicial branch, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, office of treasurer of state, and the commission of veterans affairs and providing effective dates, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-3551 to Senate amendment H-1887 filed April 28, 1999.

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

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

On the question "Shall the bill pass?" (H.F. 772), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

President pro tempore Redfern took the chair at 11:24 p.m.

Senator Iverson asked and received unanimous consent that **House File 772** be **immediately** messaged to the House.

WITHDRAWN

Senator Rife asked and received unanimous consent that **Senate File 480** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 773.

House File 773

On motion of Senator Redwine, **House File 773**, a bill for an act relating to child support enforcement, including child support recovery in instances of guardianships, income withholding, and

payments to financial institutions for record matches, with report of committee recommending passage, was taken up for consideration.

Senator Judge offered amendment S-3527 filed by Senators Judge and Kramer from the floor, to page 3 and to the title page of the bill.

Senator Bartz raised the point of order that amendment S-3527 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3527 out of order.

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

On the question "Shall the bill pass?" (H.F. 773), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

Senator Iverson asked and received unanimous consent that House File 773 be immediately messaged to the House.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 23.

Senate Concurrent Resolution 23

On motion of Senator Rittmer, Senate Concurrent Resolution 23, a concurrent resolution encouraging Congress to rescind Health Care Financing Administration rules requiring onerous home health agency reporting, with report of committee recommending passage, was taken up for consideration.

Senator Rittmer asked and received unanimous consent that **House Concurrent Resolution 24** be substituted for **Senate Concurrent Resolution 23**.

House Concurrent Resolution 24

On motion of Senator Rittmer, House Concurrent Resolution 24, a concurrent resolution encouraging Congress to rescind Health Care Financing Administration rules requiring onerous home health agency reporting, was taken up for consideration.

Senator Rittmer moved the adoption of House Concurrent Resolution 24, which motion prevailed by a voice vote.

WITHDRAWN

Senator Rittmer asked and received unanimous consent that **Senate Concurrent Resolution 23** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 762.

House File 762

On motion of Senator King, House File 762, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the use of the network, providing for electronic access to public information by creating an Iowa Access network, authorizing fees, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator King asked and received unanimous consent that action on **House File 762** be deferred.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 24** be immediately messaged to the House.

APPENDIX

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 28, 1999, 1:12 p.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman.

Members Absent: Freeman (excused).

Recessed: 1:32 p.m.

Reconvened: April 28, 1999, 8:05 p.m.

Committee Business: Approved SSB 1226. Passed HF 762, as amended. Passed HF 779.

Adjourned: 9:20 p.m.

CERTIFICATES OF RECOGNITION

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

Daniel Llewellyn, Truro – For achieving the rank of Eagle Scout. Senator Johnson (04/28/99).

Jim Tussy, Orient – For serving Orient-Macksburg School District for 28 years. Senator Johnson (04/28/99).

Charlene Wallace, Bethany Home, Dubuque – For celebrating your 100th Birthday on July 11, 1999. Senator Flynn (04/28/99).

PETITIONS

The following petitions were presented and placed on file by:

Senator Bartz, from eleven residents of Worth County, Iowa, favoring legislation establishing a Fuel Quality Standard.

Senator Judge, from twenty residents of Davis County, Iowa, favoring legislation in support of a Fuel Quality Standard to be established.

Senator Kibbie, from fifty-three residents of Palo Alto and Emmet Counties, Iowa, favoring legislation supporting a Fuel Quality Standard for Iowa.

Senator McKean, from twenty residents of Linn County, Iowa, favoring legislation supporting a Fuel Quality Standard for Iowa.

Senator McLaren, from twenty-seven residents of Cass and Fremont Counties, Iowa, favoring legislation supporting a Fuel Quality Standard for Iowa.

Senator Rife, from seventeen residents of Scott County, Iowa, favoring legislation supporting a Fuel Quality Standard for Iowa.

Senator Rittmer, from twenty-nine residents of Senate District 19, favoring legislation in support of a Fuel Quality Standard for Iowa.

Senator Schuerer, from eleven residents of Benton and Tama Counties, Iowa, favoring legislation establishing a Fuel Quality Standard.

Senator Shearer, from forty residents of Henry, Lee, and Washington Counties, Iowa, favoring legislation supporting a Fuel Quality Standard for Iowa.

Senator Soukup, from ninety-eight residents of Chickasaw and Howard Counties, Iowa, favoring legislation to mandate ethanol.

Senator Zieman, from ten residents of Allamakee, Clayton, and Winneshiek Counties, Iowa, favoring legislation supporting a Fuel Quality Standard for Iowa.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 24, by Boettger and Kramer, a concurrent resolution requesting that the Legislative Council authorize a legislative interim study to plan for the growing long-term care needs of Iowans.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 482, by Iverson and Gronstal, a bill for an act relating to tobacco product manufacturers, providing penalties, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which House File 779 passed the Senate on April 28, 1999.

JOANN JOHNSON

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: *SENATE FILE 481 (SSB 1226), a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, making appropriations, and including effective and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 23: McLaren, Kramer, Flynn, Behn, Black, Bolkom, Connolly, Dvorsky, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, 2: Deluhery and Freeman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 481, and they were attached to the committee report.

ALSO:

Final Bill Action: HOUSE FILE 762, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the use of the network, providing for electronic access to public information by creating an IowaAccess network, authorizing fees, and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3552.

Final Vote: Ayes, 24: McLaren, Kramer, Flynn, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, 1: Freeman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3530	H.F. 433	Steve King Jerry Behn Mary A. Lundby
S-3531	H.F. 772	Stewart E. Iverson, Jr.
S-3532	S.F. 480	Michael W. Connolly
S-3533	H.F. 772	Gene Maddox Jeff Lamberti Matt McCoy
S-3534	H.F. 772	Matt McCoy
S-3535	S.F. 458	House
S-3536	S.F. 76	House
S-3537	H.F. 772	Michael E. Gronstal
S-3538	H.F. 781	Mike Sexton Jerry Behn Kitty Rehberg Steve King Kenneth Veenstra Larry McKibben
S-3539	H.F. 772	John Redwine Steven D. Hansen
S-3540	H.F. 772	Joe Bolkcom Mary Lou Freeman
S-3541	H.F. 772	Matt McCoy John W. Jensen
S-3542	H.F. 772	Elaine Szymoniak
S-3543	S.F. 480	Derryl McLaren
S-3544	S.F. 468	Gene Maddox
S-3545	H.F. 772	Michael E. Gronstal
S-3546	H.F. 782	Michael W. Connolly
S-3547	S.F. 470	House
S-3548	H.F. 782	Bill Fink

S-3549	H.F. 779	JoAnn Johnson Kitty Rehberg Matt McCoy
S-3550	H.F. 779	JoAnn Johnson
S-3551	H.F. 772	House
S-3552	H.F. 762	Appropriations
S-3553	H.F. 761	Tom Flynn
S-3554	H.F. 762	Tom Flynn

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:46 p.m., until 9:00 a.m., Thursday, April 29, 1999.

JOURNAL OF THE SENATE

ONE-HUNDRED NINTH CALENDAR DAY
SIXTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 29, 1999

The Senate met in regular session at 9:38 a.m., President Kramer presiding.

Prayer was offered by the Senate Pages who sang "Friends."

The Journal of Wednesday, April 28, 1999, was approved.

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate by President Kramer for a special presentation and were thanked by Senators Iverson and Gronstal for their service to the Senate.

A Certificate of Excellence for serving with honor and distinction as a Senate Page during the 1999 Regular Session of the Seventy-eighth General Assembly, and an individual and Page group picture were presented to each of the following pages:

John Bazal, Noelle DeBoef, Joe Earle, Sara Eighmey, Tyson Fast, Mary Jo Hommer, Scott Iverson, Lizzie Jenkins, Jennifer Johnson, Emily Kinser, Erin Leonard, Staci Lowman, Keturah Moretz, Paul Nichols, Chas Olson, Kyle Palmer, Audey Veach, Jaqui Waddell and Kara Wilber.

The Senate rose and expressed its appreciation to the Pages.

Bill Kreig and Tom Sheldahl were invited to the Senate Well by the Senate Pages and presented with framed pictures of the 1999 Senate Pages.

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

Senator Iverson asked and received unanimous consent to take up for consideration House File 748.

House File 748

On motion of Senator McKibben, House File 748, a bill for an act exempting internet from the state sales, services, and use taxes, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 748), the vote was:

Ayes, 39:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Flynn	Freeman
Gaskill	Gronstal	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKibben	McLaren	Miller	Redfern
Redwine	Rife	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	

Nays, 10:

Dearden	Fink	Fraise	Hammond
Kibbie	McKean	Rehberg	Soukup
Szymoniak	Zieman		

Absent or not voting, 1:

Shearer

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

Senator Iverson asked and received unanimous consent that **House File 748** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shearer until he returns, on request of Senator Fraise.

The Senate stood at ease at 10:14 a.m. until the fall of the gavel.

The Senate resumed session at 10:24 a.m., President Kramer presiding.

UNFINISHED BUSINESS (Deferred April 28, 1999)

House File 761

The Senate resumed consideration of House File 761, a bill for an act relating to child care provisions administered by the department of human services and to the terminology used to describe child care, and including effective dates and applicability provisions, deferred April 28, 1999.

Senator Tinsman offered amendment S-3517 filed by Senators Tinsman, et al., on April 28, 1999, to pages 3, 4, 6-8, 14-16, 22 and 26-28 of the bill.

Senator Boettger took the chair at 10:41 a.m.

Senator Flynn offered amendment S-3553 filed by him on April 28, 1999, to pages 1-7 of amendment S-3517 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3553 to amendment S-3517 be adopted?" (H.F. 761) the vote was:

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

Ayes, 15:

Black	Bolkcom	Connolly	Dearden
Fink	Flynn	Fraise	Gronstal
Hansen	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	

Nays, 32:

Angelo	Bartz	Behn	Boettger
Deluhery	Drake	Freeman	Gaskill
Hammond	Harper	Hedge	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Maddox	McKean	McKibben
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Szymoniak	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Dvorsky	Lundby	Rife
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Amendment S-3553 lost.

Senator Tinsman moved adoption of amendment S-3517 to pages 3, 4, 6-8, 14-16, 22 and 26-28 of the bill, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 761), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Maddox	McCoy
McKean	McKibben	McLaren	Miller

Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Lundby Szymoniak

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

Senator Iverson asked and received unanimous consent that **House File 761** be **immediately messaged** to the House.

PRESENTATION OF VISITORS

The Chair welcomed seventy-five fifth grade students from Edmonds Academy of Fine Arts, Des Moines, Iowa, accompanied by Mr. Jones. Senator Szymoniak.

UNFINISHED BUSINESS (Deferred April 28, 1999)

House File 762

The Senate resumed consideration of House File 762, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the use of the network, providing for electronic access to public information by creating an Iowa Access network, authorizing fees, and providing an effective date, deferred on April 28, 1999.

Senator McLaren offered amendment S-3552 filed by the committee on Appropriations on April 28, 1999, to pages 2, 6-8, 12-15, 17 and 18 of the bill and moved its adoption.

Amendment S-3552 was adopted by a voice vote.

Senator Flynn asked and received unanimous consent to withdraw amendment S-3554 filed by him on April 28, 1999, to pages 11 and 12 of the bill.

Senator McLaren offered amendment S-3555 filed by him from the floor, to page 18 of the bill and moved its adoption.

Amendment S-3555 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 762), the vote was:

Ayes, 42:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Harper	Hedge	Horn	Iverson
Jensen	Johnson	Judge	Kibbie
King	Kramer	Lamberti	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, 7:

Bartz	Fink	Hansen	Maddox
McCoy	Rife	Rittmer	

Absent or not voting, 1:

Lundby

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

Senator Iverson asked and received unanimous consent that House File 762 be immediately messaged to the House.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1999, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 21, a concurrent resolution requesting establishment of a legislative interim study committee to review legal, budget, and financial aspects of volunteer fire protection services, emergency medical services, and other vital services provided under the auspices of townships.

Read first time and referred to committee on **Rules and Administration**.

ALSO: That the House has on April 29, 1999, passed the following bill in which the concurrence of the House was asked:

Senate File 473, a bill for an act relating to the administration of the state individual income tax, corporate income tax, sales and use taxes, franchise tax, replacement taxes on electric and natural gas providers, motor fuel taxes, inheritance and estate taxes, property taxes, collection of taxes and debts owed to or collected by the state, and including effective and retroactive applicability date provisions.

ALSO: That the House has on April 29, 1999, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 462, a bill for an act relating to veterans' benefits, veterans preference, veterans' claims, reimbursement for military service tax exemption, and providing a penalty and applicability date.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 18, by committee on Rules and Administration, a resolution relating to daily operations of the Senate.

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

Senate Concurrent Resolution 25, by committee on Rules and Administration, a concurrent resolution to provide for adjournment sine die.

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

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE FILE 482, a bill for an act relating to tobacco product manufacturers, providing penalties, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 482.

Senate File 482

On motion of Senator Iverson, Senate File 482, a bill for an act relating to tobacco product manufacturers, providing penalties, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 482), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper

Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Lundby

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

Senator Iverson asked and received unanimous consent that Senate File 482 be immediately messaged to the House.

MOTION TO RECONSIDER ADOPTED

Senator Johnson called up the motion to reconsider House File 779 filed by her on April 28, 1999, found on page 1393 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 779) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, 1:

Rife

Absent or not voting, none.

The motion prevailed.

Senator Johnson moved to reconsider the vote by which House File 779 went to its last reading, which motion prevailed by a voice vote.

House File 779

On motion of Senator Johnson, House File 779, a bill for an act providing for linked investment loan programs and providing effective dates, was taken up for reconsideration.

Senator Johnson filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3549 to House File 779 was adopted by the Senate on April 28, 1999.

The motion prevailed by a voice vote and amendment S-3549 filed by Senators Johnson, Rehberg and McCoy on April 28, 1999, to pages 1-5 and to the title page of the bill, was taken up for reconsideration.

Senator Johnson called for a division of amendment S-3549: pages 1, 2 and page 3 lines 1-7 and 19-50 and page 4 as division S-3549A: and page 3, lines 8-18 as division S-3549B.

Senator Johnson asked and received unanimous consent to withdraw division S-3549B.

Senator Johnson moved adoption of division S-3549A, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 779), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 2:

Rife Sexton

Absent or not voting, none.

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

RECESS

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

APPENDIX**REPORTS OF COMMITTEE MEETINGS****RULES AND ADMINISTRATION**

Convened: April 29, 1999, 10:20 a.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer.

Members Absent: None.

Committee Business: Passed HCR 23, SR 17, SCR 24, SF 482, and Senate Resolutions relating to the Senate budget and adjournment sine die.

Adjourned: 10:29 a.m.

ALSO:

Convened: April 29, 1999, 12:25 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer.

Members Absent: None.

Committee Business: Passed HCR 21.

Adjourned: 12:26 p.m.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 28, 1999, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 8 - Relating to coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses by providing coverage for costs associated with equipment, supplies, and education for the treatment of diabetes.

S.F. 186 - Providing that a county enterprise includes housing for persons who are elderly or persons with physical disabilities and certain county hospitals.

S.F. 192 - Relating to open containers in motor vehicles and providing a penalty.

S.F. 309 - Relating to the interception of communications and providing penalties.

S.F. 429 - Relating to notification of forfeited and cancelled mechanic's liens, challenging a mechanic's lien, and providing a remedy.

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 24, a concurrent resolution requesting that the Legislative Council authorize a legislative interim study to plan for the growing long-term needs of Iowans.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 25, a concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 17, a resolution paying tribute to the memory of Elizabeth M. Osenbaugh and recognizing her many contributions to state government.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 18, a resolution relating to daily operations of the Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 23, a concurrent resolution in support of maintaining the Mississippi River as a major transportation route for various products shipped into and out of the Upper Mississippi region.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

S-3555 H.F. 762 Derryl McLaren

AFTERNOON SESSION

The Senate reconvened at 2:16 p.m., President Kramer presiding.

PRESENTATION OF VISITORS

The Chair welcomed sixty eighth grade students from Urbandale Middle School, Urbandale, Iowa, accompanied by Mrs. Van Why and Mrs. Walter. Senator Maddox.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1999, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 761, a bill for an act relating to child care provisions administered by the department of human services and to the terminology used to describe child care, and including effective dates and applicability provisions.

House File 762, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the use of the network, providing for electronic access to public information by creating an lowAccess network, authorizing fees, and providing an effective date.

ADOPTION OF RESOLUTIONS

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 12, Senate Concurrent Resolution 24 and House Concurrent Resolution 21.

Senate Resolution 12

On motion of Senator Dvorsky, Senate Resolution 12, a resolution honoring University of Iowa Basketball Coach Tom Davis, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved adoption of Senate Resolution 12, which motion prevailed by a voice vote.

Senate Concurrent Resolution 24

On motion of Senator Iverson, Senate Concurrent Resolution 24, a concurrent resolution requesting that the Legislative Council authorize a legislative interim study to plan for the growing long-term care needs of Iowans, with report of committee recommending passage, was taken up for consideration.

Senator Kramer moved the adoption of Senate Concurrent Resolution 24, which motion prevailed by a voice vote.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: HOUSE CONCURRENT RESOLUTION 21, a concurrent resolution requesting establishment of a legislative interim study committee to review legal, budget, and financial aspects of volunteer fire protection services, emergency medical services, and other vital services provided under the auspices of townships.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

House Concurrent Resolution 21

On motion of Senator Iverson, House Concurrent Resolution 21, a concurrent resolution requesting the establishment of a legislative interim study committee to review legal, budget, and financial aspects of volunteer fire protection services, emergency medical services, and other vital services provided under the auspices of townships, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 21, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Concurrent Resolution 24 and House Concurrent Resolution 21 be immediately messaged to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 776.

House File 776

On motion of Senator Johnson, House File 776, a bill for an act relating to urban renewal, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 776), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Harper	Hedge	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 2:

Dvorsky Hansen

Absent or not voting, none.

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

HOUSE AMENDMENT CONSIDERED

Senate File 150

Senator Miller called up for consideration Senate File 150, a bill for an act concerning judicial administration, amended by the House, and moved that the Senate concur in House amendment S-3510 filed April 28, 1999.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate File 150 and House Files 776 and 779 be immediately messaged to the House.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy until he returns, on request of Senator Fraise; Senator Iverson until he returns, on request of Senator Bartz.

UNFINISHED BUSINESS

Senate File 286

On motion of Senator Flynn, Senate File 286, a bill for an act relating to the new investment tax credit under the new jobs and income program, placed on the Unfinished Business Calendar on March 31, 1999, was taken up for consideration.

Senator Flynn asked and received unanimous consent to withdraw amendment S-3339 filed by him on April 12, 1999, to pages 1 and 2 of the bill.

Senator Flynn offered amendment S-3518 filed by him on April 28, 1999, to pages 1, 2 and to the title page of the bill and moved its adoption.

Amendment S-3518 was adopted by a voice vote.

Senator Flynn asked and received unanimous consent that House File 733 be substituted for Senate File 286.

House File 733

On motion of Senator Flynn, House File 733, a bill for an act relating to economic development tax credits by amending the new investment tax credit under the new jobs and income program, amending the incentives and assistance under the enterprise zone program, and requesting an enterprise zone interim study committee, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 733), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

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

WITHDRAWN

Senator Flynn asked and received unanimous consent that **Senate File 286** be **withdrawn** from further consideration of the Senate.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 737

Senator Rife called up for consideration House File 737, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the 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 an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-3369 to Senate amendment H-1526 filed April 14, 1999.

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

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

On the question "Shall the bill pass?" (H.F. 737), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Cannolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer

Schuerer
Szymoniak

Sexton
Tinsman

Shearer
Veenstra

Soukup
Zieman

Nays, none.

Absent or not voting, 2:

Bartz

McCoy

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz until he returns, on request of Senator Lamberti.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 769.

House File 769

On motion of Senator McLaren, House File 769, a bill for an act relating to the classification of apartments in condominiums for purposes of property taxation, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom asked and received unanimous consent to withdraw amendment S-3485 filed by Senators Bolkcom and Dvorsky on April 26, 1999, to page 1 of the bill.

Senator Hedge asked and received unanimous consent to withdraw amendment S-3504 filed by him on April 27, 1999, to page 1 of the bill.

Senator Hedge offered amendment S-3557 filed by him from the floor, to page 1 of the bill and moved its adoption.

Amendment S-3557 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 769), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, 3:

Harper	McKean	Soukup
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Absent or not voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 733, 737 and 769** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 470

Senator Lamberti called up for consideration Senate File 470, a bill for an act relating to campaign finance disclosure, including the study of campaign finance disclosure and related laws, by regulating express advocacy of candidates and ballot issues, requiring annual authorization for political representation financed from deductions from wages, dues, and fees, establishing a commission to study

campaign finance disclosure and related laws, providing and applying penalties, providing an effective date and for applicability, and providing for severability, amended by the House, and moved that the Senate concur in House amendment S-3547 filed April 28, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 470), the vote was:

Ayes, 44:

Behn	Black	Boettger	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 6:

Angelo	Bartz	King	McLaren
Rife	Sexton		

Absent or not voting, none.

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

HOUSE AMENDMENT CONSIDERED

Senate File 458

Senator McKibben called up for consideration Senate File 458, a bill for an act relating to information required to be placed on

property tax statements, amended by the House, and moved that the Senate concur in House amendment S-3535 filed April 28, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 458), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1999, passed the following bill in which the concurrence of the House was asked:

Senate File 482, a bill for an act relating to tobacco product manufacturers, providing penalties, and providing an effective date.

ALSO: That the House has on April 28, 1999, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 465, a bill for an act authorizing the establishment of an accelerated career education program, providing a tax credit from withholding, and relating to the transfer of job training withholding to the workforce development fund account. (S-3559)

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 744.

House File 744

On motion of Senator Lamberti, **House File 744**, a bill for an act relating to reductions in the state individual income tax by increasing the deduction for pension income and increasing the personal and dependent credits, and including a retroactive applicability date provision, with report of committee recommending passage, was taken up for consideration.

Senator McCoy offered amendment S-3556 filed by him from the floor, to page 1 of the bill and moved its adoption.

Amendment S-3556 lost by a voice vote.

Senator Bartz took the chair at 3:25 p.m.

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

On the question "Shall the bill pass?" (H.F. 744), the vote was:

Ayes, 43:

Angelo
Boettger

Bartz
Connolly

Behn
Deluhery

Black
Drake

Flynn	Fraise	Freeman	Gaskill
Gronstal	Hansen	Hedge	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, 7:

Bolkcom	Dearden	Dvorsky	Fink
Hammond	Harper	Szymoniak	

Absent or not voting, none.

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

HOUSE AMENDMENT CONSIDERED

Senate File 459

Senator Redfern called up for consideration Senate File 459, a bill for an act relating to state school aid for budget years commencing with the budget year beginning July 1, 1999, and making appropriations and including effective and applicability date provisions, amended by the House in House amendment S-3513 filed April 28, 1999.

Senator Redfern offered amendment S-3558 filed by him from the floor, to amendment S-3513 and moved its adoption.

Amendment S-3558 was adopted by a voice vote.

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

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

Senator Redfern moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last

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

On the question "Shall the bill pass?" (S.F. 459), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 458, 459, 470 and House File 744 be immediately messaged to the House.

UNFINISHED BUSINESS

House File 379

On motion of Senator Dvorsky, House File 379, a bill for an act changing the name of care review committee to resident advocate committee, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 8, 1999, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 379), the vote was:

Ayes, 32:

Bartz	Black	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Horn	Jensen
Judge	Kibbie	Lundby	Maddox
McCoy	McKibben	McLaren	Miller
Redfern	Rife	Rittmer	Shearer
Soukup	Szymoniak	Tinsman	Zieman

Nays, 16:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Hedge	Johnson
King	Lamberti	McKean	Redwine
Rehberg	Schuerer	Sexton	Veenstra

Absent or not voting, 2:

Iverson Kramer

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

HOUSE AMENDMENT CONSIDERED

Senate File 465

Senator McKibben called up for consideration Senate File 465, a bill for an act authorizing the establishment of an accelerated career education program, providing a tax credit from withholding, and relating to the transfer of job training withholding to the workforce development fund account, amended by the House, and moved that the Senate concur in House amendment S-3559 filed April 29, 1999.

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

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

On the question "Shall the bill pass?" (S.F. 465), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, 1:

King

Absent or not voting, none.

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

ADOPTION OF RESOLUTIONS

Senator Iverson asked and received unanimous consent to take up for consideration House Concurrent Resolution 23, Senate Resolution 17 and House Joint Resolution 13.

House Concurrent Resolution 23

On motion of Senator Lundby, House Concurrent Resolution 23, a concurrent resolution in support of maintaining the Mississippi River as a major transportation route for various products shipped into and out of the Upper Mississippi region, with report of committee recommending passage, was taken up for consideration.

Senator Lundby moved the adoption of House Concurrent Resolution 23, which motion prevailed by a voice vote.

Senate Resolution 17

On motion of Senator Gronstal, Senate Resolution 17, a resolution paying tribute to the memory of Elizabeth M. Osenbaugh and recognizing her many contributions to state government, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Resolution 17, which motion prevailed by a voice vote.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Joint Resolution 13.

House Joint Resolution 13

On motion of Senator Deluhery, House Joint Resolution 13, a joint resolution requesting the United States Department of Defense and the United States Army to place additional production work at the Rock Island Arsenal, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.J.R. 13), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Miller

Redfern
Rittmer
Soukup
Zieman

Redwine
Schuerer
Szymoniak

Rehberg
Sexton
Tinsman

Rife
Shearer
Veenstra

Nays, none.

Absent or not voting, 1:

McCoy

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 465, House File 379, House Concurrent Resolution 23 and House Joint Resolution 13** be immediately messaged to the House.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1999, receded from the House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 150, a bill for an act concerning judicial administration.

The Senate stood at ease at 4:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:14 p.m., President Kramer presiding.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1999, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 769, a bill for an act relating to the classification of apartments in condominiums for purposes of property taxation.

House File 779, a bill for an act providing for linked investment loan programs and providing effective dates.

ALSO: That the House has on April 29, 1999, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 459, a bill for an act relating to state school aid for budget years beginning on and after July 1, 1999, and making appropriations and including effective and applicability date provisions.

ADOPTION OF RESOLUTIONS

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 18 and Senate Concurrent Resolution 25.

Senate Resolution 18

On motion of Senator Iverson, Senate Resolution 18, a resolution relating to daily operations of the Senate, was taken up for consideration.

Senator Iverson moved adoption of Senate Resolution 18, which motion prevailed by a voice vote.

Senate Concurrent Resolution 25

On motion of Senator Iverson, Senate Concurrent Resolution 25, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 25, which motion prevailed by a voice vote.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 29, 1999, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 160 – Relating to pipelines, interstate natural gas pipelines, and hazardous liquid pipelines, and the restoration of agricultural lands, making penalties applicable, and providing an effective date.

S.F. 254 – Relating to the emergency management division of the department of public defense by authorizing fees for radiological detection equipment maintenance services, by authorizing financial assistance to local governments for emergency management purposes, by directing a report to the general assembly by the division director, and by providing an effective date.

S.F. 305 – Relating to the payment by a county of the family farm tax credit and reimbursement to the county of its payment and including an effective date.

S.F. 436 – Relating to practices involving the marketing of livestock concerning packers, by providing for the regulation of certain purchase information and contracting, and providing penalties and effective dates.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 29th day of April, 1999:

Senate Files 41, 76, 101, 102, 114, 136, 150, 189, 193, 194, 210, 221, 230, 249, 275, 282, 308, 323, 337, 352, 367, 393, 395, 398, 406, 407, 410, 413, 437, 439, 451, 457, 458, 459, 462, 464, 465, 468, 469, 470, 473, and 482.

MICHAEL E. MARSHALL
Secretary of the Senate

REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 230, the following correction was made:

1. Page 2, line 26, the word "follow:" was changed to the word "follows:".

ALSO: That in enrolling Senate File 406, the following corrections were made:

1. Title page, line 4, the word "cemeteries" was changed to the word "cemeteries."
2. Page 5, line 1, the number "9" was changed to the number "(9)".

ALSO: That in enrolling Senate File 413, the following correction was made:

1. Page 3, lines 6 and 7, the word and number "subsection 1 or 2" were changed to the word and number "subsection 1 or 3".

MICHAEL E. MARSHALL
Secretary of the Senate

CERTIFICATES OF RECOGNITION

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

Jaydn Bonifas, LaMotte – For achieving the rank of Eagle Scout. Senator Flynn (05/03/99).

Miss Jennifer Cuddeback, Cedar Rapids – For being All-State Winner in the State of Iowa in the "Voice of Democracy Scholarship Contest." Sponsored by the Veterans of Foreign Wars, Department of Iowa, and the Ladies Auxiliary. Senator Horn (04/29/99).

Mildred Elliott, Mount Ayr – For over three decades of dedicated service to the State of Iowa. Senator Angelo (05/03/99).

Matt Doughty, Washington – For being on the winning 1600 Relay Team at the Drake Relays. Senator Shearer (04/29/99).

Wes Hunold, Central Lee High School – For being the winner of an Iowa Energy Center "Youth and Energy Scholarship." Senator Shearer (04/29/99).

Alex Six, Washington – For being on the winning 1600 Relay Team at the Drake Relays. Senator Shearer (04/29/99).

Andy Six, Washington – For being on the winning 1600 Relay Team at the Drake Relays. Senator Shearer (04/29/99).

Brian Stegall, Washington – For being on the winning 1600 Relay Team at the Drake Relays. Senator Shearer (04/29/99).

EXPLANATIONS OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 29, 1999, when the vote was taken on House File 737. Had I been present, I would have voted "Aye."

MERLIN E. BARTZ

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 16, 1999, when the vote was taken on Senate File 368. Had I been present, I would have voted "Nay." Also, I was necessarily absent from the Senate chamber on March 16, 1999, when the votes were taken on Senate Files 187, 231, 298, 339, 367, and 376. Had I been present, I would have voted "Aye" on all.

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 17, 1999, when the vote was taken on Senate File 449. Had I been present, I would have voted "Nay." Also, I was necessarily absent from the Senate chamber on March 17, 1999, when the votes were taken on Senate Files 280, 398, 412, 429, and Senate amendments S-3085, S-3086, S-3091, and S-3098 to Senate File 449. Had I been present, I would have voted "Aye" on all.

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 28, 1999, when the votes were taken on Senate Files 462, 468, Senate amendment S-3522 to Senate File 462, House Files 322, 767, 772, 777, Senate amendments S-3500, S-3508, S-3523, S-3526, S-3531, S-3533, and S-3540 to House File 772. Had I been present, I would have voted "Aye" on all. Also, I was necessarily absent from the Senate chamber on April 28, 1999, when the votes were taken on Senate amendments S-3512 and S-3514 to House File 772. Had I been present, I would have voted "Nay" on both.

PATRICK J. DELUHERY

APPOINTMENTS TO ADMINISTRATIVE RULES COMMITTEE

The following re-appointments were made to the Administrative Rules Review Committee:

Senator H. Kay Hedge, Chair
 Senator Merlin E. Bartz
 Senator Sheldon Rittmer

AMENDMENTS FILED

S-3556	H.F. 744	Matt McCoy
S-3557	H.F. 769	H. Kay Hedge
S-3558	S.F. 459	Donald B. Redfern
S-3559	S.F. 465	House

The Senate stood at ease at 5:30 p.m. until the fall of the gavel.

The Senate resumed session, President Kramer presiding.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1999, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 25, a concurrent resolution to provide for adjournment sine die.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 23, 1999, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 67 – Relating to the assessment of civil damages for the illegal taking of a swan or a crane.

A communication was received announcing that on April 14, 1999, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 99 – Providing for a change in the composition requirement for nurses on the Iowa board of nursing examiners.

REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 136, the following corrections were made:

1. Page 2, lines 30 and 31, the words "Internal Revenue Service" were changed to the words "internal revenue service".
2. Page 44, line 24, the words "phase out" were changed to the word "phaseout".
3. Page 44, line 31, the words "phase out" were changed to the word "phaseout".

ALSO: That in enrolling Senate File 439, the following corrections were made:

1. Page 13, line 2, the word and number "Section 12" were changed to the word and number "Section 13".
2. Page 13, line 3, the word and number "Section 13" were changed to the word and number "Section 15".
3. Page 13, line 4, the word and number "Section 100" were changed to the word and number "Section 17".

ALSO: That in enrolling Senate File 451, the following correction was made:

1. Page 2, line 4, the words "subsection 2 while engaged" were changed to the words "subsection 2, while engaged".

ALSO: That in enrolling Senate File 464, the following corrections were made:

1. Page 28, line 32, the number "7." was changed to the number "8."
2. Page 44, line 25, the word and number "Section 40" were changed to the word and number "Section 46".

ALSO: That in enrolling Senate File 469, the following corrections were made:

1. Page 12, line 1, the words and numbers "Sections 1 through 4, 17, and 18" were changed to the words and numbers "Sections 1 through 4, 21, and 22".
2. Page 12, line 3, the words and numbers "Sections 8 through 15" were changed to the words and numbers "Sections 8, 9, 11, 13, and 15".
3. Page 12, line 5, the words and numbers "Sections 15 and 16" were changed to the words and numbers "Sections 19 and 20".

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS REFERRED TO COMMITTEE FROM CALENDAR

MADAM PRESIDENT: Pursuant to Senate Rule 4, the following bills remaining on the Senate calendar upon adjournment of the 1999 session will be removed from the calendar and referred back to the committee to which they were originally assigned:

S.C.R. 9	Agriculture
S.C.R. 14	Rules and Administration
S.J.R. 6	Natural Resources and Environment
S.F. 293	Small Business, Economic Development, and Tourism
S.F. 328	State Government
S.F. 456	Ways and Means
S.F. 479	Ways and Means

MICHAEL E. MARSHALL
Secretary of the Senate

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Iverson moved that a committee be appointed to notify the governor that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 25.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Redfern and Flynn.

COMMITTEE TO NOTIFY THE HOUSE

Senator Iverson moved that a committee be appointed to notify the House that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 25.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Jensen and Deluhery.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to adjourn sine die.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Jensen reported that the committee appointed to notify the House that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee was discharged.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Redfern reported that the committee appointed to notify the governor that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee was discharged.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 25, duly adopted, the day of April 29, 1999, having arrived, President Kramer declared the 1999 Regular Session of the Seventy-eighth General Assembly adjourned sine die.

MESSAGE FROM THE GOVERNOR

June 2, 1999

The Honorable Mary Kramer
President of the Senate
LOCAL MAIL

The Honorable Brent Siegrist
Speaker of the House
LOCAL MAIL

Dear President Kramer, Speaker Siegrist and the General Assembly,

I have now completed final action on bills sent to me by the Legislature this year.

When I came before the Legislature in January, I expressed my hope that Democratic and Republican legislators could work together with Lt. Governor Sally Pederson and me this session. Bi-partisan cooperation enabled us to pass legislation that offers Iowans opportunities to access Iowa's great resources - from first-class schools to cleaner air and water.

Iowans expect and deserve a government that serves their needs and focuses on real ideas that help them prosper in their daily lives and the future their families face. I am proud that we could work together in a bipartisan manner to create opportunities and take steps to meet some serious challenges head-on, including:

Making Iowa schools #1 again for our children - By investing more resources and creative energy in our schools, including reducing class sizes and improving basic skills in early elementary grades, we have taken the first steps toward providing more opportunity for all Iowa children to succeed in the classroom and beyond. Learning should be a life-long process, and we have provided money to boost our community colleges, allow more students to access higher education by offering increased grant funds, and provide Iowa's workers opportunities to improve their skills so they can succeed in an evolving workplace.

Fighting hard to keep meth out of our neighborhoods - A three-pronged package for fighting the meth epidemic featured additional resources for education, a stronger commitment to treatment, and stricter penalties. The funding will focus \$1.5 million on increasing treatment programs so we can help those who have fallen to this devastating drug.

Leading the fight to protect the health care security of all Iowans - By approving the Patients' Bill of Rights, we have ensured that more Iowa families will have the opportunity to access quality health care, especially for their children, and assured parents that they will have greater control over the health care decisions affecting their families. We added one long-term care ombudsman position in the Department of Elder Affairs to expand efforts in investigating complaints of violations of care standards at nursing homes. At the same time, numerous nursing homes across the state provide excellent care, and we have created the Governor's Quality Care Award to award a health care facility that demonstrates the highest quality of care to its residents.

Safeguarding our drinking water -- We took the first steps with legislation to improve our water quality so our children will be assured safe, healthy drinking water. We began the process to conserve Iowa's rich natural resources by creating the Loess Hills Alliance to protect one of our greatest outdoor treasures and by enacting comprehensive soil conservation measures.

Approving responsible tax cuts for all Iowans -- I approved significant property tax cuts for working families. At the same time, I kept my promise to make the hard choices by only approving budget bills and tax cuts that reflected our priorities as a state. Reducing taxes remains a priority, but I will never allow it to come at the expense of our schoolchildren, health care for families, nursing home care for senior citizens, or public safety.

In her inaugural address, Lt. Governor Pederson promised that the new Administration would bring to Iowans a "government of optimism in a land of opportunity" that had a commitment to get the job done.

By maintaining our commitment and remaining optimistic about the future of Iowa, we accomplished good things this session because leaders from both sides of the aisle came together to approve legislation in the best interest of the state and Iowans.

As I look ahead to the 2000 session of the Legislature, I challenge Democratic and Republican legislators to continue working with us to carry on the commitment we have to this great State. Although we have truly built a foundation during this session, we still have much work to do to make Iowa the best that it can be.

Sincerely,
THOMAS J. VILSACK
Governor

IN MEMORIAM**Senate**

Warren E. Curtis January 19, 1914 – May 31, 1998

James O. Henry October 28, 1896 – July 1, 1997

Max Milo Mills August 26, 1920 – October 6, 1998

WARREN E. CURTIS

Warren E. Curtis was born on January 19, 1914, in Doon, Iowa, the son of William and Nora Curtis. He passed away on May 31, 1998, at the age of eighty-four. He attended Sheldon Grade School and graduated from Holstein High School in 1931, then continued on to State University of Iowa. In 1935, he married Emily Ericksen of Holstein. They have a son, Stephen of Indian Wells, California, a daughter, Susan Curtis Shakman of St. Paul, Minnesota, and five grandchildren. In 1941 he practiced as a Certified Public Accountant and during World War II, he served in the Navy from 1943 until 1947.

Warren Curtis was a Cherokee city councilman for five years; member of the Catholic Church; Cherokee Library Board for six years; American Institute of Certified Public Accountants; Iowa Society of Certified Public Accountants; Rotary, and a member of the Cherokee Chamber of Commerce. He was past president of Cherokee Chamber of Commerce and past board member of Iowa Society of Certified Public Accountants.

Warren Curtis was elected to the House of Representatives in 1970 and served in the 64th General Assembly until 1972 when he was elected to the Senate. He served in the 65th, 66th, and 67th General Assemblies until 1978.

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

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

MARY LOU FREEMAN, Chair
STEVE KING
JOHN REDWINE

Committee

JAMES O. HENRY

Jim Henry, son of Tom and Lottie Henry, was born on October 28, 1896, on a farm in Pottawattamie County near Macedonia, Iowa, and entered into rest on July 1, 1997, at the age of 100 years, 8 months and 3 days.

Jim Henry attended Lone Star country school and later graduated from Macedonia High School. He was united in marriage to Lorraine Pilling, his high school sweetheart, on February 20, 1918. Jim and Lorraine had two children, James W. Henry and Marilyn Houser. They were married seventy-nine years and raised Lorraine's three younger brothers, John, Joe and Paul Pilling.

Jim Henry began farming in 1918, lost his farm in the depression and had to start over. He had a grain and livestock operation of over 1000 acres at the time of his death. His dedication to public service spanned a lifetime. He began public service in 1920 as a Grove Township Trustee. In the Great Depression of the 1930s, he joined the Farmer's Holiday Movement. He was one of the 36,000 Iowa farmers who took control of the Iowa Capitol by gun and pitchfork. The first time he saw the Iowa Capitol was from the back of an old Reo livestock truck. In 1934, he was elected to the East Pottawattamie County Corn Hog Board (this was the first USDA agricultural subsidy committee). In 1938, he was elected to the Pottawattamie County Board of Supervisors, where he served for 14 years. During those years, he served as President of the Iowa Association of Counties and as President of the Iowa Good Roads Association. In 1952, he was first elected to the Iowa House of Representatives where he served in the 55th and 56th General Assemblies. In 1956, he was elected to the Iowa Senate and served in the 57th and 58th General Assemblies. In 1959, he was appointed to head the State Board of Control. Later, he served for a number of years as President of the Iowa Property Taxpayers Association.

His parents and his brother, John M. Henry, preceded Jim in death. Jim is survived by his wife, Lorraine; his son, James and daughter, Marilyn Houser; six grandsons; eighteen great-grandchildren, and three great-great-grandchildren.

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

MICHAEL GRONSTAL, Chair
NANCY BOETTGER
DERRYL McLAREN

Committee

MAX MILO MILLS

Max Milo Mills was born August 26, 1920, in Marshalltown, Iowa, and passed away October 6, 1998, in Marshalltown at the age of seventy-eight. He was a descendant of homesteaders of Marshall County; a graduate of the University of Chicago and Drake University with a degree of Juris Doctor; attended Washington University, Northwestern University, and Iowa State University. In 1945, he married Carmel Bellini of San Francisco, California. He is survived by his wife, Carmel; two daughters, Carol Sturm and Sally Loessin, both of Leawood, Kansas; and a brother, Lawrence, of Pella, Iowa. They have six grandchildren.

Max Mills enlisted in the U.S. Marine Corps in 1942 as a private and was discharged in 1946 with a rank of major after having engaged as a combat officer in eight Pacific campaigns. He was awarded two Purple Hearts and the Silver Star. He

started a law practice and served as county attorney in the 1950s. Mr. Mills was a member of St. Paul's Episcopal Church; past President of Marshalltown Chamber of Commerce; a member of Lions Club; Adult Education Council; Marshalltown Jaycees, and various civic, fraternal and patriotic bodies. Mr. Mills was president of Big Timber Cattle Co., breeders of purebred Angus cattle and operators of over 1,000 acres of farm land. He was also vice president of Tallyho Transport, Inc. and McIntire Travel Agency.

Senator Mills began his political career in 1964 when he was elected to the Senate. He served in the 61st and 62nd General Assemblies until 1968. He also served as the Iowa Crime Commissioner for then-Governor, Robert Ray. He moved to the Kansas City area in 1969 and later returned to Iowa to work with the Iowa Development Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-EIGHTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Max Milo Mills, 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.

LARRY McKIBBEN, Chair
NEAL SCHUERER
DENNIS H. BLACK

Committee

AMENDMENTS FILED
During The
Seventy-eighth General Assembly
1999 Regular Session

S-3001

- 1 Amend Senate Joint Resolution 1 as follows:
- 2 1. Page 4, by striking lines 18 and 19, and
- 3 inserting the following: "Iowa at the general
- 4 election to be held on Tuesday, the 7th of November of
- 5 the year 2000, in the manner".

MICHAEL W. CONNOLLY

S-3002

- 1 Amend Senate Joint Resolution 1 as follows:
- 2 1. Page 4, by striking lines 18 and 19, and
- 3 inserting the following: "Iowa at the regular school
- 4 election to be held on Tuesday, the 14th of September
- 5 of the year 1999, in the manner".

JOE BOLKCOM
 PATRICIA M. HARPER
 MICHAEL W. CONNOLLY
 JOHNIE HAMMOND
 BETTY A. SOUKUP
 PATRICK J. DELUHERY
 ELAINE SZYMONIAK
 TOM FLYNN
 MARK SHEARER
 BILL FINK
 ROBERT E. DVORSKY
 EUGENE S. FRAISE
 MICHAEL E. GRONSTAL
 DENNIS H. BLACK
 JOHN P. KIBBIE
 DICK L. DEARDEN
 WALLY E. HORN

S-3003

- 1 Amend Senate Resolution 1 as follows:
- 2 1. Page 37, by striking lines 15 through 21 and
- 3 inserting the following:
- 4 "Smoking Restricted Prohibited
- 5 ~~In addition to a written policy on smoking~~
- 6 ~~restrictions adopted by the committee on rules and~~
- 7 ~~administration, smoking may be prohibited in room R15A~~
- 8 ~~by the committee or subcommittee chair when a~~
- 9 ~~committee or an appropriations subcommittee is meeting~~
- 10 ~~in room R15.~~
- 11 Smoking shall not be permitted in the senate or in

- 12 any area of the capitol building controlled by the
13 senate or house."

MICHAEL W. CONNOLLY

S-3004

- 1 Amend Senate Resolution 1 as follows:
2 1. Page 37, by striking lines 16 through 21 and
3 inserting the following:
4 ~~"In addition to a written policy on smoking~~
5 ~~restrictions adopted by the committee on rules and~~
6 ~~administration, smoking may be prohibited in room R15A~~
7 ~~by the committee or subcommittee chair when a~~
8 ~~committee or an appropriations subcommittee is meeting~~
9 ~~in room R15.~~
10 Smoking is not permitted at any time in the senate
11 chamber or in any other meeting rooms, office areas,
12 or other space under senate control, except that
13 smoking may be permitted in room 326A at the
14 discretion of the majority leader."

MICHAEL W. CONNOLLY

S-3005

- 1 Amend Senate File 37 as follows:
2 1. Page 1, line 9, by striking the word
3 "mourning" and inserting the following: "rock".

STEVEN D. HANSEN

S-3006

- 1 Amend Senate Resolution 1 as follows:
2 1. Page 25, line 7, by inserting before the word
3 "committee" the following: "administrative rules
4 review".

MERLIN E. BARTZ

S-3007

- 1 Amend Senate Resolution 3, as follows:
2 1. Page 2, lines 26 and 27, by striking the words
3 "to receive lobbyist registration statements".
4 2. Page 4, lines 16 and 17, by striking the words
5 "secretary of the senate" and inserting the following:
6 "person designated by the chief clerk of the house and
7 the secretary of the senate to receive lobbyist and
8 client reports".
9 3. Page 5, line 14, by striking the words

- 10 "secretary of the senate" and inserting the following:
- 11 "person designated by the chief clerk of the house and
- 12 the secretary of the senate to receive registration
- 13 statements".

H. KAY HEDGE

S-3008

- 1 Amend Senate File 52 as follows:
- 2 1. Page 1, line 11, by striking the words "a
- 3 class "D" felony" and inserting the following: "a
- 4 class "~~D" felony~~ an aggravated misdemeanor".

STEVEN D. HANSEN

S-3009

- 1 Amend Senate File 115 as follows:
- 2 1. Page 2, by striking lines 20 through 21 and
- 3 inserting the following: "testing, may be conducted
- 4 pursuant to rules adopted by the department of public
- 5 health. The rules shall".

TOM FLYNN

S-3010

- 1 Amend Senate File 115 as follows:
- 2 1. By striking page 2, line 30, through page 3,
- 3 line 5.
- 4 2. By renumbering as necessary.

MATT McCOY
TOM FLYNN

S-3011

- 1 Amend Senate File 115 as follows:
- 2 1. Page 3, by inserting after line 5 the
- 3 following:
- 4 "Sec. . Section 730.5, subsection 9, paragraph
- 5 g, unnumbered paragraph 1, Code 1999, is amended to
- 6 read as follows:
- 7 Upon receipt of a confirmed positive alcohol test
- 8 which indicates an alcohol concentration greater than
- 9 the concentration level established by the employer
- 10 pursuant to this section ~~but less than the~~
- 11 ~~concentration level in section 321J.2 for operating~~
- 12 ~~while under the influence of alcohol~~, and if the
- 13 employer has at least fifty employees, and if the
- 14 employee has been employed by the employer for at

15 least twelve of the preceding eighteen months, and if
 16 rehabilitation is agreed upon by the employee, and if
 17 the employee has not previously violated the
 18 employer's substance abuse prevention policy pursuant
 19 to this section, the written policy shall provide for
 20 the rehabilitation of the employee pursuant to
 21 subsection 10, paragraph "a", subparagraph (1), and
 22 the apportionment of the costs of rehabilitation as
 23 provided by this paragraph."
 24 2. By renumbering as necessary.

DICK L. DEARDEN
 EUGENE S. FRAISE

S-3012

1 Amend Senate File 106 as follows:
 2 1. Page 1, line 18, by striking the words "In
 3 every" and inserting the following: "In Except as
 4 otherwise provided by this section, every".
 5 2. Page 1, line 20, by inserting after the word
 6 "units" the following: "shall meet".
 7 3. Page 1, lines 21 and 22, by striking the words
 8 "shall be met" and inserting the following: "shall be
 9 met".
 10 4. Page 1, line 24, by inserting after the word
 11 "organization" the following: "or in a condominium
 12 building of no more than two stories and four
 13 individual dwelling units in which access to the
 14 building is restricted by a security system".
 15 5. Title page, line 1, by striking the word
 16 "church".

NEAL SCHUERER
 MARK SHEARER
 RICHARD F. DRAKE

S-3013

1 Amend Senate File 113 as follows:
 2 1. Page 1, line 7, by striking the word
 3 "continuous".
 4 2. Page 1, line 27, by striking the word
 5 "continuous".

JOHN W. JENSEN

S-3014

1 Amend Senate File 115 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:

4 "Sec. . Section 730.5, subsection 1, Code 1999,
5 is amended by adding the following new paragraph after
6 paragraph c:
7 NEW PARAGRAPH. cc. "Employee assistance program"
8 means a workplace focused program, established by an
9 employer or union, which is designed to assist
10 employees in identifying and planning solutions for
11 personal concerns including, but not limited to,
12 health, marital, family, financial, alcohol, drug,
13 legal, emotional, or other personal issues that may
14 affect job performance and to provide training and
15 consultation services for work organizations
16 addressing productivity issues related to such
17 personal concerns."

18 2. Page 3, by inserting after line 5 the
19 following:

20 "Sec. . Section 730.5, subsection 9, paragraph
21 c, subparagraph (2), Code 1999, is amended to read as
22 follows:

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 Sec. . Section 730.5, subsection 9, paragraph
40 h, Code 1999, is amended to read as follows:

41 h. In order to conduct drug or alcohol testing
42 under this section, an employer shall require
43 supervisory personnel of the employer involved with
44 drug or alcohol testing under this section 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 include, but is not limited to, information concerning
49 the recognition of evidence of employee alcohol and
50 other drug abuse, the documentation and corroboration

Page 2

1 of employee alcohol and other drug abuse, and the
2 referral of employees who abuse alcohol or other drugs

- 3 to the employee assistance program or to the resource
 4 file of ~~employee assistance services providers~~
 5 maintained by the employer pursuant to paragraph "c",
 6 subparagraph (2)."
 7 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3015

- 1 Amend Senate File 106 as follows:
 2 1. Page 1, by striking lines 23 and 24 and
 3 inserting the following: "operated by a religious
 4 entity."

JOHN W. JENSEN
 JOHN P. KIBBIE

S-3016

- 1 Amend Senate File 106 as follows:
 2 1. Page 1, line 18, by striking the words "In
 3 every" and inserting the following: "In Except as
 4 otherwise provided by this section, every".
 5 2. Page 1, line 20, by inserting after the word
 6 "units" the following: "shall meet".
 7 3. Page 1, lines 21 and 22, by striking the words
 8 "shall be met" and inserting the following: "shall be
 9 met".
 10 4. Page 1, by striking lines 23 and 24 and
 11 inserting the following: "operated by a religious
 12 entity or in a condominium building of no more than
 13 two stories and four individual dwelling units in
 14 which access to the building is restricted by a
 15 security system."
 16 5. Title page, line 1, by striking the word
 17 "church".

NEAL SCHUERER
 MARK SHEARER
 RICHARD F. DRAKE
 JOHN W. JENSEN
 JOHN P. KIBBIE

S-3017

- 1 Amend Senate Joint Resolution 2 as follows:
 2 1. Title page 1, line 4, by striking the word
 3 "WHEAREAS" and inserting the following: "WHEREAS".

MARY A. LUNDBY

S-3018

- 1 Amend House File 136, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 20 the
4 following:
5 "Sec. . Section 692A.13, Code 1999, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 8A. A criminal or juvenile
8 justice agency shall not initiate affirmative public
9 notification regarding an individual who has been
10 convicted of kidnapping or false imprisonment, and the
11 crime did not involve attempted sexual abuse or sexual
12 abuse, and the person has not committed another
13 offense that would require the person to register."
14 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-3019

- 1 Amend Senate File 189 as follows:
2 1. Page 3, by inserting after line 5 the
3 following:
4 "Sec. ____ Section 331.302, subsection 2, Code
5 1999, is amended to read as follows:
6 2. A county shall not provide a penalty in excess
7 of a ~~one~~ two hundred dollar fine or in excess of
8 thirty days imprisonment for the violation of an
9 ordinance. The criminal penalty surcharge required by
10 section 911.2 shall be added to a county fine and is
11 not a part of the county's penalty.
12 Sec. ____ Section 364.3, subsection 2, Code 1999,
13 is amended to read as follows:
14 2. A city shall not provide a penalty in excess of
15 a ~~one~~ two hundred dollar fine or in excess of thirty
16 days imprisonment for the violation of an ordinance.
17 An amount equal to ten percent of all fines collected
18 by cities shall be deposited in the account
19 established in section 602.8108. However, one hundred
20 percent of all fines collected by a city pursuant to
21 section 321.236, subsection 1, shall be retained by
22 the city. The criminal penalty surcharge required by
23 section 911.2 shall be added to a city fine and is not
24 a part of the city's penalty."
25 2. By renumbering as necessary.

JEFF LAMBERTI

S-3020

- 1 Amend Senate File 174 as follows:
2 1. Page 1, lines 23 and 24, by striking the words
3 "the Iowa psychiatric nurse managers network," and
4 inserting the following: "the Iowa psychiatric nurse
5 ~~managers network~~,".

NANCY J. BOETTGER

S-3021

- 1 Amend Senate File 98 as follows:
2 1. Page 1, line 15, by striking the word
3 "auditor" and inserting the following:
4 "commissioner".
5 2. Page 1, line 17, by striking the word
6 "auditor" and inserting the following:
7 "commissioner".
8 3. Page 1, by striking lines 24 and 25 and
9 inserting the following: "the state commissioner of
10 elections. The form shall be available in the office
11 of the county commissioner."
12 4. Page 2, line 8, by striking the word "auditor"
13 and inserting the following: "commissioner".
14 5. Page 2, by inserting after line 9 the
15 following:
16 "4. A person whose voter registration record is
17 made confidential pursuant to subsection 2 or 3, shall
18 be required to vote in the manner provided in section
19 53.10 for as long as the registration record remains
20 confidential. Confidential voter registration records
21 shall remain available for inspection by state and
22 local government employees performing their official
23 duties and responsibilities.
24 Sec. ____ Section 48A.38, subsection 1, paragraph
25 c, Code 1999, is amended to read as follows:
26 c. Each list shall be in the order and form
27 specified by the list purchaser, and shall contain the
28 registration data specified by the list purchaser,
29 provided compliance with the request is within the
30 capability of the record maintenance system used by
31 the registrar. However, lists of registered voters
32 shall not include registration information of a
33 registrant whose registration is confidential pursuant
34 to section 48A.34, subsection 2 or 3.
35 Sec. ____ NEW SECTION. 53.10 BALLOTING BY
36 PERSONS WITH CONFIDENTIAL REGISTRATIONS.
37 A person whose voter registration record is
38 declared confidential pursuant to section 48A.34,
39 subsections 2 through 4, is deemed to have applied for
40 an absentee ballot for each election following

- 41 assignment of confidential status and shall vote
42 absentee for elections held during the period of time
43 that the registration record is confidential.
44 The state commissioner of elections shall adopt
45 rules to administer this section."
46 6. By renumbering as necessary.

ELAINE SZYMONIAK
RICHARD F. DRAKE

S-3022

- 1 Amend Senate File 8 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 514C.14 DIABETES
5 COVERAGE.
6 1. Notwithstanding the uniformity of treatment
7 requirements of section 514C.6, a policy or contract
8 providing for third-party payment or prepayment of
9 health or medical expenses shall provide coverage
10 benefits for the cost associated with equipment,
11 supplies, and self-management training and education
12 for the treatment of all types of diabetes mellitus
13 when prescribed by a physician licensed under chapter
14 148, 150, or 150A. Coverage benefits shall include
15 coverage for the cost associated with all of the
16 following:
17 a. Blood glucose meter and glucose strips for home
18 monitoring.
19 b. Payment for diabetes self-management training
20 and education only under all of the following
21 conditions:
22 (1) The physician managing the individual's
23 diabetic condition certifies that such services are
24 needed under a comprehensive plan of care related to
25 the individual's diabetic condition to ensure therapy
26 compliance or to provide the individual with necessary
27 skills and knowledge to participate in the management
28 of the individual's condition.
29 (2) The diabetic self-management training and
30 education program is certified by the Iowa department
31 of public health. The department shall consult with
32 the American diabetes association, Iowa affiliate, in
33 developing the standards for certification of diabetes
34 education programs as follows:
35 (a) Initial training shall cover up to ten hours
36 of initial outpatient diabetes self-management
37 training within a continuous twelve-month period for
38 each individual that meets any of the following
39 conditions:
40 (i) A new onset of diabetes.

- 41 (ii) Poor glyceimic control as evidenced by a
42 glycosylated hemoglobin of nine and five-tenths or
43 more in the ninety days before attending the training.
44 (iii) A change in treatment regimen from no
45 diabetes medications to any diabetes medication, or
46 from oral diabetes medication to insulin.
47 (iv) High risk for complications based on poor
48 glyceimic control; documented acute episodes of severe
49 hypoglycemia or acute severe hyperglycemia occurring
50 in the past year during which the individual needed

Page 2

- 1 third-party assistance for either emergency room
2 visits or hospitalization.
3 (v) High risk based on documented complications of
4 a lack of feeling in the foot or other foot
5 complications such as foot ulcer or amputation, pre-
6 proliferative or proliferative retinopathy or prior
7 laser treatment of the eye, or kidney complications
8 related to diabetes, such as macroalbuminuria or
9 elevated creatinine.
10 (b) An individual who receives the initial
11 training shall be eligible for a single follow-up
12 training session of up to one hour each year.
13 2. a. This section applies to the following
14 classes of third-party payment provider contracts or
15 policies delivered, issued for delivery, continued, or
16 renewed in this state on or after July 1, 1999:
17 (1) Individual or group accident and sickness
18 insurance providing coverage on an expense-incurred
19 basis.
20 (2) An individual or group hospital or medical
21 service contract issued pursuant to chapter 509, 514,
22 or 514A.
23 (3) An individual or group health maintenance
24 organization contract regulated under chapter 514B.
25 (4) Any other entity engaged in the business of
26 insurance, risk transfer, or risk retention, which is
27 subject to the jurisdiction of the commissioner.
28 (5) A plan established pursuant to chapter 509A
29 for public employees.
30 (6) An organized delivery system licensed by the
31 director of public health.
32 b. This chapter shall not apply to accident only,
33 specified disease, short-term hospital or medical,
34 hospital confinement indemnity, credit, dental,
35 vision, Medicare supplement, long-term care,
36 disability income insurance coverage, coverage issued
37 as a supplement to liability insurance, workers'
38 compensation or similar insurance, or automobile
39 medical payment insurance.

- 40 Sec. 2. Section 509.3, subsection 6, Code 1999, is
41 amended by striking the subsection.
42 Sec. 3. Section 514.7, unnumbered paragraph 3,
43 Code 1999, is amended by striking the unnumbered
44 paragraph.
45 Sec. 4. Section 514B.1, subsection 5, paragraph c,
46 Code 1999, is amended by striking the paragraph."

GENE MADDOX
JOHN W. JENSEN
PATRICK J. DELUHERY

S-3023

- 1 Amend Senate File 160 as follows:
2 1. Page 6, line 16, by striking the word "seven"
3 and inserting the following: "fourteen".
4 2. Page 6, line 28, by inserting after the word
5 "pipeline" the following: "or a pipeline right-of-
6 way".
7 3. Page 13, line 21, by striking the word
8 "seven", and inserting the following: "fourteen".
9 4. Page 20, line 25, by striking the word
10 "seven", and inserting the following: "fourteen".
11 5. Page 21, line 2, by inserting after the word
12 "pipeline" the following: "or a pipeline right-of-
13 way".

KITTY REHBERG

S-3024

- 1 Amend Senate File 248 as follows:
2 1. By striking page 14, line 31, through page 15,
3 line 10, and inserting the following:
4 ". When a care provider in the course of
5 providing care sustains a significant exposure on the
6 premises of a health care facility or while engaged in
7 rendering aid or providing transportation to an
8 individual in circumstances which lead to the
9 individual's presence at a health care facility, the
10 individual to whom the care provider was exposed is
11 deemed to consent to a test to be administered by the
12 health care facility upon the written request of the
13 exposed care provider for the express purpose of
14 determining the presence of HIV infection in that
15 individual. The sample and test results shall only be
16 identified by a number and no reports otherwise
17 required by this chapter shall be made which identify
18 the individual tested. However, if the test results
19 are positive, the health care facility shall notify
20 the individual tested and ensure performance of

21 counseling and reporting requirements of this chapter
22 in the same manner as for an individual from whom
23 actual consent was obtained."

JOHN REDWINE

S-3025

1 Amend Senate File 232 as follows:
2 1. Page 3, line 6, by inserting after the word
3 "area." the following: "The plan shall include a
4 model evaluation component by which a school district
5 may measure the effectiveness of its program."

ELAINE SZYMONIAK

S-3026

1 Amend Senate File 203 as follows:
2 1. Page 13, by inserting after line 16 the
3 following:
4 "___ Section 15, amending section 321E.8."
5 2. By renumbering as necessary.

MATT McCOY

S-3027

1 Amend Senate File 203 as follows:
2 1. By striking page 1, line 22, through page 2,
3 line 1.
4 2. Title page, line 2, by striking the words "and
5 special trucks".
6 3. By renumbering as necessary.

MIKE SEXTON

S-3028

1 Amend Senate File 203 as follows:
2 1. Page 10, by inserting after line 26 the
3 following:
4 "Sec. . Section 321.457, subsection 2,
5 paragraph d, Code 1999, is amended to read as follows:
6 d. A combination of three vehicles coupled
7 together one of which is a motor vehicle, unladen or
8 with load, other than a truck tractor, shall not have
9 an overall length, inclusive of front and rear
10 bumpers, in excess of sixty seventy-five feet."
11 2. By renumbering as necessary.

MERLIN E. BARTZ

S-3029

1 Amend Senate File 203 as follows:

2 1. Page 10, by inserting after line 26 the
3 following:

4 "Sec. . Section 321.457, subsection 2,
5 paragraph d, Code 1999, is amended to read as follows:

6 d. A combination of three vehicles coupled
7 together one of which is a motor vehicle, unladen or
8 with load, other than a truck tractor, shall not have
9 an overall length, inclusive of front and rear
10 bumpers, in excess of ~~sixty~~ seventy feet."

11 2. By renumbering as necessary.

MERLIN E. BARTZ

S-3030

1 Amend Senate File 203 as follows:

2 1. Page 10, by inserting after line 26 the
3 following:

4 "Sec. 100. Section 321A.17, Code 1999, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 8. This section does not apply to
7 an individual whose administrative license revocation
8 has been rescinded under section 321J.13, and who is
9 otherwise under no obligation to furnish proof of
10 financial responsibility."

11 2. Page 11, by inserting after line 26 the
12 following:

13 "Sec. 200. Section 321J.13, Code 1999, is amended
14 by adding the following new subsection:

15 NEW SUBSECTION. 6. a. The department shall grant
16 a request for a hearing to rescind the revocation if
17 the person whose motor vehicle license or operating
18 privilege has been or is being revoked under section
19 321J.9 or 321J.12 submits a petition containing
20 information relating to the discovery of new evidence
21 that provides grounds for rescission of the revocation.

22 b. The person shall prevail at the hearing if, in
23 the criminal action on the charge of violation of
24 section 321J.2 or 321J.2A resulting from the same
25 circumstances that resulted in the administrative
26 revocation being challenged, the court held one of the
27 following:

28 (1) That the peace officer did not have reasonable
29 grounds to believe that a violation of section 321J.2
30 or 321J.2A had occurred to support a request for or to
31 administer a chemical test.

32 (2) That the chemical test was otherwise
33 inadmissible or invalid.

34 c. Such a holding by the court in the criminal

- 35 action is binding on the department, and the
 36 department shall rescind the revocation."
 37 3. Page 13, by inserting after line 16 the
 38 following:
 39 ". Section 100, amending section 321A.17."
 40 4. Page 13, by inserting after line 17 the
 41 following:
 42 ". Section 200, amending section 321J.13."
 43 5. Title page, line 6, by inserting after the
 44 word "education," the following: "recision of a
 45 driver's license revocation,".
 46 6. By renumbering as necessary.

JEFF LAMBERTI

S-3031

- 1 Amend Senate File 216 as follows:
 2 1. Page 1, line 4, by inserting before the word
 3 "facility" the following: "state".
 4 2. Page 1, line 4, by inserting after the word
 5 "not" the following: "necessarily to".
 6 3. Page 1, by inserting after line 28 the
 7 following:
 8 "Sec. ____ Section 229A.5, subsection 5, Code
 9 1999, is amended to read as follows:
 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 4. Page 3, by inserting after line 6 the
 19 following:
 20 "Sec. ____ Section 229A.7, subsection 5, Code
 21 1999, is amended to read as follows:
 22 5. If the court or jury is not satisfied beyond a
 23 reasonable doubt that the respondent is a sexually
 24 violent predator, the court shall direct the
 25 respondent's release. Upon a mistrial, the court
 26 shall direct that the respondent be held at an
 27 appropriate secure facility, ~~including, but not~~
 28 ~~limited to, a county jail,~~ until another trial is
 29 conducted. Any subsequent trial following a mistrial
 30 shall be held within ninety days of the previous
 31 trial, unless such subsequent trial is continued as
 32 provided in subsection 1."
 33 5. Page 4, line 11, by striking the words "and
 34 treatment of" and inserting the following: "and,
 35 treatment of, and services provided to."

36 6. Page 4, line 15, by inserting after the word
37 "chapter." the following: If supervision is ordered
38 pursuant to section 229A.10, the director shall also
39 be responsible for all costs related to the
40 supervision of any person."

JEFF ANGELO

S-3032

1 Amend the amendment, S-3022, to Senate File 8 as
2 follows:
3 1. Page 2, line 35, by inserting after the word
4 "care," the following: "basic hospital coverage,
5 medical and surgical coverage,".

GENE MADDOX

S-3033

1 Amend Senate File 224 as follows:
2 1. Page 2, by striking line 30 and inserting the
3 following: "service within its incorporated area or
4 within the municipal natural gas competitive service
5 area, as defined in section 437A.3, subsection 19,
6 paragraph "a", subparagraph (1), in which the
7 municipally owned utility is located."

TOM FLYNN
JOHN W. JENSEN

S-3034

1 Amend Senate File 232 as follows:
2 1. Page 2, line 23, by inserting after the word
3 and figure "subsection 2" the following: ", or the
4 plan exceeds the reasonable costs as determined by the
5 department".
6 2. Page 3, line 8, by inserting after the word
7 "board" the following: "that wishes to participate in
8 the program".
9 3. Page 3, line 13, by striking the word
10 "participating" and inserting the following: "that
11 wishes to participate".
12 4. Page 3, line 25, by striking the word
13 "mentoring" and inserting the following: "mentor and
14 beginning teacher".
15 5. Page 3, line 34, by inserting after the word
16 "teachers" the following: "participating in the
17 program".
18 6. Page 4, line 6, by striking the word "of" and
19 inserting the following: ", at a minimum, for".

20 7. Page 4, by striking lines 22 through 25 and
21 inserting the following: "expenditures made pursuant
22 to this section."

JEFF ANGELO

S-3035

1 Amend Senate File 276 as follows:
2 1. Page 5, line 33, by inserting after the word
3 "decision." the following: "However, the enrollee's
4 treating health care provider does not have a duty to
5 request external review."

JOHN REDWINE

S-3036

1 Amend Senate File 203 as follows:
2 1. Page 10, by striking lines 27 and 28 and
3 inserting the following:
4 "Sec. ____ Section 321E.8, subsections 2 and 3,
5 Code 1999, are amended to read as follows:"
6 2. Page 11, by inserting after line 10 the
7 following:
8 "3. Vehicles with indivisible loads, including
9 mobile homes and factory-built structures, having an
10 overall width not to exceed sixteen feet zero inches
11 and an overall length not to exceed one hundred twenty
12 feet zero inches may be moved under an annual or all-
13 systems permit and must have a route specified by the
14 issuing authority prior to the movement. However,
15 vehicles with indivisible loads, including mobile
16 homes and factory-built structures, with an overall
17 width not exceeding fourteen feet six inches may
18 exceed fifty miles under an annual and all-systems
19 permit when prior approval for trip routing is
20 obtained from the issuing authority. The A vehicle
21 and load being moved according to this paragraph shall
22 not exceed the fifteen feet five inches in height as
23 prescribed in section 321.456 and shall not exceed the
24 total gross weight as prescribed in section 321.463."
25 3. By renumbering as necessary.

MATT McCOY

S-3037

1 Amend Senate File 203 as follows:
2 1. Page 12, by inserting after line 27 the
3 following:
4 "Sec. ____ Section 327F.39, Code 1999, is amended

5 by adding the following new subsection:

6 NEW SUBSECTION. 5A. HOURS OF SERVICE FOR DRIVERS.

7 The director shall adopt rules relating to the maximum
8 number of hours of service which can be provided by
9 persons providing transportation for railroad workers
10 to and from their places of employment or during the
11 course of their employment."

12 2. Title page, line 6, by inserting after the
13 word "education," the following: "hours of service
14 for persons providing transportation for railroad
15 employees,".

16 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3038

1 Amend Senate File 203 as follows:

2 1. Page 8, by inserting after line 24 the
3 following:

4 "Sec. . NEW SECTION. 321.377 REGIONAL TRANSIT
5 SYSTEM TRANSPORTATION.

6 A vehicle operated by a regional transit system as
7 defined in section 324A.1 may only provide school
8 transportation services pursuant to rules adopted by
9 the department of education in consultation with the
10 state department of transportation."

11 2. Title page, line 6, by inserting after the
12 word "education," the following: "transportation of
13 students,".

14 3. By renumbering as necessary.

RICHARD F. DRAKE

S-3039

1 Amend Senate File 276 as follows:

2 1. Page 2, line 18, by striking the words
3 "medically necessary".

4 2. Page 2, line 30, by striking the words ", the
5 onset of which is sudden,".

JOHN REDWINE

S-3040

1 Amend Senate File 203 as follows:

2 1. Page 8, by inserting after line 11 the
3 following:

4 "Sec. . Section 321.180B, subsection 2,
5 unnumbered paragraph 1, Code 1999, is amended to read
6 as follows:

7 The department may issue an intermediate driver's
8 license to a person sixteen or seventeen years of age
9 who possesses an instruction permit issued under
10 subsection 1 or a comparable instruction permit issued
11 by another state for a minimum of six months, and who
12 presents an affidavit signed by a parent or guardian
13 on a form to be provided by the department that the
14 permittee has accumulated a total of twenty hours of
15 street or highway driving of which two hours were
16 conducted after sunset and before sunrise and the
17 street or highway driving was with the permittee's
18 parent, guardian, instructor, a person certified by
19 the department, or a person at least twenty-five years
20 of age who had written permission from a parent or
21 guardian to accompany the permittee, and whose driving
22 privileges have not been suspended, revoked, or barred
23 under this chapter or chapter 321J during, and who has
24 been accident and conviction free continuously for,
25 the six-month period immediately preceding the
26 application for an intermediate license. An applicant
27 for an intermediate license must meet the requirements
28 of section 321.186, including satisfactory completion
29 of driver education as required in section 321.178,
30 and payment of the required license fee before an
31 intermediate license will be issued. A person issued
32 an intermediate license must limit the number of
33 passengers in the motor vehicle when the intermediate
34 licensee is operating the motor vehicle to the number
35 of passenger safety belts.

36 Sec. . Section 321.180B, subsection 4, Code
37 1999, is amended to read as follows:

38 4. FULL DRIVER'S LICENSE. A full driver's license
39 may be issued to a person seventeen years of age who
40 possesses an intermediate license issued under
41 subsection 2 or a comparable intermediate license
42 issued by another state for a minimum of twelve
43 months, and who presents an affidavit signed by a
44 parent or guardian on a form to be provided by the
45 department that the intermediate licensee has
46 accumulated a total of ten hours of street or highway
47 driving of which two hours were conducted after sunset
48 and before sunrise and the street or highway driving
49 was with the licensee's parent, guardian, instructor,
50 a person certified by the department, or a person at

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1 least twenty-five years of age who had written
2 permission from a parent or guardian to accompany the
3 licensee, whose driving privileges have not been
4 suspended, revoked, or barred under this chapter or
5 chapter 321J during, and who has been accident and

- 6 conviction free continuously for, the twelve-month
7 period immediately preceding the application for a
8 full driver's license, and who has paid the required
9 fee."
10 2. By renumbering as necessary.

RICHARD F. DRAKE
JOHN W. JENSEN
MATT McCOY

S-3041

- 1 Amend Senate File 203 as follows:
2 1. Page 8, by inserting after line 24 the
3 following:
4 "Sec. NEW SECTION. 321.377 REGIONAL TRANSIT
5 SYSTEM TRANSPORTATION.
6 A vehicle operated by a regional transit system as
7 defined in section 324A.1 may only provide school
8 transportation services pursuant to rules adopted by
9 the state department of transportation in consultation
10 with the department of education."
11 2. Title page, line 6, by inserting after the
12 word "education," the following: "transportation of
13 students."
14 3. By renumbering as necessary.

JOHN P. KIBBIE
RICHARD F. DRAKE

S-3042

- 1 Amend Senate File 203 as follows:
2 1. Page 8, by inserting after line 24 the
3 following:
4 "Sec. NEW SECTION. 321.404A LIGHT-
5 RESTRICTING DEVICES PROHIBITED.
6 1. A person shall not operate a motor vehicle,
7 motorcycle, or motorized bicycle on the highways of
8 this state if it is equipped with a device that
9 restricts the light output of a head lamp required
10 under section 321.385 or 321.386, a rear lamp required
11 under section 321.387, a signal lamp or signal device
12 required under section 321.404, or a directional
13 signal device as described in section 321.317.
14 2. A person who violates this section shall be
15 subject to a scheduled fine under section 805.8,
16 subsection 2, paragraph "d."
17 2. Page 12, by inserting after line 27 the
18 following:
19 "Sec. Section 805.8, subsection 2, paragraph
20 d, Code 1999, is amended to read as follows:

- 21 d. For improper equipment under section 321.404A
 22 or section 321.438, subsection 2, the scheduled fine
 23 is fifteen dollars."
 24 3. Title page, line 6, by inserting after the
 25 word "education," the following: "equipment on
 26 vehicles,".
 27 4. By renumbering as necessary.

KEN VEENSTRA

S-3043

- 1 Amend Senate File 203 as follows:
 2 1. Page 10, by inserting after line 26 the
 3 following:
 4 "Sec. . Section 321.463, subsection 5,
 5 paragraph c, unnumbered paragraph 1 and the title of
 6 the table following that unnumbered paragraph, Code
 7 1999, are amended to read as follows:
 8 The maximum gross weight allowed to be carried on a
 9 grain, livestock, or construction vehicle on
 10 noninterstate highways is as follows:
 11 NONINTERSTATE HIGHWAYS
 12 MAXIMUM GROSS WEIGHT TABLE
 13 GRAIN, LIVESTOCK, OR CONSTRUCTION VEHICLE."
 14 2. By renumbering as necessary.

MERLIN E. BARTZ

S-3044

- 1 Amend Senate File 203 as follows:
 2 1. Page 8, by inserting after line 24 the
 3 following:
 4 "Sec. . NEW SECTION. 321.431A ENGINE
 5 COMPRESSION BRAKES -- LIMITATION ON USE.
 6 1. A person operating a motor vehicle on the
 7 highways of this state shall not use an engine brake
 8 except when such use is necessary due to the slope of
 9 the highway or in an emergency situation that requires
 10 the use of engine brakes to avoid imminent danger to a
 11 person or to property.
 12 2. A person operating a motor vehicle on the
 13 highways of this state shall not use an unmuffled
 14 engine brake unless the person is in an emergency
 15 situation that requires the use of an engine brake to
 16 avoid imminent danger to a person or to property.
 17 3. For purposes of this section, the following
 18 definitions shall apply:
 19 a. "Engine brake" means a device that retards the
 20 forward motion of a motor vehicle by the use of the
 21 compression of the engine of the motor vehicle.

22 b. "Unmuffled engine brake" means an engine brake
 23 that is not equipped with a muffler in good working
 24 order pursuant to section 321.436.

25 4. A city or county may adopt an ordinance to
 26 limit the use of engine brakes on roadways within
 27 their respective jurisdiction if the city or county
 28 places signs indicating such limitation in accordance
 29 with sections 321.254 and 321.255.

30 5. A violation of subsection 1 or 2 is punishable
 31 as a scheduled violation under section 805.8,
 32 subsection 2, paragraph "z".

33 2. Page 12, by inserting after line 27 the
 34 following:

35 "Sec. . Section 805.8, subsection 2, paragraph
 36 z, Code 1999, is amended to read as follows:

37 z. For violations of section 321.431A, subsection
 38 1 or 2, relating to the use of engine brakes; section
 39 321.460 prohibiting spilling loads on the highway; and
 40 of section 321.208A prohibiting operation in violation
 41 of an out-of-service order, the scheduled fine is one
 42 hundred dollars."

43 3. Title page, line 6, by inserting after the
 44 word "education," the following: "regulation of the
 45 use of engine brakes,".

46 4. By renumbering as necessary.

ANDY McKEAN

S-3045

1 Amend Senate File 80 as follows:

2 1. Page 1, lines 5 through 7, by striking the
 3 words "representing the state legislative district in
 4 which the contributor permanently resided at the time
 5 the contribution was made".

JOHN P. KIBBIE

S-3046

1 Amend Senate File 266 as follows:

2 1. Page 1, line 5, by striking the word "forty"
 3 and inserting the following: "thirty".
 4 2. Page 1, line 6, by striking the word "one-
 5 half" and inserting the following: "three-eighths".
 6 3. Page 1, by inserting after line 16 the
 7 following:

8 "Sec. ____ Section 260C.17, Code 1999, is amended
 9 to read as follows:

10 260C.17 PREPARATION AND APPROVAL OF BUDGET -- TAX.
 11 The board of directors of each merged area shall
 12 prepare an annual budget designating the proposed

13 expenditures for operation of the community college.
 14 The board shall further designate the amounts which
 15 are to be raised by local taxation and the amounts
 16 which are to be raised by other sources of revenue for
 17 the operation. The budget of each merged area shall
 18 be submitted to the state board no later than May 1
 19 preceding the next fiscal year for approval. The
 20 state board shall review the proposed budget and
 21 shall, prior to June 1, either grant its approval or
 22 return the budget without approval with the comments
 23 of the state board attached to it. Any unapproved
 24 budget shall be resubmitted to the state board for
 25 final approval. Upon approval of the budget by the
 26 state board, the board of directors shall certify the
 27 amount to the respective county auditors and the
 28 boards of supervisors annually shall levy a tax of
 29 ~~twenty~~ thirty and ~~one-fourth~~ three-eighths cents per
 30 thousand dollars of assessed value on taxable property
 31 in a merged area for the operation of a community
 32 college. Taxes collected pursuant to the levy shall
 33 be paid by the respective county treasurers to the
 34 treasurer of the merged area as provided in section
 35 331.552, subsection 29.

36 It is the policy of this state that the property
 37 tax for the operation of community colleges shall not
 38 in any event exceed ~~twenty~~ thirty and ~~one-fourth~~
 39 three-eighths cents per thousand dollars of assessed
 40 value, and that the present and future costs of such
 41 operation in excess of the funds raised by such levy
 42 shall be the responsibility of the state and shall not
 43 be paid from property tax."

44 4. Page 1, line 21, by striking the word "forty"
 45 and inserting the following: "thirty".

46 5. Page 1, line 22, by striking the word "one-
 47 half" and inserting the following: "three-eighths".

48 6. Page 2, line 15, by striking the words "forty
 49 and one-half" and inserting the following: "thirty
 50 and three-eighths".

Page 2

1 7. Title page, by striking line 2 and inserting
 2 the following: "operations and facilities levies".

JOHN P. KIBBIE
 BILL FINK

S-3047

1 Amend Senate File 291 as follows:
 2 1. Page 1, line 17, by inserting after the word
 3 "means" the following: ", for the purpose of

- 4 receiving benefits, exemptions, or preferences
- 5 pursuant to the Code,".

MICHAEL W. CONNOLLY

S-3048

- 1 Amend Senate File 276 as follows:
- 2 1. Page 5, line 26, by inserting after the word
- 3 "enrollee" the following: "in writing".
- 4 2. Page 6, line 31, by inserting after the word
- 5 "commissioner" the following: ", within two business
- 6 days."
- 7 3. Page 7, line 4, by inserting after the word
- 8 "medical" the following: "and health care".
- 9 4. Page 7, line 5, by striking the words "both
- 10 of" and inserting the following: ", but are not
- 11 limited to,".
- 12 5. Page 7, line 18, by inserting after the word
- 13 "board." the following: "A health care professional
- 14 who is not a physician shall also hold a current
- 15 certification by such professional's respective
- 16 specialty board."
- 17 6. Page 9, line 29, by inserting after the word
- 18 "hours" the following: "of notification to the
- 19 commissioner".

JOHN REDWINE

S-3049

- 1 Amend Senate File 276 as follows:
- 2 1. Page 11, by inserting after line 28 the
- 3 following:
- 4 "Sec. ___ EFFECTIVE DATE. Sections 5 through 18
- 5 of this Act, which create new chapter 514J, take
- 6 effect January 1, 2000."
- 7 2. Title page, line 5, by inserting after the
- 8 word "process" the following: ", and providing an
- 9 effective date".
- 10 3. By renumbering as necessary.

JOHN REDWINE

S-3050

- 1 Amend Senate File 276 as follows:
- 2 1. Page 11, by inserting after line 28 the
- 3 following:
- 4 "Sec. NEW SECTION. 514K.1 HEALTH CARE PLAN
- 5 DISCLOSURES -- INFORMATION TO ENROLLEES.
- 6 1. A health maintenance organization, an organized

7 delivery system, or an insurer using a preferred
8 provider arrangement shall provide to each of its
9 enrollees at the time of enrollment, and shall make
10 available to each prospective enrollee upon request,
11 written information as required by rules adopted by
12 the commissioner and the director of public health.
13 The information required by rule shall include, but
14 not be limited to, all of the following:
15 a. A description of the plan's benefits and
16 exclusions.
17 b. Enrollee cost-sharing requirements.
18 c. A list of participating providers.
19 d. Disclosure of the existence of any drug
20 formularies used and, upon request, information about
21 the specific drugs included in the formulary.
22 e. An explanation for accessing emergency care
23 services.
24 f. Any policies addressing investigational or
25 experimental treatments.
26 g. The methodologies used to compensate providers.
27 h. Performance measures as determined by the
28 commissioner and the director.
29 i. Information on how to access internal and
30 external grievance procedures.
31 2. The commissioner and the director shall
32 annually publish a consumer guide providing a
33 comparison by plan on performance measures, network
34 composition, and other key information to enable
35 consumers to better understand plan differences."
36 2. By renumbering as necessary.

ELAINE SZYMONIAK
JOHN REDWINE

S-3051

1 Amend Senate File 228 as follows:
2 1. Page 1, line 18, by inserting after the word
3 "positions." the following: "The policy shall
4 identify the types of volunteer positions covered by
5 the policy."
6 2. Page 1, line 19, by inserting before the word
7 "If" the following: "Criminal and child and dependent
8 adult abuse record checks shall be performed on
9 persons filling positions that are subject to the
10 adopted policy."

MICHAEL W. CONNOLLY
DONALD B. REDFERN

S-3052

- 1 Amend Senate File 276 as follows:
- 2 1. Page 2, line 25, by striking the words "the
- 3 covered individual" and inserting the following: "an
- 4 emergency medical condition".

JOHN REDWINE

S-3053

- 1 Amend Senate File 276 as follows:
- 2 1. Page 3, by inserting after line 10 the
- 3 following:
- 4 "Sec. . NEW SECTION. 514C.17 CONTINUITY OF
- 5 CARE -- TERMINAL ILLNESS.
- 6 1. Except as provided under subsection 2 or 3, if
- 7 a carrier, as defined in section 513B.2, an organized
- 8 delivery system, authorized under 1993 Iowa Acts,
- 9 chapter 158, or a plan established pursuant to chapter
- 10 509A for public employees, terminates its contract
- 11 with a participating health care provider, a covered
- 12 individual who is undergoing a specified course of
- 13 treatment for a terminal illness or a related
- 14 condition, with the recommendation of the covered
- 15 individual's treating physician licensed under chapter
- 16 148, 150, or 150A, may continue to receive coverage
- 17 for treatment received from the covered individual's
- 18 physician for the terminal illness or a related
- 19 condition, for a period of up to ninety days. Payment
- 20 for covered benefits and benefit level shall be
- 21 according to the terms and conditions of the contract.
- 22 2. A covered person who makes a change in health
- 23 plans involuntarily may request that the new health
- 24 plan cover services of the covered person's treating
- 25 physician licensed under chapter 148, 150, or 150A,
- 26 who is not a participating health care provider under
- 27 the new health plan, if the covered person is
- 28 undergoing a specified course of treatment for a
- 29 terminal illness or a related condition. Continuation
- 30 of such coverage shall continue for up to ninety days.
- 31 Payment for covered benefits and benefit levels shall
- 32 be according to the terms and conditions of the
- 33 contract.
- 34 3. Notwithstanding subsections 1 and 2, a carrier,
- 35 organized delivery system, or plan established under
- 36 chapter 509A which terminates the contract of a
- 37 participating health care provider for cause shall not
- 38 be required to cover health care services provided by
- 39 the health care provider to a covered person following
- 40 the date of termination."
- 41 2. Page 4, by inserting after line 23 the

42 following:

43 "Sec. **NEW SECTION.** 514F.5 EXPERIMENTAL
44 TREATMENT REVIEW.

45 1. A carrier, as defined in section 513B.2, an
46 organized delivery system, authorized under 1993 Iowa
47 Acts, chapter 158, or a plan established pursuant to
48 chapter 509A for public employees, that limits
49 coverage for experimental medical treatment, drugs, or
50 devices, shall develop and implement a procedure to

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1 evaluate experimental medical treatments and shall
2 submit a description of the procedure to the division
3 of insurance. The procedure shall be in writing and
4 must describe the process used to determine whether
5 the carrier, organized delivery system, or chapter
6 509A plan will provide coverage for new medical
7 technologies and new uses of existing technologies.
8 The procedure, at a minimum, shall require a review of
9 information from appropriate government regulatory
10 agencies and published scientific literature
11 concerning new medical technologies, new uses of
12 existing technologies, and the use of external experts
13 in making decisions. A carrier, organized delivery
14 system, or chapter 509A plan shall include
15 appropriately licensed or qualified professionals in
16 the evaluation process. The procedure shall provide a
17 process for a person covered under a plan or contract
18 to request a review of a denial of coverage because
19 the proposed treatment is experimental. A review of a
20 particular treatment need not be reviewed more than
21 once a year.

22 2. A carrier, organized delivery system, or
23 chapter 509A plan that limits coverage for
24 experimental treatment, drugs, or devices shall
25 clearly disclose such limitations in a contract,
26 policy, or certificate of coverage."

27 3. By renumbering as necessary.

JOHN REDWINE

S-3054

1 Amend Senate File 361 as follows:

2 1. Page 1, by striking lines 4 and 5 and
3 inserting the following: "for the designated fiscal
4 years, the following amounts, or so much thereof as
5 is".

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

8 "___ For the fiscal year beginning July 1, 1999,

- 9 and ending June 30, 2000:"
 10 3. Page 1, by inserting after line 12 the
 11 following:
 12 " _____. For the fiscal year beginning July 1, 2000,
 13 and ending June 30, 2001:
 14 For the employment of 12 narcotics enforcement
 15 agents and for not more than the following full-time
 16 equivalent positions:
 17 \$ 885,000
 18 FTEs 12.00
 19 _____. For the fiscal year beginning July 1, 2001,
 20 and ending June 30, 2002:
 21 For the employment of 18 narcotics enforcement
 22 agents and for not more than the following full-time
 23 equivalent positions:
 24 \$ 1,265,000
 25 FTEs 18.00
 26 _____. For the fiscal year beginning July 1, 2002,
 27 and ending June 30, 2003:
 28 For the employment of 18 narcotics enforcement
 29 agents and for not more than the following full-time
 30 equivalent positions:
 31 \$ 1,140,000
 32 FTEs 18.00"
 33 4. Page 1, by inserting after line 13 the
 34 following:
 35 "For the fiscal year beginning July 1, 1999, and
 36 ending June 30, 2000:"
 37 5. Page 1, by inserting after line 22 the
 38 following:
 39 " _____. For the fiscal year beginning July 1, 1999,
 40 and ending June 30, 2000:
 41 \$ 980,000"
 42 6. By renumbering as necessary.

JOHN JUDGE
 TOM FLYNN

S-3055

- 1 Amend Senate File 361 as follows:
 2 1. Page 1, by inserting after line 30 the
 3 following:
 4 "Sec. _____. YOUTH LEADERSHIP MODEL. There is
 5 appropriated from the general fund of the state to the
 6 Iowa department of corrections for the fiscal year
 7 beginning July 1, 1999, and ending June 30, 2000, the
 8 following amount, or so much thereof as is necessary,
 9 to be used for the purpose designated:
 10 For the establishment of youth leadership model
 11 programs to help at-risk youth in the judicial
 12 district departments of correctional services selected

13 by the department:

14 \$ 100,000

15 As a part of the program, the judicial district
16 department of correctional services may recruit high
17 school athletes in communities in the judicial
18 district to work with at-risk children."

19 2. By renumbering as necessary.

TOM FLYNN

S-3056

1 Amend Senate File 361 as follows:

2 1. Page 1, by inserting after line 30 the
3 following:

4 "Sec. . YOUTH LEADERSHIP MODEL. There is
5 appropriated from the general fund of the state to the
6 Iowa department of corrections for the fiscal year
7 beginning July 1, 1999, and ending June 30, 2000, the
8 following amount, or so much thereof as is necessary,
9 to be used for the purpose designated:

10 For youth leadership model programs to help at-risk
11 youth in the judicial district departments of
12 correctional services selected by the department:

13 \$ 100,000

14 The department of corrections shall establish
15 criteria for judicial district departments of
16 correctional services to apply for and receive moneys
17 from the department for assistance in implementing a
18 youth leadership model program.

19 As a part of the program, the judicial district
20 department of correctional services may recruit, to
21 work with at-risk children, college or high school
22 students in the judicial district, regardless of
23 gender, recommended by their respective schools as
24 good role models, including, but not limited to,
25 students who possess ability in one or more of the
26 following areas: intellectual ability, leadership
27 ability, athletic ability, visual arts ability, or
28 performing arts ability."

29 2. By renumbering as necessary.

GENE MADDOX

S-3057

1 Amend the amendment, S-3044, to Senate File 203 as
2 follows:

3 1. Page 1, by striking lines 6 through 17 and
4 inserting the following:

5 "1. For purposes of this section, the following".

6 2. Page 1, line 25, by striking the figure "4."

- 7 and inserting the following: "2."
8 3. Page 1, line 29, by inserting after the figure
9 "321.255." the following: "An ordinance adopted
10 pursuant to this section may limit the use of an
11 engine brake in any of the following ways:
12 a. Limit the use of an engine brake to situations
13 when such use is necessary due to the slope of the
14 highway or in an emergency that requires such use to
15 avoid imminent danger to a person or property.
16 b. Limit the use of an unmuffled engine brake to
17 emergency situations when such use is necessary to
18 avoid imminent danger to a person or property."
19 4. Page 1, by striking lines 30 through 42.
20 5. By renumbering as necessary.

RICHARD F. DRAKE
ANDY McKEAN
JOHN W. JENSEN

S-3058

- 1 Amend Senate File 306 as follows:
2 1. Page 1, line 5, by striking the word
3 "registered".
4 2. Page 1, line 31, by striking the word
5 "registered".

MERLIN E. BARTZ

S-3059

- 1 Amend Senate File 367 as follows:
2 1. Page 8, line 30, by striking the words "and
3 the child" and inserting the following: "or the
4 child".
5 2. Page 14, by striking lines 28 and 29 and
6 inserting the following:
7 "1. In a".
8 3. By striking page 15, line 33, through page 16,
9 line 6, and inserting the following:
10 "5. Upon a finding, which may be made ex parte,
11 that the health, safety, or liberty of a party or
12 child would be unreasonably put at risk by the
13 disclosure of identifying information, or if an
14 existing order so provides, the court shall order that
15 the address of the party or child or other identifying
16 information not be disclosed in a pleading or other
17 document filed in a proceeding under this chapter."

GENE MADDOX

S-3060

- 1 Amend Senate File 190 as follows:
- 2 1. By striking page 1, line 18, through page 2,
- 3 line 11.
- 4 2. By striking page 2, line 23, through page 3,
- 5 line 12.
- 6 3. By renumbering as necessary.

COMMITTEE ON COMMERCE
JOHN W. JENSEN, Chairperson

S-3061

- 1 Amend Senate File 253 as follows:
- 2 1. Page 1, lines 6 and 7, by striking the words
- 3 "As part of" and inserting the following: "Prior to".
- 4 2. Page 1, line 26 by striking the word "that"
- 5 and inserting the following: "that whether".

JOHN P. KIBBIE

S-3062

- 1 Amend Senate File 312 as follows:
- 2 1. Page 1, by striking lines 17 through 22, and
- 3 inserting the following: "fiscal year for purposes of
- 4 this section shall be".

DENNIS H. BLACK

S-3063

- 1 Amend Senate File 294 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. ____ Section 13.2, Code 1999, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 3A. Prosecute and defend all
- 7 actions and proceedings brought by or against any
- 8 employee of a judicial district department of
- 9 correctional services in the performance of an
- 10 assessment of risk pursuant to chapter 692A."
- 11 2. By renumbering as necessary.

ROBERT E. DVORSKY
JEFF ANGELO

S-3064

1 Amend House File 224, as passed by the House, as
2 follows:

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

5 "Section 1. Section 37.9, unnumbered paragraphs 1
6 and 5, Code 1999, are amended to read as follows:

7 When the proposition to erect any such building or
8 monument has been carried by a majority vote, the
9 board of supervisors or the city council, as the case
10 may be, shall appoint a commission consisting of five
11 or seven members, in the manner and with the
12 qualifications provided in this chapter, which shall
13 have charge and supervision of the erection of the
14 building or monument, and when erected, the management
15 and control of the building or monument.

16 Commencing with the commissioners appointed to take
17 office after January 1, 1952, ~~one commissioner shall~~
18 ~~be appointed for a term of one year, two commissioners~~
19 ~~shall be appointed for a term of two years, and two~~
20 ~~commissioners shall be appointed for a term of three~~
21 ~~years, or in each instance until a successor is~~
22 appointed and qualified the terms of office of the
23 commissioners shall be staggered so that all
24 commissioners' terms will not end in the same year.
25 Thereafter, the successors in each instance shall hold
26 office for a term of three years or until a successor
27 is appointed and qualified."

28 2. Page 1, by inserting after line 8 the
29 following:

30 "Sec. . Section 347.9, Code 1999, is amended to
31 read as follows:

32 347.9 TRUSTEES -- APPOINTMENT -- TERMS OF OFFICE.

33 When it has been determined by the voters of a
34 county to establish a county public hospital, the
35 board shall appoint seven trustees chosen from among
36 the resident citizens of the county with reference to
37 their fitness for office, and not more than four of
38 the trustees shall be residents of the city at which
39 the hospital is located. The trustees shall hold
40 office until the following general election, at which
41 time their successors shall be elected, two for a term
42 of two years, two for four years, and three for six
43 years, and they shall determine by lot their
44 respective terms, and thereafter their successors
45 shall be elected for regular terms of six years each.
46 A person or spouse of a person with medical or special
47 staff privileges in the county public hospital or who
48 receives direct or indirect compensation in an amount
49 greater than one thousand five hundred dollars in a
50 calendar year from the county public hospital or

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1 direct or indirect compensation in an amount greater
2 than one thousand five hundred dollars in a calendar
3 year from a person contracting for services with the
4 hospital shall not be eligible to serve as a trustee
5 for that county public hospital.

6 Sec. . Section 347.12, unnumbered paragraph 3,
7 Code 1999, is amended to read as follows:

8 The secretary of the hospital board of trustees
9 shall file monthly on or before the tenth thirtieth
10 day of each month with such board a complete statement
11 of all receipts and disbursements from all funds
12 during the preceding month, and also the balance
13 remaining on hand in such funds at the close of the
14 period covered by said statement.

15 Sec. . Section 347.13, subsection 7, Code 1999,
16 is amended by striking the subsection.

17 Sec. . Section 347.13, subsection 11, Code
18 1999, is amended by striking the subsection and
19 inserting in lieu thereof the following:

20 11. Make available to the board of supervisors a
21 statement of all receipts and expenditures from the
22 preceding fiscal year.

23 Sec. . Section 347.14, subsection 11, Code
24 1999, is amended to read as follows:

25 11. Do all things necessary for the management,
26 control and government of said hospital and exercise
27 all the rights and duties pertaining to hospital
28 trustees generally, including but not limited to
29 authorizing delivery of any health care service,
30 assisted or independent living service, or other
31 ancillary service, unless such rights of hospital
32 trustees generally are specifically denied by this
33 chapter, or unless such duties are expressly charged
34 by this chapter.

35 Sec. . Section 347.14, Code 1999, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 16. Borrow moneys to be secured
38 solely by hospital revenues for the purposes of
39 improvement, maintenance, or replacement of the
40 hospital or for hospital equipment.

41 Sec. . Section 347.30, Code 1999, is amended to
42 read as follows:

43 347.30 NOTICE AND HEARING.

44 A county or city hospital shall serve notice and
45 hold a public hearing before selling or leasing any
46 real property pursuant to sections 347.28 and 347.29.
47 The notice shall definitely describe the property,
48 indicate the date and location of the hearing, and
49 shall be published by at least one insertion each week
50 for two consecutive weeks in a newspaper having

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1 general circulation in the county where the property
2 is located. The hearing shall not take place prior to
3 two weeks after the second publication.

4 Sec. Section 347A.1, unnumbered paragraph 1,
5 Code 1999, is amended to read as follows:

6 A county having a population less than one hundred
7 fifty thousand may issue revenue bonds for a county
8 hospital as provided in section 331.461, subsection 2,
9 paragraph "e". The administration and management of
10 the hospital shall be vested in a board of hospital

11 trustees consisting of five or seven members
12 ~~appointed. Appointments for a five-member board shall~~
13 ~~be made~~ by the board of supervisors from among the
14 resident citizens of the county with reference to
15 their fitness for office, and not more than two of the
16 trustees shall be residents of the same township.

17 Expansion from a five-member to a seven-member board
18 of trustees shall occur only on approval of a majority
19 of the five-member board of trustees. The five-member
20 board of trustees shall appoint members to the
21 additional vacancies; one appointee shall serve until
22 the succeeding general election and the other
23 appointee shall serve until the second succeeding
24 general election at which times successors shall be
25 elected.

26 Sec. . Section 392.6, unnumbered paragraph 2,
27 Code 1999, is amended to read as follows:

28 Cities maintaining an institution as provided for
29 in this section which have a board of trustees
30 consisting of three members may by ordinance increase
31 the number of members to five or seven and provide for
32 the appointment of one of the additional member in the
33 expansion to a five-member board or two additional
34 members in the expansion to a seven-member board until
35 the next succeeding general or city election, and for
36 the appointment of the one or two other additional
37 member members until the second succeeding general or
38 city election. Thereafter, the terms of office of
39 such additional members shall be four years. However,
40 if a city has adopted an ordinance which increases the
41 number of members of the board of trustees to five or
42 seven members and the terms of office of four of the
43 five members or six of the seven members end in the
44 same year, the date of expiration of the term of one
45 of the four members or two of the six members, to be
46 determined by lot, shall be extended by an additional
47 two years."

48 3. Title page, by striking lines 1 and 2 and
49 inserting the following: "An Act relating to the
50 qualifications and terms of commissioners and the

Page 4

- 1 management and operation of certain public hospitals."
- 2 4. By renumbering as necessary.

RICHARD F. DRAKE

S-3065

- 1 Amend Senate File 284 as follows:
- 2 1. Page 1, by striking lines 19 through 24 and
- 3 inserting the following:
- 4 "3. This section applies to an administrator over
- 5 an adult who has duties involving access to a child
- 6 when the child is alone."

TOM FLYNN

S-3066

- 1 Amend Senate File 339 as follows:
- 2 1. Page 3, by inserting after line 1 the
- 3 following:
- 4 "Sec. NEW SECTION. 321.253C DIRECTIONAL
- 5 SIGNS RELATING TO NONPROFIT HOSPITALS.
- 6 1. The department shall place and maintain
- 7 directional signs upon primary highways which provide
- 8 information about nonprofit hospitals licensed under
- 9 chapter 135B upon request of such a nonprofit
- 10 hospital. The signs shall conform to the manual of
- 11 uniform traffic devices.
- 12 2. Upon request by a city or county in which a
- 13 nonprofit hospital licensed under chapter 135B is
- 14 located, the department shall distribute a directional
- 15 sign as provided in this section to the city or county
- 16 for erection upon roads or streets within their
- 17 jurisdictions.
- 18 3. The department shall not erect, maintain, or
- 19 distribute a directional sign about a nonprofit
- 20 hospital licensed under chapter 135B if the department
- 21 receives an objection from the nonprofit hospital."
- 22 2. Title page, line 2, by inserting after the
- 23 word "places" the following: "and for nonprofit
- 24 hospitals".
- 25 3. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-3067

- 1 Amend Senate File 339 as follows:
- 2 1. Page 1, by inserting before line 1, the

3 following:

4 "Section 1. NEW SECTION. 306C.13A LOCAL CONTROL
5 IN HISTORIC CITIES.

6 1. A city in which a majority of the buildings in
7 the city are listed on the national register of
8 historic buildings is exempt from the provisions of
9 this division of this chapter or of another chapter
10 which relate to the adoption of an ordinance
11 containing a city plan for the erection and
12 maintenance of advertising devices. The city may
13 adopt its own plan and shall consult with the
14 department during the development of such plan. The
15 plan must comply with the requirements of the federal
16 Highway Beautification Act, 23 U.S.C. ch. 131.

17 2. The state is not liable for damages resulting
18 from the placement of advertising devices pursuant to
19 this section which are not in compliance with other
20 provisions of this chapter. A city which adopts its
21 own plan pursuant to this section shall assume the
22 liability for any damages caused by signs which do not
23 comply with the manual on uniform traffic-control
24 devices adopted under section 321.252."

25 2. Title page, line 1, by inserting after the
26 words "An Act" the following: "relating to road signs
27 by".

28 3. Title page, line 2, by inserting after the
29 word "places" the following: "and regulating
30 advertising devices in certain cities".

TOM FLYNN

S-3068

1 Amend Senate File 430 as follows:

2 1. Page 2, by striking line 27 and inserting the
3 following:

4 "..... \$ 115,023"

MAGGIE TINSMAN
JEFF ANGELO

S-3069

1 Amend Senate File 253 as follows:

2 1. Page 2, by inserting after line 21 the
3 following:

4 "Sec. . EFFECTIVE DATE. This Act, being deemed
5 of immediate importance, takes effect upon enactment."

6 2. Title page, line 4, by inserting after the
7 word "waste" the following: ", and providing an

- 8 effective date".
9 3. By renumbering as necessary.

MATT McCOY

S-3070

- 1 Amend Senate File 376 as follows:
2 1. Page 5, by inserting before line 1 the
3 following: "appropriated by the general assembly to
4 the department of public safety for the position of
5 state medical examiner, and for the state medical
6 examiner's office, for the fiscal year beginning July
7 1, 1998, and ending June 30, 1999, which remain
8 unobligated shall be transferred to the department of
9 public health on the effective date of this Act.
10 Funds".
11 2. Page 5, by inserting after line 5 the
12 following:
13 "Sec. . EFFECTIVE DATE. This Act, being deemed
14 of immediate importance, takes effect upon enactment."
15 3. Title page, line 2, by inserting after the
16 word "examiner" the following: ", making an
17 appropriation, and providing an effective date".
18 4. By renumbering as necessary.

ELAINE SZYMONIAK

S-3071

- 1 Amend Senate File 101 as follows:
2 1. Page 1, lines 18 and 19, by striking the words
3 "The sheriff, department of corrections, or department
4 of human services" and inserting the following: "The
5 department of corrections".
6 2. Page 1, by striking lines 28 through 31 and
7 inserting the following: "grounds of a correctional
8 institution or institution under the management of the
9 department of corrections."
10 3. Page 1, by striking lines 33 through 35 and
11 inserting the following: "a correctional institution
12 or institution under the management of the department
13 of".
14 4. Page 2, by striking lines 3 and 4 and
15 inserting the following: "confined in a correctional
16 institution".
17 5. Page 2, by striking lines 18 through 20 and
18 inserting the following: "official or officer at a
19 correctional institution or institution under the
20 management".
21 6. Page 2, by striking lines 23 through 25 and
22 inserting the following: "authority of the

23 administrator of any correctional institution or
 24 institution under the management".
 25 7. Page 2, lines 29 and 30, by striking the words
 26 "or facilities".
 27 8. Page 2, by striking line 31 and inserting the
 28 following:
 29 "Sec. . Section 719.8, Code 1999, is amended to
 30 read as follows:
 31 719.8 FURNISHING A CONTROLLED SUBSTANCE OR
 32 INTOXICATING BEVERAGE TO INMATES AT A DETENTION
 33 FACILITY.
 34 A person not authorized by law who furnishes or
 35 knowingly makes available a controlled substance or
 36 intoxicating beverage to an inmate at a detention
 37 facility or correctional institution, or at an
 38 institution under the management of the Iowa
 39 department of corrections, or who introduces a
 40 controlled substance or intoxicating beverage into the
 41 premises of such ~~an institution~~ a facility, commits a
 42 class "D" felony."
 43 9. Title page, line 1, by striking the word
 44 "establishing" and inserting the following: "relating
 45 to".
 46 10. Title page, line 2, by striking the word "
 47 jails,".

ANDY McKEAN

S-3072

1 Amend Senate File 300 as follows:
 2 1. Page 3, by striking lines 23 and 24, and
 3 inserting the following: "notice or cited for any
 4 violation by the department for adhering to a
 5 practitioner's order."

NANCY J. BOETTGER

S-3073

1 Amend Senate File 430 as follows:
 2 1. Page 1, by inserting after line 18 the
 3 following:
 4 "Sec. ____ DEPARTMENT OF EDUCATION -- GEOGRAPHY
 5 ALLIANCE. There is appropriated from the general fund
 6 of the state to the department of education 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 the geography alliance:
 11 \$ 25,000
 12 Notwithstanding section 8.33, moneys appropriated

- 13 in this section that remain unencumbered or
 14 unobligated at the close of the fiscal year shall not
 15 revert but shall remain available for expenditure for
 16 the purposes designated until the close of the
 17 succeeding fiscal year."
 18 2. By renumbering as necessary.

PATRICIA M. HARPER
 DONALD B. REDFERN

S-3074

- 1 Amend Senate File 316 as follows:
 2 1. Page 1, by inserting after line 33 the
 3 following:
 4 "Sec. . NEW SECTION. 256.67A INSURANCE
 5 ELIGIBILITY.
 6 Personnel employed by a regional library shall be
 7 considered state employees for purposes of eligibility
 8 for receiving employee health and dental insurance as
 9 provided to state employees by the department of
 10 personnel."
 11 2. By renumbering and correcting internal
 12 references as necessary.

SHELDON RITTMER
 DENNIS H. BLACK
 MARY E. KRAMER

S-3075

- 1 Amend Senate File 424 as follows:
 2 1. Page 6, by inserting after line 33 the
 3 following:
 4 "Sec. . EFFECTIVE DATE. Section 4 of this Act,
 5 amending 1998 Iowa Acts, chapter 1212, being deemed of
 6 immediate importance, takes effect upon enactment."
 7 2. Title page, line 6, by inserting after the
 8 word "moneys" the following: "and an effective date".
 9 3. By renumbering as necessary.

MARY LOU FREEMAN

S-3076

- 1 Amend Senate File 339 as follows:
 2 1. Page 1, line 27, by inserting after the word
 3 "places" the following: "or identified as eligible
 4 for such status by the state historic preservation
 5 officer".
 6 2. Page 2, line 3, by inserting after the word
 7 "places" the following: "or identified as eligible

- 8 for such status by the state historic preservation
 9 officer".
- 10 3. Page 2, line 7, by inserting after the word
 11 "places" the following: "or identified as eligible
 12 for such status by the state historic preservation
 13 officer".
- 14 4. Page 2, line 20, by inserting after the word
 15 "places" the following: ", or identified as eligible
 16 for such status by the state historic preservation
 17 officer".
- 18 5. Title page, line 1, by inserting after the
 19 word "listed" the following: "or eligible for
 20 listing".
- 21 6. By renumbering as necessary.

JOHN P. KIBBIE

S-3077

- 1 Amend Senate File 300 as follows:
- 2 1. Page 2, line 30, by striking the words
 3 "offense and" and inserting the following: "offense."
 4 2. Page 2, by striking lines 31 through 33 and
 5 inserting the following: "Failure to correct a
 6 violation within the time specified, unless the
 7 licensee shows that the failure was due to
 8 circumstances beyond the licensee's control, shall
 9 subject the".

NANCY J. BOETTGER

S-3078

- 1 Amend Senate File 249 as follows:
- 2 1. Page 1, line 16, by inserting after the word
 3 "other" the following: "insurance and financial".
- 4 2. Page 4, by inserting after line 33 the
 5 following:
 6 "Sec. . Section 513B.13, Code 1999, is amended
 7 by adding the following new subsection:
 8 NEW SUBSECTION. 15. The board of the Iowa small
 9 employer health reinsurance program, on an ongoing
 10 basis, shall review the program and make
 11 recommendations as to the continued cost effectiveness
 12 of the program to the commissioner, which
 13 recommendations may include proposed modifications or
 14 suspension of operation of the program. In making
 15 such a review, the board shall consider such factors
 16 as the population reinsured by the program, the
 17 premiums and assessments paid to the program, the
 18 number and percentage of carriers electing to utilize
 19 the program, health care reform measures implemented

20 in the state, as well as other factors deemed relevant
21 by the board. The commissioner, upon finding that the
22 program is not cost effective, may make modifications
23 to the program or suspend the operation of the program
24 by rule."

25 3. By renumbering as necessary.

JOHN W. JENSEN
PATRICK J. DELUHERY

S-3079

- 1 Amend Senate File 441 as follows:
2 1. Page 1, line 17, by inserting after the word
3 "for" the following: "the year following".

DONALD B. REDFERN

S-3080

- 1 Amend Senate File 285 as follows:
2 1. Page 1, by striking lines 24 through 26 and
3 inserting the 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, 2001,
12 a minimum of one hundred hours of classroom training
13 in hypnotherapy from a program or course of
14 instruction which advocates a code of ethics and
15 standards of practice, or similar code, for its
16 students. Individuals receiving classroom training in
17 satisfaction of this requirement between the effective
18 date of this Act and July 1, 2001, may maintain an
19 existing hypnotherapy practice, provided the
20 provisions of subparagraphs (1), (3), and (4) are met.
21 (3) The scope of the individual's hypnotherapy
22 practice is confined to issues of vocational
23 functioning or general self-improvement, or the
24 alteration of minor matters of habit or behavior that
25 are germane to those endeavors.
26 (4) The individual has not been convicted of a
27 crime that has a direct bearing on the individual's
28 ability to practice without endangering the public.
29 c. An individual administering hypnotherapy, or
30 representing to the public that the individual
31 administers hypnotherapy, other than an individual

32 listed in paragraphs "a" and "b", shall be subject to
33 the penalty as prescribed in section 147.86."

JoANN JOHNSON

S-3081

1 Amend Senate File 368 as follows:
2 1. Page 1, by striking line 4 and inserting the
3 following: "endangered or threatened species, one
4 thousand dollars the".

STEVE KING

S-3082

1 Amend Senate File 306 as follows:
2 1. Page 1, by striking lines 8 through 10 and
3 inserting the following: "the education of young
4 children or the national association for family child
5 care shall be included in the listing."
6 2. Page 1, by striking lines 28 and 29 and
7 inserting the following:
8 "4. Subject to the availability of funding, an
9 eligible holder of the gold seal quality designation
10 receiving an initial or renewal national accreditation
11 may receive a one-time cash award in the year of
12 initial or renewal accreditation on or after July 1,
13 1999. Holders of the designation who received funding
14 assistance to obtain the initial or renewal national
15 accreditation under a grant administered by the child
16 development coordinating council or as part of being a
17 federal head start program are not eligible for the
18 cash award. Eligible holders of the designation may".

MAGGIE TINSMAN
NANCY J. BOETTGER
ELAINE SZYMONIAK
JOHNIE HAMMOND

S-3083

1 Amend Senate File 291 as follows:
2 1. Page 1, by striking lines 17 through 20 and
3 inserting the following:
4 "2. a. "Veteran" means a resident of this state
5 who served in the armed forces of the United States at
6 any time during the following dates and who was
7 discharged under honorable conditions:
8 (1) World War I from April 6, 1917, through
9 November 11, 1918.
10 (2) Occupation of Germany from November 12, 1918,

- 11 through July 11, 1923.
- 12 (3) American expeditionary forces in Siberia from
13 November 12, 1918, through April 30, 1920.
- 14 (4) Second Haitian suppression of insurrections
15 from 1919 through 1920.
- 16 (5) Second Nicaragua campaign with marines or navy
17 in Nicaragua or on combatant ships from 1926 through
18 1933.
- 19 (6) Yangtze service with navy and marines in
20 Shanghai or in the Yangtze valley from 1926 through
21 1927 and 1930 through 1932.
- 22 (7) China service with navy and marines from 1937
23 through 1939.
- 24 (8) World War II from December 7, 1941, through
25 December 31, 1946.
- 26 (9) Korean conflict from June 25, 1950, through
27 January 31, 1955.
- 28 (10) Vietnam conflict from February 28, 1961,
29 through May 7, 1975.
- 30 (11) Lebanon or Grenada service from August 24,
31 1982, through July 31, 1984.
- 32 (12) Panama service from December 20, 1989,
33 through January 31, 1990.
- 34 (13) Persian Gulf conflict from August 2, 1990,
35 through the date the president or the Congress of the
36 United States declares a cessation of hostilities.
37 However, if the United States Congress enacts a date
38 different from August 2, 1990, as the beginning Of the
39 Persian Gulf conflict for purposes of determining
40 whether a veteran is entitled to receive military
41 benefits as a veteran of the Persian Gulf conflict,
42 that date shall be substituted for August 2, 1990.
- 43 b. "Veteran" includes the following persons:"
- 44 2. Page 1, line 21, by striking the letter "a."
45 and inserting the following: "(1)".
- 46 3. Page 1, line 30, by striking the letter "b."
47 and inserting the following: "(2)".
- 48 4. Page 2, line 3, by striking the letter "c."
49 and inserting the following: "(3)".
- 50 5. Page 2, line 7, by striking the letter "d."

Page 2

- 1 and inserting the following: "(4)".

RICHARD F. DRAKE

S-3084

- 1 Amend Senate File 280 as follows:
2 1. Page 1, by striking lines 9 through 26.

- 3 2. Title page, lines 1 and 2, by striking the
- 4 words "and certain insurance companies".

TOM FLYNN

S-3085

- 1 Amend Senate File 449 as follows:
- 2 1. Page 1, by striking lines 1 through 4.
- 3 2. Title page, by striking lines 1 and 2 and
- 4 inserting the following: "An Act relating to
- 5 assistance to legal immigrants and foreign".
- 6 3. By renumbering as necessary.

BILL FINK
MICHAEL E. GRONSTAL
MARK SHEARER

S-3086

- 1 Amend Senate File 449 as follows:
- 2 1. Page 1, by striking lines 2 through 4 and
- 3 inserting the following:
- 4 "English is recognized as the language to be used
- 5 for the official reports and publications enumerated
- 6 in this chapter."

MARK SHEARER
BILL FINK
MICHAEL E. GRONSTAL

S-3087

- 1 Amend Senate File 449 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "language." the following: "The official typeface
- 4 used for printing of the reports and publications
- 5 shall be times Roman."

MARK SHEARER

S-3088

- 1 Amend Senate File 449 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "language." the following: "The official paper color
- 4 used for printing of the reports and publications
- 5 shall be white."

MARK SHEARER

S-3089

1 Amend Senate File 449 as follows:

- 2 1. Page 1, line 4, by inserting after the word
3 "language." the following: "The official type sizes
4 used in printing of the reports and publications shall
5 be at least fourteen points for main headings and at
6 least twelve points for subheadings."

MARK SHEARER

S-3090

1 Amend Senate File 449 as follows:

- 2 1. Page 1, line 4, by inserting after the word
3 "language." the following: "The official ink color
4 used for printing of the reports and publications
5 shall be black."

MARK SHEARER

S-3091

1 Amend Senate File 449 as follows:

- 2 1. Page 2, by inserting after line 26 the
3 following:
4 "Sec. 100. Sections 101 through 111 of this Act
5 are enacted as subchapter 11 of chapter 216A.
6 Sec. 101. NEW SECTION. 216A.151 DEFINITIONS.
7 For purposes of this subchapter, unless the context
8 otherwise requires:
9 1. "Administrator" means the administrator of the
10 division on the status of Iowans of Asian and Pacific
11 Islander heritage of the department of human rights.
12 2. "Asian and Pacific Islander" means a person
13 from any of the countries of Asia or islands of the
14 Pacific.
15 3. "Commission" means the commission on the status
16 of Iowans of Asian and Pacific Islander heritage.
17 4. "Division" means the division on the status of
18 Iowans of Asian and Pacific Islander heritage of the
19 department of human rights.
20 Sec. 102. NEW SECTION. 216A.152 ESTABLISHMENT.
21 A commission on the status of Iowans of Asian and
22 Pacific Islander heritage is established consisting of
23 nine members appointed by the governor. The members
24 of the commission shall appoint one of the members to
25 serve as chairperson of the commission.
26 Sec. 103. NEW SECTION. 216A.153 TERM OF OFFICE.
27 Four of the members appointed to the initial
28 commission shall be designated by the governor to
29 serve two-year terms, and five shall be designated by

30 the governor to serve four-year terms. Succeeding
31 appointments shall be for a term of four years.
32 Vacancies in the membership shall be filled for the
33 unexpired term in the same manner as the original
34 appointment.

35 Sec. 104. NEW SECTION. 216A.154 MEETINGS OF THE
36 COMMISSION.

37 The commission shall meet at least four times each
38 year, and shall hold special meetings on the call of
39 the chairperson. The commission shall adopt rules
40 pursuant to chapter 17A as it deems necessary for the
41 commission and division. The members of the
42 commission shall be reimbursed for actual expenses
43 while engaged in their official duties. A member may
44 also be eligible to receive compensation as provided
45 in section 7E.6.

46 Sec. 105. NEW SECTION. 216A.155 DUTIES.

47 The commission shall:

48 1. Advise the governor and the general assembly on
49 issues confronting Asian and Pacific Islander persons
50 in this state, including the unique problems of non-

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1 English-speaking immigrants and refugees.

2 2. Advise the governor and the general assembly of
3 administrative and legislative changes necessary to
4 ensure Asian and Pacific Islander persons access to
5 benefits and services provided to people in this
6 state.

7 3. Recommend to the governor and the general
8 assembly any revisions in the state's affirmative
9 action program and other steps necessary to eliminate
10 underutilization of Asian and Pacific Islander persons
11 in the state's workforce.

12 4. Recommend to the governor and the general
13 assembly legislation designed to improve the economic
14 and social condition of Asian and Pacific Islander
15 persons in this state.

16 5. Serve as a conduit to state government for
17 organizations of Asian and Pacific Islander persons in
18 this state.

19 6. Serve as a referral agency to assist Asian and
20 Pacific Islander persons in securing access to state
21 agencies and programs.

22 7. Serve as a liaison with the federal government,
23 local government units, and private organizations on
24 matters relating to the Asian and Pacific Islander
25 persons of this state.

26 8. Perform or contract for the performance of
27 studies designed to suggest solutions to the problems
28 of Asian and Pacific Islander persons in the areas of

29 education, employment, human rights, health, housing,
30 social welfare, and other related areas.

31 9. Implement programs designed to solve the
32 problems of Asian and Pacific Islander persons when
33 authorized by law.

34 10. Publicize the accomplishments of Asian and
35 Pacific Islander persons and their contributions to
36 this state.

37 11. Work with other state and federal agencies and
38 organizations to develop small business opportunities
39 and promote economic development for Asian and Pacific
40 Islander persons.

41 12. Supervise development of an Asian and Pacific
42 Islander trade primer, outlining Asian and Pacific
43 Islander customs, cultural traditions, and business
44 practices, including language usage for use by Iowa's
45 export community.

46 13. Cooperate with other state and federal
47 agencies and organizations to develop improved state
48 trade relations with Asian and Pacific Islander
49 countries.

50 Sec. 106. NEW SECTION. 216A.156 REVIEW OF GRANT

Page 3

1 APPLICATIONS AND BUDGET REQUESTS.

2 Before the submission of an application, state
3 departments and agencies shall consult with the
4 commission concerning applications for federal funding
5 that will have its primary effect on Asian and Pacific
6 Islander persons in Iowa. The commission shall advise
7 the governor and the director of revenue and finance
8 concerning any state agency request that will have its
9 primary effect on Asian and Pacific Islander persons
10 in Iowa.

11 Sec. 107. NEW SECTION. 216A.157 ADDITIONAL 12 AUTHORITY.

13 The commission may:

14 1. Enter into contracts, within the limit of funds
15 made available to it, with individuals, organizations,
16 and institutions for services.

17 2. Solicit and accept grants of moneys or property
18 from the federal government or any other source, and
19 may upon its own order use this money, property, or
20 other resources to accomplish the duties of the
21 commission.

22 Sec. 108. NEW SECTION. 216A.158 EMPLOYEES AND 23 RESPONSIBILITY.

24 The commission shall employ necessary employees.
25 Pursuant to section 216A.2, the commission shall have
26 responsibility for budgetary and personnel decisions
27 for the commission and division. The administrator

28 shall administer programs and policies as determined
29 by the commission.

30 Sec. 109. NEW SECTION. 216A.159 STATE AGENCY
31 ASSISTANCE.

32 On the request of the commission, state departments
33 and agencies shall supply the commission with advisory
34 staff services on matters relating to the jurisdiction
35 of the commission. The commission shall cooperate and
36 coordinate its activities with other state agencies to
37 the highest possible degree.

38 Sec. 110. NEW SECTION. 216A.160 ANNUAL REPORT.

39 Not later than February 1 of each year the
40 commission shall file a report with the governor and
41 the general assembly of its proceedings for the
42 previous calendar year, and may submit with the report
43 such recommendations pertaining to its affairs as the
44 commission deems desirable, including recommendations
45 for legislative consideration and other action it
46 deems necessary.

47 Sec. 111. Section 216A.1, Code 1999, is amended by
48 adding the following new subsection:

49 NEW SUBSECTION. 8. Division on the status of
50 Iowans of Asian and Pacific Islander heritage."

Page 4

1 2. By renumbering as necessary.

JOE BOLKCOM
ROBERT E. DVORSKY

S-3092

1 Amend Senate File 449 as follows:

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

4 "Section 1. CENTER FOR NEW IOWANS. There is
5 appropriated from the general fund of the state to the
6 department of workforce development for the fiscal
7 year beginning July 1, 1999, and ending June 30, 2000,
8 the following amount, or so much thereof as is
9 necessary, to be used for the purpose designated:

10 For implementation of the center for new Iowans in
11 the fiscal year beginning July 1, 1999, in accordance
12 with section 84A.10, as enacted by this Act:
13 \$ 150,000"

14 2. Title page, line 3, by inserting after the
15 word "repeal" the following: "and an appropriation".

16 3. By renumbering as necessary.

ROBERT E. DVORSKY
BETTY A. SOUKUP

TOM FLYNN
MARK SHEARER

S-3093

- 1 Amend Senate File 449 as follows:
2 1. Page 2, by inserting after line 26 the
3 following:
4 "Sec. . Section 257.31, subsection 5, paragraph
5 j, Code 1999, is amended to read as follows:
6 j. Unusual need to continue providing a program or
7 other special assistance to non-English speaking
8 pupils after the expiration of the three-year four-
9 year period specified in section 280.4.
10 Sec. . Section 280.4, subsection 3, Code 1999,
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 four 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 four-year period. The
24 ~~school budget review committee shall calculate the~~
25 ~~additional amount for the weighting to the nearest~~
26 ~~one hundredth of one percent so that to the extent~~
27 ~~possible the moneys generated by the weighting will be~~
28 ~~equivalent to the moneys generated by the two-tenths~~
29 ~~weighting provided prior to July 2, 1991."~~
30 2. By renumbering as necessary.

PATRICIA M. HARPER
MATT McCOY
MICHAEL W. CONNOLLY
BILL FINK

S-3094

- 1 Amend Senate File 318 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 535.10, subsection 3, Code
5 1999, is amended to read as follows:
6 3. a. A lender may collect in connection with
7 establishing or renewing a home equity line of credit
8 the costs listed in section 535.8, subsection 2,
9 paragraph "b", charges for insurance as described in

10 section 537.2501, subsection 2, and a loan processing
11 fee as agreed between the borrower and the lender, and
12 annually may collect an account maintenance fee of not
13 more than fifteen dollars. Fees collected under this
14 subsection shall be disregarded for purposes of
15 determining the maximum charge permitted by subsection
16 4.

17 b. The parties to a home equity line of credit
18 which is not a consumer credit transaction, as defined
19 in section 537.1301, may contract for a delinquency
20 charge under terms no more favorable than those
21 permitted for open-end credit under section 537.2502.

22 Sec. 2. NEW SECTION. 535.14 PROMPT PAYMENT ON
23 LOANS SECURED BY RESIDENTIAL REAL PROPERTY.

24 A lender is subject to the requirements set forth
25 in section 537.3206, regarding the prompt crediting of
26 payments, with respect to a loan secured by a lien or
27 security interest on owner-occupied residential real
28 property. For purposes of this section, "residential
29 real property" means residential real property as
30 defined in section 535B.1.

31 Sec. 3. Section 537.2502, subsections 1, 2, and 3,
32 Code 1999, are amended to read as follows:

33 1. With respect to a precomputed consumer credit
34 transaction not pursuant to an open-end credit
35 arrangement and other than a consumer lease or
36 consumer rental purchase agreement, the parties may
37 contract for a delinquency charge on any installment
38 not paid in full within ten days after its due date,
39 as originally scheduled or as deferred, in an amount
40 ~~not exceeding the greater of either of the following~~
41 as follows:

42 a. For a precomputed transaction, an amount not
43 exceeding the greater of either of the following:

44 a. (1) Five percent of the unpaid amount of the
45 installment, or a maximum of twenty dollars.

46 b. (2) The deferral charge that would be permitted
47 to defer the unpaid amount of the installment for the
48 period that it is delinquent.

49 b. For an interest-bearing transaction, an amount
50 not exceeding five percent of the unpaid amount of the

Page 2

1 installment, or a maximum of fifteen dollars.

2 2. A delinquency charge under subsection 1,
3 ~~paragraph "a"~~, may be collected only once on an
4 installment however long it remains in default. No
5 delinquency charge may be collected with respect to a
6 deferred installment unless the installment is not
7 paid in full within ten days after its deferred due
8 date. A delinquency charge may be collected at the

9 time it accrues or at any time afterward.

10 3. No A delinquency charge may shall not be
11 collected under subsection 1, ~~paragraph "a"~~, on an
12 installment which is paid in full within ten days
13 after its scheduled or deferred installment due date
14 even though an earlier maturing installment or a
15 delinquency or deferral charge on an earlier
16 installment may not have been paid in full. For
17 purposes of this subsection payments are applied first
18 to current installments and then to delinquent
19 installments.

20 Sec. 4. Section 537.3206, Code 1999, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 4. a. A creditor shall credit a
23 payment to the consumer's account as of the date of
24 receipt, except when a delay in crediting does not
25 result in a finance or other charge, including a late
26 charge, or except as provided in paragraph "b". For
27 purposes of this subsection, a delay in posting does
28 not violate this subsection so long as the payment is
29 credited as of the date of receipt.

30 b. If a creditor specifies requirements for the
31 consumer to follow in making payments on the contract,
32 payment coupon book, payment coupon or statement, or
33 periodic statement, but accepts a payment that does
34 not conform to the requirements, the creditor shall
35 credit the payment within two days of receipt of such
36 payment.

37 c. If a creditor fails to credit a payment as
38 required by this subsection in time to avoid the
39 imposition of a finance or other charge, including a
40 delinquency charge, the creditor shall adjust the
41 consumer's account so that the charges imposed are
42 credited to the consumer's account during the next
43 payment period."

44 2. Title page, by striking lines 1 through 3 and
45 inserting the following: "An Act relating to
46 permissible fees and charges which may be assessed and
47 collected with respect to certain consumer credit
48 transactions."

NEAL SCHUERER

S-3095

1 Amend Senate File 448 as follows:

- 2 1. Page 1, by striking lines 16 through 18 and
- 3 inserting the following: "total amount due."

JOHN JUDGE

S-3096

1 Amend House File 224, as passed by the House, as
2 follows:

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

5 "Section 1. Section 37.9, unnumbered paragraphs 1
6 and 5, Code 1999, are amended to read as follows:

7 When the proposition to erect any such building or
8 monument has been carried by a majority vote, the
9 board of supervisors or the city council, as the case
10 may be, shall appoint a commission consisting of five
11 or seven members, in the manner and with the
12 qualifications provided in this chapter, which shall
13 have charge and supervision of the erection of the
14 building or monument, and when erected, the management
15 and control of the building or monument.

16 Commencing with the commissioners appointed to take
17 office after January 1, 1952, ~~one commissioner shall~~
18 ~~be appointed for a term of one year, two commissioners~~
19 ~~shall be appointed for a term of two years, and two~~
20 ~~commissioners shall be appointed for a term of three~~
21 ~~years, or in each instance until a successor is~~
22 ~~appointed and qualified~~ the terms of office of the
23 commissioners shall be staggered so that all
24 commissioners' terms will not end in the same year.
25 Thereafter, the successors in each instance shall hold
26 office for a term of three years or until a successor
27 is appointed and qualified."

28 2. Page 1, by inserting after line 8 the
29 following:

30 "Sec. . Section 347.9, Code 1999, is amended to
31 read as follows:

32 347.9 TRUSTEES -- APPOINTMENT -- TERMS OF OFFICE.

33 When it has been determined by the voters of a
34 county to establish a county public hospital, the
35 board shall appoint seven trustees chosen from among
36 the resident citizens of the county with reference to
37 their fitness for office, and not more than four of
38 the trustees shall be residents of the city at which
39 the hospital is located. The trustees shall hold
40 office until the following general election, at which
41 time their successors shall be elected, two for a term
42 of two years, two for four years, and three for six
43 years, and they shall determine by lot their
44 respective terms, and thereafter their successors
45 shall be elected for regular terms of six years each.
46 A person or spouse of a person with medical or special
47 staff privileges in the county public hospital or who
48 receives direct or indirect compensation in an amount
49 greater than one thousand five hundred dollars in a
50 calendar year from the county public hospital or

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1 direct or indirect compensation in an amount greater
2 than one thousand five hundred dollars in a calendar
3 year from a person contracting for services with the
4 hospital shall not be eligible to serve as a trustee
5 for that county public hospital.

6 Sec. . Section 347.12, unnumbered paragraph 3,
7 Code 1999, is amended to read as follows:

8 The secretary of the hospital board of trustees
9 shall file monthly on or before the ~~tenth~~ thirtieth
10 day of each month with such board a complete statement
11 of all receipts and disbursements from all funds
12 during the preceding month, and also the balance
13 remaining on hand in such funds at the close of the
14 period covered by said statement.

15 Sec. . Section 347.13, subsection 7, Code 1999,
16 is amended by striking the subsection.

17 Sec. . Section 347.13, subsection 11, Code
18 1999, is amended by striking the subsection and
19 inserting in lieu thereof the following:

20 11. Make available to the board of supervisors a
21 statement of all receipts and expenditures from the
22 preceding fiscal year.

23 Sec. . Section 347.14, subsection 11, Code
24 1999, is amended to read as follows:

25 11. Do all things necessary for the management,
26 control and government of said hospital and exercise
27 all the rights and duties pertaining to hospital
28 trustees generally, including but not limited to
29 authorizing delivery of any health care service,
30 assisted or independent living service, or other
31 ancillary service, unless such rights of hospital
32 trustees generally are specifically denied by this
33 chapter, or unless such duties are expressly charged
34 by this chapter.

35 Sec. . Section 347.14, Code 1999, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 16. Borrow moneys to be secured
38 solely by hospital revenues for the purposes of
39 improvement, maintenance, or replacement of the
40 hospital or for hospital equipment.

41 Sec. . Section 347.30, Code 1999, is amended to
42 read as follows:

43 347.30 NOTICE AND HEARING.

44 A county or city hospital shall serve notice and
45 hold a public hearing before selling or leasing any
46 real property pursuant to sections 347.28 and 347.29.
47 The notice shall definitely describe the property,
48 indicate the date and location of the hearing, and
49 shall be published by at least one insertion each week
50 for two consecutive weeks in a newspaper having

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1 general circulation in the county where the property
2 is located. The hearing shall not take place prior to
3 two weeks after the second publication.

4 Sec. Section 347A.1, unnumbered paragraph 1,
5 Code 1999, is amended to read as follows:

6 A county having a population less than one hundred
7 fifty thousand may issue revenue bonds for a county
8 hospital as provided in section 331.461, subsection 2,
9 paragraph "e". The administration and management of
10 the hospital shall be vested in a board of hospital
11 trustees consisting of five or seven members
12 appointed. ~~Appointments for a five-member board shall~~
13 ~~be made~~ by the board of supervisors from among the
14 resident citizens of the county with reference to
15 their fitness for office, and not more than two of the
16 trustees shall be residents of the same township.
17 Expansion from a five-member to a seven-member board
18 of trustees shall occur only on approval of a majority
19 of the five-member board of trustees. The five-member
20 board of trustees shall appoint members to the
21 additional vacancies; one appointee shall serve until
22 the succeeding general election and the other
23 appointee shall serve until the second succeeding
24 general election at which times successors shall be
25 elected.

26 Sec. Section 392.6, unnumbered paragraph 2,
27 Code 1999, is amended to read as follows:

28 Cities maintaining an institution as provided for
29 in this section which have a board of trustees
30 consisting of three members may by ordinance increase
31 the number of members to five or seven and provide for
32 the appointment of one of the additional member in the
33 expansion to a five-member board or two additional
34 members in the expansion to a seven-member board until
35 the next succeeding general or city election, and for
36 the appointment of the one or two other additional
37 member members until the second succeeding general or
38 city election. Thereafter, the terms of office of
39 such additional members shall be four years. However,
40 if a city has adopted an ordinance which increases the
41 number of members of the board of trustees to five or
42 seven members and the terms of office of four of the
43 five members or six of the seven members end in the
44 same year, the date of expiration of the term of one
45 of the four members or two of the six members, to be
46 determined by lot, shall be extended by an additional
47 two years."

48 3. Title page, by striking lines 1 and 2 and
49 inserting the following: "An Act relating to the
50 qualifications and terms of commissioners and the

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- 1 management and operation of certain public hospitals."
- 2 4. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
SHELDON RITTMER, Chairperson

S-3097

- 1 Amend Senate File 449 as follows:
- 2 1. Page 1, by striking lines 31 through 33 and
- 3 inserting the following: "immigration trends and
- 4 laws."

NANCY J. BOETTGER

S-3098

- 1 Amend Senate File 449 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. CENTER FOR NEW IOWANS. There is
- 5 appropriated from the general fund of the state to the
- 6 department of workforce development for the fiscal
- 7 year beginning July 1, 1999, and ending June 30, 2000,
- 8 the following amount, or so much thereof as is
- 9 necessary, to be used for the purpose designated:
- 10 For implementation of the center for new Iowans in
- 11 the fiscal year beginning July 1, 1999, in accordance
- 12 with section 84A.10, as enacted by this Act:
- 13 \$ 246,000"
- 14 2. Title page, line 3, by inserting after the
- 15 word "repeal" the following: "and an appropriation".
- 16 3. By renumbering as necessary.

ROBERT E. DVORSKY
MARK SHEARER
BETTY A. SOUKUP
TOM FLYNN

S-3099

- 1 Amend Senate File 291 as follows:
- 2 1. Page 15, by striking line 2 and inserting the
- 3 following: "the extent of six dollars and ~~seventy-~~
- 4 ~~five~~ ninety-two".
- 5 2. Page 15, by striking lines 12 and 13 and
- 6 inserting the following: "credit to be not more than

7 six dollars and ~~seventy-five~~ ninety-two cents per
8 thousand dollars of assessed value of'.

RICHARD F. DRAKE

S-3100

1 Amend Senate File 338 as follows:
2 1. Page 1, by inserting after line 31 the
3 following:
4 "3A. A provider, or the owner or manager of a
5 commercial building or multiple-unit residential
6 building, or a condominium association or board of
7 directors of such association may bring an action in a
8 court of competent jurisdiction to determine whether
9 compensation for the direct costs of providing repairs
10 is required under this section, and if so, the amount
11 of the reasonable compensation that should be paid by
12 the provider. Bringing an action under this
13 subsection shall not delay or prevent a provider from
14 establishing points of attachment and providing
15 service to a customer or subscriber located within the
16 commercial building, multiple-unit residential
17 building, or condominium when that customer or
18 subscriber has placed an order for, or requested,
19 service from the provider."
20 2. By renumbering as necessary.

STEVE KING

S-3101

1 Amend Senate File 445 as follows:
2 1. Page 3, line 19, by striking the word
3 "fifteen" and inserting the following: "twenty".

JACK RIFE

S-3102

1 Amend House File 209 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking lines 4 through 8.

LARRY McKIBBEN

S-3103

1 Amend Senate File 338 as follows:
2 1. Page 1, line 29, by striking the word "any"

3 and inserting the following: "the direct costs of
4 providing".

STEVE KING

S-3104

1 Amend Senate File 319 as follows:

2 1. Page 1, line 7, by inserting after the word
3 "loan" the following: "or savings association".

4 2. Page 1, by inserting after line 17 the
5 following:

6 "Sec. . Section 12C.1, subsection 3, paragraph
7 b, Code 1999, is amended to read as follows:

8 b. If a depository is a bank, ~~then~~ public deposits
9 in the bank shall be secured pursuant to sections
10 ~~12C.21~~, 12C.23, and 12C.24."

11 3. Page 3, by striking lines 4 through 11 and
12 inserting the following:

13 "(2) Public bonds or obligations of this state or
14 a political subdivision of this state.

15 (3) Public bonds or obligations of another state
16 or a political subdivision of another state whose
17 bonds are rated within the two highest classifications
18 of prime as established by at least one of the
19 standard rating services approved by the
20 superintendent of banking pursuant to chapter 17A.

21 (4) To the extent of the guarantee, loans,
22 obligations, or".

23 4. By striking page 3, line 22, through page 4,
24 line 5, and inserting the following:

25 "(5) First lien mortgages which are valued
26 according to practices acceptable to the treasurer of
27 state.

28 (6) Investments in an open-end management
29 investment company registered with the federal
30 securities and exchange commission under the federal
31 Investment Company Act of 1940, 15 U.S.C. } 80(a),
32 which is operated in accordance with 17 C.F.R. }
33 270.2a-7.

34 Direct obligations of, or obligations that are
35 insured or fully guaranteed as to principal and
36 interest by, the United States of America, which may
37 be used to secure the deposit of public funds under
38 subparagraph (1), include investments in an investment
39 company or investment trust registered under the
40 federal Investment Company Act of 1940, 15 U.S.C. }
41 80a, the portfolio of which is limited to the United
42 States government obligations described in
43 subparagraph (1) and to repurchase agreements fully
44 collateralized by the United States government
45 obligations described in subparagraph (1), if the

46 investment company or investment trust takes delivery
 47 of the collateral either directly or through an
 48 authorized custodian."
 49 5. Page 4, by striking lines 30 and 31, and
 50 inserting the following:

Page 2

1 "c. The securities shall be deposited with the
 2 federal reserve bank of Chicago, Illinois, the federal
 3 home loan bank".
 4 6. Page 5, by striking line 17 and inserting the
 5 following: "Moines, Iowa, shall report a description,
 6 the par value, and the market value".
 7 7. Page 5, by striking lines 20 and 21 and
 8 inserting the following: "union."
 9 8. Page 7, line 8, by inserting after the word
 10 "principal" the following: "and accrued interest".
 11 9. Page 7, lines 11 and 12, by striking the words
 12 "public body treasurer" and inserting the following:
 13 "treasurer public body".
 14 10. Page 11, by striking lines 26 through 28 and
 15 inserting the following:
 16 "b. The recovery of any loss to public depositors
 17 shall begin with applicable deposit insurance. The".
 18 11. Page 12, by striking lines 22 through 24 and
 19 inserting the following: "deposits held by all banks.
 20 Each bank shall pay its assessment to the treasurer".
 21 12. Page 13, by inserting after line 14 the
 22 following:
 23 "Sec. ____ Section 12C.21, Code 1999, is repealed.
 24 Sec. ____ EFFECTIVE DATE. This Act, being deemed
 25 of immediate importance, takes effect upon enactment."
 26 13. Title page, line 3, by inserting after the
 27 word "deposits" the following: ", and providing an
 28 effective date".
 29 14. By renumbering as necessary.

JEFF LAMBERTI
 PATRICK J. DELUHERY

S-3105

1 Amend Senate File 275 as follows:
 2 1. Page 1, by striking lines 1 through 16 and
 3 inserting the following:
 4 "Section 1. NEW SECTION. 237C.1 CHILDREN'S
 5 CENTERS.
 6 1. For the purposes of this section, unless the
 7 context requires otherwise, "children's center" means
 8 a privately funded facility designed to serve seven or
 9 more children at any one time who are not under the

10 custody or authority of the department of human
 11 services, juvenile court, or another governmental
 12 agency, and that offers one or more of the following
 13 services:

- 14 a. Child day care.
- 15 b. Child day care for children with a chronic
 16 illness.
- 17 c. Respite care.
- 18 d. Family support services.
- 19 e. Medical equipment.
- 20 f. Therapeutic day programming.
- 21 g. Educational enrichment.
- 22 h. Housing.

23 2. The department of human services shall consult
 24 with the department of inspections and appeals,
 25 department of education, Iowa department of public
 26 health, state fire marshal, and community-based
 27 providers of services to children in establishing
 28 certification or licensing standards for children's
 29 centers.

30 3. In establishing the initial and subsequent
 31 standards, the department of human services shall
 32 review other certification and licensing standards
 33 applicable to the centers. The standards established
 34 by the department shall be broad facility standards
 35 for the protection of children's safety. The
 36 department of human services shall not establish
 37 program standards or other requirements under this
 38 section involving program development or oversight of
 39 the programs provided to the children served by
 40 children's centers."

41 2. Title page, by striking line 1, and inserting
 42 the following: "An Act requiring the".

NANCY J. BOETTGER
 ELAINE SZYMONIAK
 MARY E. KRAMER

S-3106

1 Amend House File 571, as amended, passed, and
 2 reprinted by the House, as follows:

- 3 1. Page 5, line 23, by inserting after the word
 4 "Iowa," the following: "or the U.S. central credit
 5 union".

JEFF LAMBERTI
 PATRICK J. DELUHERY

S-3107

1 Amend Senate File 458 as follows:

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

4 "Sec. 100. Section 441.21, subsection 4, Code
5 1999, is amended to read as follows:

6 4. For valuations established as of January 1,
7 1979, the percentage of actual value at which
8 agricultural and residential property shall be
9 assessed shall be the quotient of the dividend and
10 divisor as defined in this section. The dividend for
11 each class of property shall be the dividend as
12 determined for each class of property for valuations
13 established as of January 1, 1978, adjusted by the
14 product obtained by multiplying the percentage
15 determined for that year by the amount of any
16 additions or deletions to actual value, excluding
17 those resulting from the revaluation of existing
18 properties, as reported by the assessors on the
19 abstracts of assessment for 1978, plus six percent of
20 the amount so determined. ~~However, if the difference~~
21 ~~between the dividend so determined for either class of~~
22 ~~property and the dividend for that class of property~~
23 ~~for valuations established as of January 1, 1978,~~
24 ~~adjusted by the product obtained by multiplying the~~
25 ~~percentage determined for that year by the amount of~~
26 ~~any additions or deletions to actual value, excluding~~
27 ~~those resulting from the revaluation of existing~~
28 ~~properties, as reported by the assessors on the~~
29 ~~abstracts of assessment for 1978, is less than six~~
30 ~~percent, the 1979 dividend for the other class of~~
31 ~~property shall be the dividend as determined for that~~
32 ~~class of property for valuations established as of~~
33 ~~January 1, 1978, adjusted by the product obtained by~~
34 ~~multiplying the percentage determined for that year by~~
35 ~~the amount of any additions or deletions to actual~~
36 ~~value, excluding those resulting from the revaluation~~
37 ~~of existing properties, as reported by the assessors~~
38 ~~on the abstracts of assessment for 1978, plus a~~
39 ~~percentage of the amount so determined which is equal~~
40 ~~to the percentage by which the dividend as determined~~
41 ~~for the other class of property for valuations~~
42 ~~established as of January 1, 1978, adjusted by the~~
43 ~~product obtained by multiplying the percentage~~
44 ~~determined for that year by the amount of any~~
45 ~~additions or deletions to actual value, excluding~~
46 ~~those resulting from the revaluation of existing~~
47 ~~properties, as reported by the assessors on the~~
48 ~~abstracts of assessment for 1978, is increased in~~
49 ~~arriving at the 1979 dividend for the other class of~~
50 ~~property. The divisor for each class of property~~

Page 2

1 shall be the total actual value of all such property
2 in the state in the preceding year, as reported by the
3 assessors on the abstracts of assessment submitted for
4 1978, plus the amount of value added to said total
5 actual value by the revaluation of existing properties
6 in 1979 as equalized by the director of revenue
7 pursuant to section 441.49. The director shall
8 utilize information reported on abstracts of
9 assessment submitted pursuant to section 441.45 in
10 determining such percentage. For valuations
11 established as of January 1, 1980, and each year
12 thereafter, the percentage of actual value as
13 equalized by the director of revenue and finance as
14 provided in section 441.49 at which agricultural and
15 residential property shall be assessed shall be
16 calculated in accordance with the methods provided
17 ~~herein including the limitation of increases in~~
18 ~~agricultural and residential assessed values to the~~
19 ~~percentage increase of the other class of property if~~
20 ~~the other class increases less than the allowable~~
21 ~~limit adjusted to include the applicable and current~~
22 ~~values as equalized by the director of revenue and~~
23 ~~finance, except that any in this subsection. However,~~
24 references to six percent in this subsection shall be
25 four percent."

26 2. Page 1, by inserting after line 19 the
27 following:

28 "Sec. . Section 100 of this Act applies
29 retroactively to January 1, 1999, for valuations for
30 property tax established on or after that date."

31 3. Title page, line 2, by inserting after the
32 word "statements" the following: "and relating to the
33 valuation of residential and agricultural property by
34 removing the restriction that prevented each class
35 from increasing in valuation by a greater percentage
36 than the other and including an applicability date
37 provision".

JACK RIFE

S-3108

1 Amend Senate File 445 as follows:

2 1. Page 6, line 6, by striking the word and
3 figures "October 1, 1999" and inserting the following:
4 "January 1, 2000".

LYLE E. ZIEMAN

S-3109

- 1 Amend Senate File 453 as follows:
- 2 1. Page 2, by striking lines 8 through 10 and
- 3 inserting the following: "~~assessment.~~ A voting
- 4 member of the council shall not be a salaried employee
- 5 of the council or any organization or agency receiving
- 6 moneys from the council."

MERLIN E. BARTZ

S-3110

- 1 Amend Senate File 445 as follows:
- 2 1. Page 6, by striking lines 6 through 8 and
- 3 inserting the following: "paragraph, the nine-year
- 4 period of operation shall only apply to licensees
- 5 whose original application was filed on or before
- 6 October 1, 1999."

SHELDON RITTMER

S-3111

- 1 Amend House File 570, as passed by the House, as
- 2 follows:
- 3 1. Page 6, line 33, by striking the word "may"
- 4 and inserting the following: "shall".

COMMITTEE ON AGRICULTURE
E. THURMAN GASKILL, Chairperson

S-3112

- 1 Amend Senate File 76 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "appropriated." the following: "The department shall
- 4 not encumber an amount in excess of five hundred
- 5 thousand dollars under this section in any fiscal
- 6 year."

DERRYL McLAREN
JOHN W. JENSEN

S-3113

- 1 Amend House File 497, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "Sec. . Section 135.11, subsection 9, Code
- 6 1999, is amended to read as follows:

7 9. Exercise sole jurisdiction over the disposal
 8 and transportation of the dead bodies of human beings
 9 and prescribe the methods to be used in preparing such
 10 bodies for disposal and transportation: However, the
 11 department may approve a request for an exception to
 12 the application of specific embalming and disposition
 13 rules adopted pursuant to this subsection, if such
 14 rules would otherwise conflict with tenets and
 15 practices of a recognized religious denomination to
 16 which the deceased individual adhered or of which
 17 denomination the deceased individual was a member.
 18 The department shall inform the board of mortuary
 19 science examiners of any such approved exception which
 20 may affect services provided by a funeral director
 21 licensed pursuant to chapter 156."
 22 2. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
 NANCY J. BOETTGER, Chairperson

S-3114

1 Amend the amendment, S-3110, to Senate File 445 as
 2 follows:
 3 1. Page 1, by striking line 6 and inserting the
 4 following: "January 1, 2000."

LYLE E. ZIEMAN

S-3115

1 Amend Senate File 445 as follows:
 2 1. Page 6, by striking lines 15 and 16 and
 3 inserting the following: "where gambling is being
 4 conducted except for employment purposes. However, a
 5 person under eighteen years of age or older may be
 6 employed to work in a gambling nongambling areas
 7 only".
 8 2. Page 6, by inserting after line 20 the
 9 following:
 10 "Sec. . Section 99F.9, subsection 6, Code 1999,
 11 is amended to read as follows:
 12 6. A licensee shall not accept a credit card as
 13 defined in section 537.1301, subsection 16, to
 14 purchase coins, tokens, or other forms of credit to be
 15 wagered on gambling games. This section shall not be
 16 construed to prohibit a person access to the person's
 17 prearranged credit through a credit card or other
 18 means if the credit is extended by a nonlicensee."

MARY A. LUNDBY

S-3116

- 1 Amend Senate File 324 as follows:
- 2 1. Page 10, by striking lines 29 and 30 and
- 3 inserting the following: "franchisor is not arbitrary
- 4 or capricious. The".

MICHAEL E. GRONSTAL

S-3117

- 1 Amend Senate File 304 as follows:
- 2 1. Page 1, by striking line 3 and inserting the
- 3 following:
- 4 "NEW SUBSECTION. 7. After the request for, and
- 5 during the performance of,".

NANCY J. BOETTGER

S-3118

- 1 Amend Senate File 304 as follows:
- 2 1. Page 1, line 3, by inserting after the figure
- 3 "7." the following: "a."
- 4 2. Page 1, by inserting after line 23 the
- 5 following:
- 6 "b. A period of conditional employment, during
- 7 which a prospective employee is hired on a conditional
- 8 basis pursuant to paragraph "a", shall not exceed
- 9 thirty days in length. An individual who has been
- 10 convicted of a felony, a crime against a person,
- 11 assault, or dependent adult abuse shall not be
- 12 eligible to be hired on a conditional basis."

NANCY J. BOETTGER
MATT McCOY

S-3119

- 1 Amend Senate file 292 as follows:
- 2 1. Page 1, by striking lines 3 through 9 and
- 3 inserting the following:
- 4 "NEW UNNUMBERED PARAGRAPH. All complaint files,
- 5 investigation files, other investigation reports, and
- 6 other investigative information in the possession of
- 7 the board or its employees or agents, which relate to
- 8 licensee discipline, are privileged and confidential,
- 9 and are not subject to discovery, subpoena, or other
- 10 means of legal compulsion for their release to a
- 11 person other than the respondent and the board and its
- 12 employees and agents involved in licensee discipline,
- 13 and are not admissible in evidence in a judicial or

14 administrative proceeding other than the proceeding
15 involving licensee discipline. However, investigative
16 information in the possession of the board or its
17 employees or agents which relates to licensee
18 discipline may be disclosed to appropriate licensing
19 authorities within this state, the appropriate
20 licensing authority in another state, the District of
21 Columbia, or a territory or country in which the
22 licensee is licensed or has applied for a license. A
23 final written decision and finding of fact of the
24 board in a disciplinary proceeding is a public
25 record."

MICHAEL W. CONNOLLY

S-3120

1 Amend Senate File 399 as follows:

2 1. Page 1, by striking lines 23 and 24 and
3 inserting the following: "livestock as defined in
4 section 169C.1, except for property which is eligible
5 for a family farm tax".

JOHN P. KIBBIE
H. KAY HEDGE
EUGENE S. FRAISE
MERLIN E. BARTZ
JoANN JOHNSON

S-3121

1 Amend Senate File 399 as follows:

2 1. Page 1, by inserting after line 25 the
3 following:
4 "The exemption calculated for pollution control or
5 recycling property used for purposes related to the
6 care and feeding of livestock as defined in section
7 169C.1, and which is eligible for a family farm tax
8 credit as provided in chapter 425A, is limited to the
9 first one hundred thousand dollars in assessed value."

JOHN P. KIBBIE
H. KAY HEDGE
EUGENE S. FRAISE
MERLIN E. BARTZ
JoANN JOHNSON

S-3122

1 Amend the amendment, S-3118, to Senate File 304, as
2 follows:
3 1. Page 1, line 12, by inserting after the word

4 "basis." the following: "Conditionally hired
5 employees shall not be scheduled for work, or be
6 assigned or perform job responsibilities, between the
7 hours of eight p.m. and six a.m. daily."

NANCY J. BOETTGER
MATT McCOY

S-3123

1 Amend Senate File 408 as follows:

2 1. Page 1, line 2, by striking the words "new
3 paragraph" and inserting the following: "new
4 paragraphs".

5 2. Page 1, by inserting after line 11 the
6 following:

7 "NEW PARAGRAPH. cd. "Employee testing compliance
8 officer" means a licensed chiropractor, nurse
9 practitioner, or physician assistant who has knowledge
10 of substance abuse disorders and has appropriate
11 medical training to perform tasks delegated by a
12 medical review officer consistent with the mandatory
13 guidelines for federal workplace drug testing
14 programs.

15 Sec. . Section 730.5, subsection 1, paragraph
16 f, Code 1999, is amended by striking the paragraph and
17 inserting in lieu thereof the following:

18 f. "Medical review officer" means a physician
19 licensed to practice medicine and surgery or
20 osteopathic medicine and surgery who receives
21 laboratory results generated by an employer's drug or
22 alcohol testing program and who interprets and
23 evaluates an individual's confirmed positive test
24 result, along with the individual's medical history
25 and any other relevant biomedical information,
26 consistent with the mandatory guidelines for federal
27 workplace drug testing programs.

28 Sec. . Section 730.5, subsection 7, paragraph
29 g, Code 1999, is amended to read as follows:

30 g. A medical review officer shall, prior to the
31 results being reported to an employer, review and
32 interpret any confirmed positive test results,
33 including both quantitative and qualitative test
34 results, to ensure that the chain of custody is
35 complete and sufficient on its face and that any
36 information provided by the individual pursuant to
37 paragraph "c", subparagraph (2), is considered. An
38 employee testing compliance officer may assist a
39 medical review officer in conducting the review
40 required by this paragraph.

41 Sec. . Section 730.5, subsection 7, paragraph
42 h, Code 1999, is amended to read as follows:

43 h. In conducting drug or alcohol testing pursuant
44 to this section, the laboratory, the medical review
45 officer, an employee testing compliance officer, if
46 applicable, and the employer shall ensure, to the
47 extent feasible, that the testing only measure, and
48 the records concerning the testing only show or make
49 use of information regarding, alcohol or drugs in the
50 body."

Page 2

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

3 "Sec. . Section 730.5, subsection 13, paragraph
4 b, Code 1999, is amended to read as follows:

5 b. An employee, or a prospective employee, who is
6 the subject of a drug or alcohol test conducted under
7 this section pursuant to an employer's written policy
8 and for whom a confirmed positive test result is
9 reported shall, upon written request, have access to
10 any records relating to the employee's drug or alcohol
11 test, including records of the laboratory where the
12 testing was conducted and any records relating to the
13 results of any relevant certification or review by a
14 medical review officer or an employee testing
15 compliance officer, if applicable. However, a
16 prospective employee shall be entitled to records
17 under this paragraph only if the prospective employee
18 requests the records within fifteen calendar days from
19 the date the employer provided the prospective
20 employee written notice of the results of a drug or
21 alcohol test as provided in subsection 7, paragraph
22 "i", subparagraph (2).

23 Sec. . Section 730.5, subsection 13, paragraph
24 c, Code 1999, is amended to read as follows:

25 c. Except as provided by this section and as
26 necessary to conduct drug or alcohol testing under
27 this section and to file a report pursuant to
28 subsection 16, a laboratory, an employee testing
29 compliance officer, and a medical review officer
30 conducting drug or alcohol testing under this section
31 shall not use or disclose to any person any personally
32 identifiable information regarding such testing,
33 including the names of individuals tested, even if
34 unaccompanied by the results of the test.

35 Sec. . Section 730.5, subsection 14, paragraph
36 a, Code 1999, is amended to read as follows:

37 a. Any laboratory, employee testing compliance
38 officer, or medical review officer which discloses
39 information in violation of the provisions of
40 subsection 7, paragraph "h" or "k", or any employer
41 who, through the selection process described in

42 subsection 1, paragraph "k", improperly targets or
43 exempts employees subject to unannounced drug or
44 alcohol testing, shall be subject to a civil penalty
45 of one thousand dollars for each violation. The
46 attorney general or the attorney general's designee
47 may maintain a civil action to enforce this
48 subsection. Any civil penalty recovered shall be
49 deposited in the general fund of the state.
50 Sec. . Section 730.5, subsection 14, paragraph

Page 3

1 b, Code 1999, is amended to read as follows:
2 b. A laboratory, employee testing compliance
3 officer, or medical review officer involved in the
4 conducting of a drug or alcohol test pursuant to this
5 section shall be deemed to have the necessary contact
6 with this state for the purpose of subjecting the
7 laboratory, employee testing compliance officer, or
8 medical review officer to the jurisdiction of the
9 courts of this state."
10 4. By renumbering as necessary.

STEVE KING

S-3124

1 Amend Senate File 304 as follows:
2 1. Page 1, by striking line 3 and inserting the
3 following:
4 "NEW SUBSECTION. 7. a. After the request for,
5 and during the performance of,"
6 2. Page 1, by inserting after line 23 the
7 following:
8 "b. A period of conditional employment, during
9 which a prospective employee is hired on a conditional
10 basis pursuant to paragraph "a", shall not exceed
11 thirty days in length. An individual who has been
12 convicted of a felony crime against a person, assault,
13 or dependent adult abuse shall not be eligible to be
14 hired on a conditional basis. Conditionally hired
15 employees shall not be scheduled for work, or be
16 assigned or perform job responsibilities, between the
17 hours of eight p.m. and six a.m. daily."

NANCY J. BOETTGER
MATT McCOY

S-3125

1 Amend House File 651, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 7, by striking lines 27 through 29 and
4 inserting the following: "section 321.92. However,
5 the weight on any".

EUGENE S. FRAISE

S-3126

1 Amend House File 651, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by striking lines 27 and 28 and
4 inserting the following: "section 321.92. Commencing
5 July 1, 2005, all tank wagons with a capacity of five
6 thousand gallons or more shall be operated in".

EUGENE S. FRAISE

S-3127

1 Amend the amendment, S-3096, to House File 224, as
2 passed by the House, as follows:
3 1. Page 3, by inserting after line 3 the
4 following:
5 "A county or city hospital shall serve notice
6 before selling or leasing any personal property
7 pursuant to sections 347.28 and 347.29. The notice
8 shall definitely describe the property and shall be
9 published by at least one insertion each week for two
10 consecutive weeks in a newspaper having general
11 circulation in the county where the property is
12 located."

MICHAEL E. GRONSTAL

S-3128

1 Amend Senate File 392 as follows:
2 1. Page 1, line 4, by inserting after the word
3 "provide" the following: "on an equal basis with
4 existing local exchange carriers".
5 2. Page 2, by striking line 23 and inserting the
6 following: "or the municipal utility shall not do,
7 directly or indirectly, any of the following:"
8 3. Page 2, by inserting after line 30 the
9 following:
10 "(3) Provide any other city service to a
11 telecommunications customer at a cost which is less
12 than would be paid by the same person receiving such
13 other city service if the person was not a
14 telecommunications customer.
15 (4) Use funds or revenue generated from electric,
16 gas, water, sewage, or garbage services provided by

- 17 the city to support systems and services used to
18 provide local exchange services."
19 4. Page 2, line 33, by striking the word
20 "exclusively".
21 5. Page 3, by striking line 1 and inserting the
22 following: "or the municipal utility shall do the
23 following:"
24 6. Page 3, line 8, by striking the words
25 "including general funds,".
26 7. Page 3, line 14, by inserting after the word
27 "the" the following: "municipal".
28 8. Page 3, by inserting after line 15 the
29 following:
30 "c. Be subject to all requirements of the city
31 which would apply to a local exchange carrier in the
32 same manner as such requirements would apply to a
33 local exchange carrier providing such services.
34 d. Remit, on its facilities used to provide
35 telecommunications and information systems and
36 services, all taxes and fees which would be applicable
37 if the municipal utility were a local exchange carrier
38 using such facilities to provide such systems or
39 services."
40 9. Page 4, lines 31 and 32 by striking the words
41 and figures "subsections 1 through 5 and subsection
42 7."
43 10. By striking page 4, line 33, through page 5,
44 line 24.
45 11. By renumbering as necessary.

JOHN W. JENSEN
WALLY E. HORN
DENNIS H. BLACK
EUGENE S. FRAISE
NEAL SCHUERER
STEWART E. IVERSON, Jr.

S-3129

- 1 Amend Senate File 395 as follows:
2 1. Page 6, by inserting after line 14 the
3 following:
4 "Sec. . Section 905.7, subsection 8, Code 1999,
5 is amended to read as follows:
6 8. Provide for standards for mental fitness which
7 shall govern the initial recruitment, selection, and
8 appointment of parole and probation officers. ~~To~~
9 ~~promote these standards, the department of corrections~~
10 ~~shall by rule require a battery of psychological tests~~
11 ~~to determine cognitive skills, personality~~
12 ~~characteristics, and suitability of all applicants for~~
13 ~~a correctional career, as is required for correctional~~

14 ~~officers pursuant to section 904.108."~~

- 15 2. Title page, line 6, by inserting after the
16 word "earnings," the following: "standards for the
17 employment of probation and parole officers,"
18 3. By renumbering as necessary.

ROBERT E. DVORSKY

JEFF ANGELO

S-3130

1 Amend Senate File 393 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 28E.41 JOINT COUNTY,
5 CITY, FIRE DISTRICT, SCHOOL DISTRICT BUILDINGS.

6 1. Two or more counties, cities, fire districts,
7 or school districts, each of which has areas within
8 their boundaries which overlap areas within the
9 boundaries of the others, or which are contiguous with
10 each other, may execute an agreement pursuant to this
11 section for the joint construction or acquisition,
12 furnishing, operation, and maintenance of a public
13 building or buildings for their common use within
14 their overlapping or contiguous areas. Noncontiguous
15 cities located within the same county, or contiguous
16 counties, may also execute an agreement for the joint
17 construction or acquisition, furnishing, operation,
18 and maintenance of a regional public building or
19 buildings for their common use. An agreement
20 regarding a joint county, city, fire district, or
21 school district public building may include, but is
22 not limited to, any of the following:

23 a. Acquisition of a construction site and
24 construction of a public building for common use.
25 b. Purchase of an existing building for joint
26 public use, or conversion of a building previously
27 owned and maintained by a county, city, fire district,
28 or school district for joint public use.
29 c. Equipping or furnishing a new or existing
30 building for joint public use.
31 d. Operation, maintenance, or improvement of a
32 joint public building.
33 e. Any other aspect of joint public building
34 acquisition or maintenance mutually agreed upon and
35 authorized by law in the county, city, fire district,
36 or school district.

37 2. An agreement pursuant to subsection 1 shall be
38 approved by resolution of the governing bodies of each
39 of the participating counties, cities, fire districts,
40 or school districts and shall specify the purposes for
41 which the building or improvement shall be used, the

42 estimated cost thereof, the estimated amount of the
43 cost to be allocated to each of the participating
44 counties, cities, fire districts, or school districts,
45 the proportion and method of allocating the expenses
46 of the operation and maintenance of the building or
47 improvement, and the disposition to be made of any
48 revenues to be derived therefrom, in addition to the
49 provisions of sections 28E.5 and 28E.6, and any other
50 applicable provision of this chapter.

Page 2

1 3. a. A county, city, fire district, or school
2 district may appropriate funds or issue general
3 obligation bonds for the payment of its share of the
4 cost of constructing, acquiring, furnishing,
5 operating, or maintaining a joint public building
6 pursuant to subsection 1. Section 28E.16 shall apply
7 regarding a single election to be authorized by the
8 board of supervisors, city council, governing body of
9 a fire district, and board of directors of a school
10 district, in the event that a single bond issue
11 throughout the overlapping or contiguous areas, or
12 noncontiguous cities contained within the same county
13 or contiguous counties, is contemplated. If separate
14 bond issues are authorized by a board of supervisors,
15 city council, governing body of a fire district, or
16 board of directors of a school district for their
17 respective share of the cost of the joint public
18 building, the applicable bonding provisions of
19 chapters 74, 75, 298, 331, and 384 shall apply. With
20 regard to any issuance of bonds pursuant to this
21 section, however, a proposition to authorize an
22 issuance of bonds by a county, city, fire district, or
23 school district shall be deemed carried or adopted if
24 a vote in favor of the authorization equal to at least
25 sixty percent of the vote cast for and against the
26 proposition in each participating authority is
27 received.

28 b. Bonds shall not be issued by a county, city,
29 fire district, or school district until provision has
30 been made by each of the other participating counties,
31 cities, fire districts, or school districts to the
32 agreement for the payment of their shares of the cost
33 of the joint public building. In the event that the
34 cost of the construction or acquisition, furnishing,
35 operation, and maintenance of the public building
36 exceeds that which was originally estimated and agreed
37 to, the governing body of a county, city, fire
38 district, or school district shall have the authority,
39 jointly or individually, to appropriate additional
40 moneys or issue additional bonds to pay their

41 respective portions of the increased costs.
 42 c. A county, city, fire district, or school
 43 district shall be authorized, with the consent of the
 44 governing bodies of the other parties, to enter into
 45 an agreement under this section, to improve, add to,
 46 or equip the building which is the subject of the
 47 agreement for its own purposes to the same extent and
 48 in the same manner as if the building were wholly
 49 owned by and devoted to the uses of the county, city,
 50 fire district, or school district.

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1 d. The authority granted to a county, city, fire
 2 district, or school district pursuant to this section
 3 shall be in addition to, and not in derogation of, any
 4 other powers conferred by law upon a county, city,
 5 fire district, or school district to make agreements,
 6 appropriate and expend moneys, and to issue bonds for
 7 the same or similar purposes.
 8 4. For purposes of this section, "fire district"
 9 means any governmental entity which provides fire
 10 protection services."
 11 2. Title page, by striking lines 1 and 2 and
 12 inserting the following: "An Act providing for the
 13 joint construction or acquisition, furnishing,
 14 operation, and maintenance of public buildings by a
 15 county, city, fire district, and school district."

JACK RIFE

S-3131

1 Amend Senate File 439 as follows:
 2 1. Page 1, line 4, by striking the word
 3 "facilitation".
 4 2. Page 1, by striking lines 7 through 18 and
 5 inserting the following:
 6 "1. The purpose of creating the community
 7 empowerment initiative is to empower individuals and
 8 their communities to achieve desired results for
 9 improving the quality of life in the communities in
 10 this state. It is expected that the empowerment of
 11 individuals will strengthen the individuals' sense of
 12 responsibility for their neighbors and promote
 13 partnerships in order for all to succeed. It is
 14 believed that the desired results identified by
 15 individuals and their communities, with the support of
 16 the state, will be achieved as individuals,
 17 governments, and agencies work collaboratively within
 18 communities. It is believed that local individuals in
 19 local communities working together will identify and

20 implement the best means for attaining the desired
21 results for themselves and their neighbors. The role
22 of the Iowa empowerment board, the state, and local
23 governments is to support and facilitate growth of
24 individual and community responsibility in place of
25 the directive role that the public has come to expect
26 of government."

27 3. Page 2, by striking lines 7 and 8 and
28 inserting the following:

29 "1. An Iowa empowerment board is created to
30 oversee ~~facilitate~~ state and".

31 4. Page 3, line 34, by striking the word
32 "communication" and inserting the following:
33 "facilitation, communication".

34 5. Page 4, lines 1 and 2, by striking the words
35 "an administrator" and inserting the following: "a
36 facilitator".

37 6. Page 4, line 6, by striking the word
38 "administrator" and inserting the following:
39 "facilitator".

40 7. Page 4, line 7, by striking the word
41 "administrator" and inserting the following:
42 "facilitator".

43 8. Page 4, by striking line 11 and inserting the
44 following: "and coordination functions to move
45 authority and decision-making responsibility from the
46 state to communities and individuals."

47 9. Page 4, line 20, by striking the word
48 "involving" and inserting the following: "for".

49 10. Page 5, line 4, by inserting after the word
50 "boards." the following: "The focus for the early

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1 years of the initial ten-year plan shall be on the
2 efforts of the Iowa board and affected state agencies
3 to facilitate implementation of individual community
4 empowerment area board requests for pooling,
5 consolidating, blending, and redistributing state-
6 administered funding streams for other age groups."

7 11. Page 5, by striking lines 8 through 10 and
8 inserting the following:

9 "d. The Iowa empowerment board shall regularly
10 make information available identifying community
11 empowerment funding and funding distributed through
12 the funding streams listed under this paragraph "d" to
13 communities. It is the intent of the general assembly
14 that the community empowerment area boards and the
15 administrators of the programs located within the
16 community empowerment areas that are supported by the
17 listed funding streams shall fully cooperate with one
18 another on or before the indicated fiscal years, in

19 order to avoid duplication, enhance efforts, combine
 20 planning, and take other steps to best utilize the
 21 funding to meet the needs of the families in the
 22 areas. The community empowerment area boards and the
 23 administrators shall annually report to the governor
 24 and the general assembly concerning such efforts. The
 25 funding streams shall include all of the following:"
 26 12. Page 7, line 20, by inserting after the word
 27 "Local" the following: "public and private".

NANCY J. BOETTGER
 MAGGIE TINSMAN
 ELAINE SZYMONIAK

S-3132

1 Amend Senate File 190 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 364.3, Code 1999, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 7. A city which operates a cable
 7 communications system shall manage the right of way on
 8 a competitively neutral and nondiscriminatory basis.
 9 Additionally, a city-operated cable communications
 10 system shall be required to pay the same fees and
 11 charges and comply with other requirements as may be
 12 imposed by the city by ordinance or by the terms of a
 13 franchise granted by the city, or as may otherwise be
 14 imposed by the city, upon any other cable provider.
 15 This subsection does not prohibit a city from making
 16 an equitable apportionment of franchise requirements
 17 between or among cable television providers, in order
 18 to eliminate duplication. This subsection shall not
 19 be construed to prohibit a city-operated cable
 20 communications system from making transfers of surplus
 21 as otherwise allowed or from making in-kind
 22 contributions as otherwise allowed."
 23 2. By renumbering as necessary.

MARY A. LUNDBY

S-3133

1 Amend Senate File 446 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 53.11, Code 1999, is amended
 5 to read as follows:
 6 53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT --
 7 SATELLITE ABSENTEE VOTING STATIONS.
 8 1. The commissioner shall deliver an absentee

9 ballot to any registered voter applying in person at
10 the commissioner's office, or at any location
11 designated by the commissioner, not more than forty
12 days before the date of the general election or the
13 primary election, and for all other elections, as soon
14 as the ballot is available. The registered voter
15 shall immediately mark the ballot, enclose and seal it
16 in a ballot envelope, subscribe to the affidavit on
17 the reverse side of the envelope, and return the
18 absentee ballot to the commissioner. The commissioner
19 shall record the numbers appearing on the application
20 and ballot envelope along with the name of the
21 registered voter.

22 2. Satellite absentee voting stations shall be
23 established throughout the cities and county at the
24 direction of the commissioner or upon receipt of a
25 petition signed by not less than one hundred eligible
26 electors requesting that a satellite absentee voting
27 station be established at a location to be described
28 on the petition. A satellite absentee voting station
29 established by petition must be open at least one day
30 for a minimum of six hours. A petition requesting
31 establishment of a satellite absentee voting station
32 may only be filed for the primary and general
33 elections and for any special election held to fill a
34 vacancy in a partisan office. A satellite absentee
35 voting station established at the direction of the
36 commissioner or by petition may remain open until five
37 p.m. on the day before the election.

38 3. A petition requesting a satellite absentee
39 voting station must be filed by the following
40 deadlines:

41 1 a. For a primary or general election, no later
42 than five p.m. on the forty-seventh day before the
43 election.

44 2. For the regular city election, no later than
45 five p.m. on the thirtieth day before the election.

46 3. For the regular school election, no later than
47 five p.m. on the thirtieth day before the election.

48 4 b. For a special election to fill a vacancy in a
49 partisan office, no later than thirty-two days before
50 the special election.

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1 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
2 immediate importance, takes effect upon enactment."

DICK L. DEARDEN

S-3134

1 Amend Senate File 211 as follows:

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

4 "Section 1. Section 249A.3, subsection 2, Code
5 1999, is amended by adding the following new lettered
6 paragraph before paragraph a and renumbering the
7 subsequent paragraphs:

8 NEW PARAGRAPH. a. As allowed under 42 U.S.C. }
9 1396a(a)(10)(A)(ii)(XIII), individuals with
10 disabilities, who are members of families whose income
11 is less than two hundred fifty percent of the most
12 recently revised official poverty line published by
13 the federal office of management and budget for the
14 family, and who are otherwise eligible for medical
15 assistance or additional medical assistance under this
16 section but for earnings in excess of the limit
17 established under 42 U.S.C. } 1396d(q)(2)(B). As
18 allowed by 42 U.S.C. } 1396a(r)(2), unearned income
19 shall be disregarded in determining whether an
20 individual is otherwise eligible for medical
21 assistance or additional medical assistance under this
22 paragraph. For the purposes of determining the amount
23 of an individual's resources under this paragraph, a
24 maximum of ten thousand dollars of available resources
25 shall be disregarded and any additional resources held
26 in a retirement account, in a medical savings account,
27 or in any other account approved under rules adopted
28 by the department shall also be disregarded.
29 Individuals eligible for assistance under this
30 paragraph, whose individual income exceeds one hundred
31 fifty percent of the official poverty line published
32 by the federal office of management and budget for an
33 individual, shall pay a premium. The amount of the
34 premium shall be based on a sliding fee schedule
35 adopted by rule of the department and shall be based
36 on a percentage of the individual's income. The
37 maximum premium payable by such individual shall be
38 commensurate with premiums charged for private group
39 health insurance in this state. This paragraph shall
40 be implemented no later than March 1, 2000."

41 2. Title page, line 1, by striking the words
42 "disabled persons" and inserting the following:
43 "persons with disabilities".

MAGGIE TINSMAN

S-3135

1 Amend Senate File 404 as follows:

2 1. By striking page 1, line 26, through page 2,

3 line 4, and inserting the following:

4 "(3) A corporation pursuant to paragraph "b".

5 b. A broker may pay a commission to a corporation
6 which is wholly owned, or owned with a spouse, by a
7 salesperson or broker associate employed by or
8 otherwise associated with the broker, if all of the
9 following conditions are met:

10 (1) The corporation does not engage in real estate
11 transactions as a third-party agent or in any other
12 activity requiring a license under this chapter.

13 (2) The employing broker is not relieved of any
14 obligation to supervise the employed licensee or any
15 other requirement of this chapter or the rules adopted
16 pursuant to this chapter.

17 (3) The employed broker associate or salesperson
18 is not relieved from any personal civil liability for
19 any licensed activities by interposing the corporate
20 form."

21 2. Page 2, line 7, by striking the words "person
22 or".

23 3. Page 2, by inserting after line 14 the
24 following:

25 "3. A licensee shall not request a referral fee
26 after a bona fide offer to purchase is accepted.

27 4. A licensee shall not request a referral fee
28 after a bona fide listing agreement has been signed."

29 4. Page 2, by striking lines 20 through 22.

30 5. By renumbering as necessary.

JoANN JOHNSON

S-3136

1 Amend Senate File 445 as follows:

2 1. Page 2, by striking lines 3 through 11 and
3 inserting the following:

4 "NEW SUBSECTION. 8. A licensee shall not loan to
5 any person money or any other thing of value or permit
6 a financial institution, vendor, or other person to
7 loan money on the licensed premises on the basis of a
8 credit card or similar instrument in person or through
9 an electronic or mechanical device for the purpose of
10 permitting that person to wager on any race. The use
11 of a check or debit card with overdraft protection or
12 a credit card cash advance through a satellite
13 terminal as defined in section 527.2 or a withdrawal
14 from an account through a satellite terminal as
15 defined in section 527.2 is not prohibited by this
16 subsection."

17 2. Page 6, by striking lines 23 through 31 and
18 inserting the following:

19 "NEW SUBSECTION. 7. A licensee shall not loan to

20 any person money or any other thing of value or permit
21 a financial institution, vendor, or other person to
22 loan money on the licensed premises on the basis of a
23 credit card or similar instrument in person or through
24 an electronic or mechanical device for the purpose of
25 permitting that person to wager on any game of chance.
26 The use of a check or debit card with overdraft
27 protection or a credit card cash advance through a
28 satellite terminal as defined in section 527.2 or a
29 withdrawal from an account through a satellite
30 terminal as defined in section 527.2 is not prohibited
31 by this subsection."

ANDY McKEAN

S-3137

- 1 Amend Senate File 413 as follows:
- 2 1. Page 1, line 3, by striking the word "The" and
3 inserting the following: "A bank shall permit a
4 person named in and authorized by a court order to
5 open, examine, and remove the contents of a safe
6 deposit box located at the bank. If a court order has
7 not been delivered to the bank, the".
- 8 2. Page 1, by inserting after line 14 the
9 following:
- 10 "d. A person named as an executor in a copy of a
11 purported will produced by the person, provided such
12 access shall be limited to the removal of a purported
13 will, and no other contents shall be removed."
- 14 3. Page 1, line 17, by striking the words "a
15 certificate" and inserting the following: "an
16 affidavit".
- 17 4. Page 1, line 19, by striking the word
18 "certificate" and inserting the following:
19 "affidavit".
- 20 5. Page 1, by striking lines 24 and 25 and
21 inserting the following:
- 22 "1A. A person removing any contents of a safe
23 deposit box pursuant to subsection 1 shall deliver any
24 writing purported to be a will of the decedent to the
25 court having jurisdiction over the decedent's estate,
26 and shall deliver any document purported to be an
27 insurance policy on the life of the decedent to the
28 beneficiary named in such policy."
- 29 6. Page 2, line 17, by inserting after the word
30 "lessee" the following: ", or the court having
31 jurisdiction over the testator's estate".
- 32 7. By renumbering as necessary.

JOHN REDWINE

S-3138

- 1 Amend Senate File 445 as follows:
- 2 1. Page 6, by inserting after line 31 the
- 3 following:
- 4 "Sec. ____ Section 99F.11, unnumbered paragraph 1,
- 5 Code 1999, is amended to read as follows:
- 6 A tax is imposed on the adjusted gross receipts
- 7 received annually from gambling games authorized under
- 8 this chapter at the rate of five percent on the first
- 9 one million dollars of adjusted gross receipts, at the
- 10 rate of ten percent on the next two million dollars of
- 11 adjusted gross receipts, and at the rate of twenty
- 12 percent on any amount of adjusted gross receipts over
- 13 three million dollars. However, beginning January 1,
- 14 ~~1997~~ 1999, the rate on any amount of adjusted gross
- 15 receipts over three million dollars from gambling
- 16 games at racetrack enclosures is ~~twenty-two~~ twenty-six
- 17 percent and shall increase by two percent each
- 18 succeeding calendar year until the rate is thirty-six
- 19 percent. The taxes imposed by this section shall be
- 20 paid by the licensee to the treasurer of state within
- 21 ten days after the close of the day when the wagers
- 22 were made and shall be distributed as follows:"
- 23 2. Title page, line 14, by inserting after the
- 24 word "licenses," the following: "providing a tax rate
- 25 for gambling receipts at racetrack enclosures,".

MATT McCOY

S-3139

- 1 Amend Senate File 445 as follows:
- 2 1. Page 5, line 2, by striking the words "public
- 3 hearings" and inserting the following: "a public
- 4 hearing".

MATT McCOY

S-3140

- 1 Amend Senate File 445 as follows:
- 2 1. Page 3, line 20, by inserting after the word
- 3 "receipts." the following: "At least forty percent of
- 4 the horse stalls at a horse racetrack shall be used
- 5 for Iowa-bred horses only."

DERRYL McLAREN

S-3141

- 1 Amend Senate File 395 as follows:
- 2 1. Page 1, line 6, by striking the word "fifty"
- 3 and inserting the following: "fifty sixty".
- 4 2. Page 1, line 12, by inserting after the word
- 5 "year" the following: "for the purposes authorized by
- 6 this subsection. Not more than fifty percent of the
- 7 balance of an operational appropriation remaining
- 8 unexpended and unencumbered as described in this
- 9 subsection shall be used by the agency".
- 10 3. Page 1, line 14, by inserting after the word
- 11 "industries," the following: "In addition, not more
- 12 than ten percent of the balance of an operational
- 13 appropriation remaining unexpended and unencumbered as
- 14 described in this subsection shall be used by the
- 15 agency for purchases of goods and services from Iowa
- 16 prison industries."
- 17 4. Page 1, by inserting after line 16 the
- 18 following:
- 19 "Sec. . Section 8.62, subsection 4, Code 1999,
- 20 is amended by striking the subsection."
- 21 5. By renumbering as necessary.

JEFF ANGELO

S-3142

- 1 Amend Senate File 264 as follows:
- 2 1. Page 1, by striking lines 3 through 14 and
- 3 inserting the following:
- 4 "NEW SUBSECTION. 4. The department and the
- 5 commission shall exercise regulatory authority
- 6 regarding seasons, bag limits, possession limits,
- 7 locality, the method of taking, or the taking of fish
- 8 and wildlife by members of the Sac and Fox tribe of
- 9 the Mississippi in Iowa within the boundaries of the
- 10 Sac and Fox tribe settlement in Tama county only to
- 11 the extent provided in a written agreement between the
- 12 tribal council of the Sac and Fox tribe of the
- 13 Mississippi in Iowa and the department. The written
- 14 agreement shall not be construed to supersede or
- 15 impair the regulatory authority exercised by the
- 16 commission pursuant to the federal Migratory Bird
- 17 Treaty Act, the federal Migratory Bird Stamp Hunting
- 18 Act, the federal Endangered Species Act, or other
- 19 federal law. The department and the commission shall
- 20 not unreasonably fail to enter into an agreement and
- 21 shall pursue such an agreement in an expedient manner.
- 22 This subsection shall become effective upon signing of
- 23 the written agreement by the director of the

24 department and the chairperson of the Sac and Fox
25 tribe of the Mississippi in Iowa."

MERLIN E. BARTZ

S-3143

1 Amend House File 218, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 21, by inserting after the word
4 "Each" the following: "voting".
5 2. Page 3, line 23, by striking the words "not
6 exceed thirty years in duration and shall".
7 3. Page 4, by inserting after line 6 the
8 following:
9 "Sec. 101. Section 161D.6, subsection 2, as
10 enacted in this Act, is amended by striking the
11 subsection."
12 4. Page 4, by inserting after line 10 the
13 following:
14 "Sec. . Section 101 of this Act takes effect
15 July 1, 2004.
16 Sec. ____ INTERIM STUDY ON RESTRICTIVE EASEMENTS.
17 The legislative council is requested to establish an
18 interim study committee to study restrictive easements
19 and covenants as a tool to carry out projects and
20 programs to protect, conserve, or develop various
21 areas of the loess hills. The study committee shall
22 report its findings and recommendations to the
23 legislative council."
24 5. Title page, line 3, by inserting after the
25 word "matters" the following: ", and providing an
26 applicability date".

STEVE KING
DERRYL McLAREN

S-3144

1 Amend Senate File 274 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 161D.1, subsection 4, Code
5 1999, is amended to read as follows:
6 4. This ~~section~~ chapter is not intended to affect
7 the authority of the department of natural resources
8 in its acquisition, development, and management of
9 public lands within the counties represented by the
10 authority.
11 Sec. 2. Section 161D.2, Code 1999, is amended to
12 read as follows:
13 161D.2 LOESS HILLS DEVELOPMENT AND CONSERVATION

14 FUND.

15 A loess hills development and conservation fund is
16 created in the state treasury, to ~~The fund shall~~
17 include a hungry canyons account and a loess hills
18 alliance account which shall be administered by the
19 loess hills development and conservation authority.
20 The proceeds of the fund respective accounts shall be
21 used for the purposes specified in section 161D.1 or
22 161D.6 as applicable. The loess hills development and
23 conservation authority may accept gifts, bequests,
24 other moneys including, but not limited to, state or
25 federal moneys, and in-kind contributions for deposit
26 in the fund. The gifts, grants, bequests from public
27 and private sources, state and federal moneys, and
28 other moneys received by the authority shall be
29 deposited in the fund respective accounts and any
30 interest earned ~~on the fund~~ shall be credited to the
31 fund respective accounts to be used for the purposes
32 specified in section 161D.1 or 161D.6 as applicable.
33 Notwithstanding section 8.33, any unexpended or
34 unencumbered moneys remaining in the fund at the end
35 of the fiscal year shall not revert to the general
36 fund of the state, but the moneys shall remain
37 available for expenditure by the authority in
38 succeeding fiscal years.

39 Sec. 3. NEW SECTION. 161D.3 DEFINITIONS.

40 As used in this chapter, unless the context
41 otherwise requires:

- 42 1. "Alliance" means the loess hills alliance
43 created in section 161D.5.
- 44 2. "Authority" means the loess hills development
45 and conservation authority created in section 161D.1.
- 46 3. "Fund" means the loess hills development and
47 conservation fund created in section 161D.2.

48 Sec. 4. NEW SECTION. 161D.4 MISSION STATEMENT.

49 The mission of the loess hills alliance is to
50 create a common vision for Iowa's loess hills,

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1 protecting special natural and cultural resources
2 while ensuring economic viability and private property
3 rights of the region.

4 Sec. 5. NEW SECTION. 161D.5 LOESS HILLS ALLIANCE
5 CREATED.

6 1. A loess hills alliance is created. The
7 alliance shall carry out its responsibilities under
8 the general direction of the loess hills development
9 and conservation authority. The alliance shall
10 encompass the geographic region including the counties
11 of Plymouth, Woodbury, Monona, Harrison,
12 Pottawattamie, Mills, and Fremont. Membership and

13 participation in projects of the alliance is not
14 required. The alliance shall be governed by a board
15 of directors appointed by the authority.

16 2. Each member of the board of directors shall be
17 a resident of a county participating in the alliance
18 and shall be appointed to a term of office as
19 determined by the authority. The directors of the
20 alliance shall carry out their responsibilities
21 pursuant to bylaws approved by the authority.

22 Sec. 6. NEW SECTION. 161D.6 RESPONSIBILITIES.

23 1. The board of directors of the alliance shall
24 have the following responsibilities:

25 a. To prepare and adopt a comprehensive plan for
26 the development and conservation of the loess hills
27 area subject to the approval of the authority. The
28 plan shall provide for the designation of significant
29 scenic areas, the protection of native vegetation, the
30 education of the public on the need for and methods of
31 preserving the natural resources of the loess hills
32 area, and the promotion of tourism and related
33 business and industry in the loess hills area.

34 b. To apply for, accept, and expend public and
35 private funds for planning and implementing projects,
36 programs, and other components of the mission of the
37 alliance subject to approval of the authority.

38 c. To study different options for the protection
39 and preservation of significant historic, scenic,
40 geologic, and recreational areas of the loess hills
41 including but not limited to a federal or state park,
42 preserve, or monument designation, fee title
43 acquisition, or restrictive easement.

44 d. To make recommendations to and coordinate the
45 planning and projects of the alliance with the
46 authority.

47 e. To develop and implement pilot projects for the
48 protection of loess hills areas with the use of
49 restrictive easements from willing sellers and fee
50 title ownership from willing sellers subject to

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1 approval of the authority.

2 f. To report annually not later than January 15 to
3 the general assembly the activities of the alliance
4 during the preceding fiscal year including, but not
5 limited to, its projects, funding, and expenditures.

6 2. A restrictive easement authorized pursuant to
7 this section shall not exceed thirty years in duration
8 and shall be recorded as provided in section 457A.3.
9 Any compensation agreed to for a restrictive easement
10 shall be paid in equal annual installments during the
11 lifetime of the restrictive easement. At the

12 expiration of a restrictive easement or upon
 13 termination for nonperformance, the holder of the
 14 restrictive easement shall record an affidavit with
 15 the county recorder of the county in which the
 16 servient land is located releasing the servient land
 17 from the restrictive easement. The holder of the
 18 restrictive easement shall send, by certified mail, a
 19 copy of the affidavit verifying the recording of the
 20 release of the restrictive easement to the landowner.
 21 If a holder of the restrictive easement fails to
 22 record the release of a restrictive easement at its
 23 expiration or for nonperformance, the owner of the
 24 servient land may petition the district court for an
 25 order removing the restrictive easement. As used in
 26 this subsection, "nonperformance" means the failure to
 27 make an annual payment of any compensation within
 28 ninety days of the annual due date.

29 Sec. 7. NEW SECTION. 161D.7 PROGRAM
 30 COORDINATION.

31 The department of natural resources shall
 32 coordinate the bluffland protection program with the
 33 program and projects of the loess hills alliance."

34 2. Title page, line 2, by striking the words
 35 "membership, powers and duties" and inserting the
 36 following: "responsibilities".

STEVE KING
 DERRYL McLAREN

S-3145

- 1 Amend House File 573 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 1, line 13, by striking the words and
 4 figures "subsections 3 and 4" and inserting the
 5 following: "subsection 4".
 6 2. Page 1, line 14, by striking the words "are
 7 amended" and inserting the following: "is amended".
 8 3. By striking page 1, line 15, through page 2,
 9 line 5.
 10 4. Page 3, by striking lines 6 through 10, and
 11 inserting the following: "probation shall require
 12 submission to random drug testing. If the person
 13 fails a drug test, the court may transfer the person's
 14 placement to any appropriate placement permissible
 15 under the court order."
 16 5. Page 3, by striking lines 19 through 23, and
 17 inserting the following: "shall require submission to
 18 random drug testing. If the person fails a drug test,
 19 the court may transfer the person's placement to any
 20 appropriate placement permissible under the court
 21 order."

- 22 6. By renumbering, relettering, or redesignating
23 and correcting internal references as necessary.

COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-3146

- 1 Amend House File 386, as passed by the House, as
2 follows:
- 3 1. Page 1, line 3, by inserting after the word
4 "JAILERS," the following: "CORRECTIONAL STAFF,".
- 5 2. Page 1, line 6, by inserting after the word
6 "jailer," the following: "correctional staff,".
- 7 3. Page 1, line 9, by inserting after the word
8 "jailer," the following: "correctional staff,".
- 9 4. Page 1, line 11, by inserting after the word
10 "jailer," the following: "correctional staff,".
- 11 5. Page 1, line 14, by inserting after the word
12 "jailer," the following: "correctional staff,".
- 13 6. Page 1, line 17, by inserting after the word
14 "jailer," the following: "correctional staff,".
- 15 7. Page 1, line 21, by inserting after the word
16 "jailer," the following: "correctional staff,".
- 17 8. Page 1, line 24, by inserting after the word
18 "jailer," the following: "correctional staff,".
- 19 9. Page 1, line 28, by inserting after the word
20 "jailer," the following: "correctional staff,".
- 21 10. Page 1, line 31, by inserting after the word
22 "jailer," the following: "correctional staff,".
- 23 11. Page 2, by inserting after line 9 the
24 following:
25 "6. As used in this section, "correctional staff"
26 means a person who is not a peace officer but who is
27 employed by the department of corrections or a
28 judicial district department of correctional services
29 to work at or in a correctional institution,
30 community-based correctional facility, or an
31 institution under the management of the Iowa
32 department of corrections which is used for the
33 purposes of confinement of persons who have committed
34 public offenses."
- 35 12. Page 2, line 10, by striking the figure "6"
36 and inserting the following: "7".
- 37 13. Title page, line 2, by inserting after the
38 word "jailer" the following: "or correctional staff".

COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-3147

1 Amend House File 242, as passed by the House, as
2 follows:

3 1. Page 4, by inserting after line 17, the
4 following:

5 "Sec. ____ Section 200A.3, subsection 4, Code
6 1999, is amended to read as follows:

7 4. "Distribute" means to offer for sale, sell,
8 hold out for sale, exchange, barter, or supply, or
9 furnish a bulk dry animal nutrient product on a
10 commercial basis."

11 2. Page 7, line 25, by inserting after the figure
12 "321.180B," the following: "subsection 6."

13 3. Page 10, line 26, by inserting after the
14 figure "2," the following: "unnumbered paragraph 1,".

15 4. Page 10, line 27, by striking the word
16 "subsection" and inserting the following: "unnumbered
17 paragraph".

18 5. By renumbering, relettering, or redesignating
19 and correcting internal references as necessary.

COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-3148

1 Amend Senate File 392 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. LEGISLATIVE INTENT. It is the intent
5 of the general assembly to specifically provide that
6 cities of Iowa which create city utilities in the
7 manner provided by law are authorized to provide on a
8 competitively neutral basis with existing local
9 exchange carriers separate or combined cable
10 communications or television, telephone,
11 telecommunications systems or services, including
12 wireless systems or services, through the ownership of
13 systems or offering of the services.

14 Sec. 2. Section 362.2, subsection 6, Code 1999, is
15 amended to read as follows:

16 6. "City utility" means all or part of a
17 waterworks, gasworks, sanitary sewage system, storm
18 water drainage system, electric light and power plant
19 and system, heating plant, cable communication or
20 television system, telephone or telecommunications
21 systems or services offered separately or combined
22 with any system or service specified in this
23 subsection or authorized by other law, any of which
24 are owned by a city, including all land, easements,
25 rights of way, fixtures, equipment, accessories,

26 improvements, appurtenances, and other property
 27 necessary or useful for the operation of the utility.
 28 Sec. 3. NEW SECTION. 388.9 COMPETITIVE
 29 INFORMATION.

30 1. Notwithstanding section 21.5, subsection 1, the
 31 governing body of a city utility or combined utility
 32 system, or a city enterprise or combined city
 33 enterprise as defined in section 384.80, by a vote of
 34 two-thirds of the members of the body or all of the
 35 members present at the meeting, may hold a closed
 36 session to discuss marketing and pricing strategies or
 37 proprietary information if its competitive position
 38 would be harmed by public disclosure not required of
 39 potential or actual competitors, and if no public
 40 purpose would be served by such disclosure. The
 41 minutes and a tape recording of a session closed under
 42 this subsection shall be available for public
 43 examination at that point in time when the public
 44 disclosure would no longer harm the utility's
 45 competitive position.
 46 2. Notwithstanding section 22.2, subsection 1,
 47 public records of a city utility or combined utility
 48 system, or a city enterprise or combined city
 49 enterprise as defined in section 384.80, which shall
 50 not be examined or copied as of right, include

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1 proprietary information, records of customer names and
 2 accounts, records associated with marketing or pricing
 3 strategies, preliminary working papers, spreadsheet
 4 scenarios, and cost data, if the competitive position
 5 of the city utility, combined utility system, city
 6 enterprise, or combined city enterprise would be
 7 harmed by public disclosure not required of a
 8 potential or actual competitor, and if no public
 9 purpose would be served by such disclosure. A public
 10 record not subject to examination or copying under
 11 this subsection shall be available for public
 12 examination and copying at that point in time when
 13 public disclosure would no longer harm the competitive
 14 position of the city utility, combined utility system,
 15 city enterprise, or combined city enterprise.
 16 Sec. 4. NEW SECTION. 388.10 MUNICIPAL UTILITY
 17 PROVIDING LOCAL EXCHANGE SERVICES.
 18 1. a. A city that owns or operates a municipal
 19 utility providing local exchange services pursuant to
 20 chapter 476 or the municipal utility shall not do,
 21 directly or indirectly, any of the following:
 22 (1) Use general fund moneys for the ongoing
 23 support or subsidy of a telecommunications system.
 24 (2) Provide any city facilities, equipment, or

25 services to provide telecommunications systems or
26 services at a cost for such facilities, equipment, or
27 services which is less than the reasonable cost of
28 providing such city facilities, equipment, or
29 services.

30 (3) Provide any other city service, other than a
31 communications service, to a telecommunications
32 customer at a cost which is less than would be paid by
33 the same person receiving such other city service if
34 the person was not a telecommunications customer.

35 (4) Use funds or revenue generated from electric,
36 gas, water, sewage, or garbage services provided by
37 the city for the ongoing support of systems and
38 services used to provide local exchange services.

39 b. For purposes of this section,
40 "telecommunications system" means only that portion of
41 a system or facilities which is used to provide local
42 exchange services.

43 2. A city that owns or operates a municipal
44 utility providing local exchange services pursuant to
45 chapter 476 or the municipal utility shall do the
46 following:

47 a. Prepare and maintain records which record the
48 full cost accounting of providing local exchange
49 service. The records shall show the amount and source
50 of capital for initial construction or acquisition of

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1 the local exchange system or facilities. This section
2 shall not prohibit a municipal utility from utilizing
3 capital from any lawful source, provided that the
4 reasonable cost of such capital is accounted for as a
5 cost of providing the service.

6 b. Adopt rates for the provision of local exchange
7 services that reflect the actual cost of providing the
8 local exchange service. However, this paragraph shall
9 not prohibit the municipal utility from establishing
10 market-based prices for competitive local exchange
11 services.

12 c. Be subject to all requirements of the city
13 which would apply to any other provider of local
14 exchange services in the same manner as such
15 requirements would apply to such other provider.

16 3. This section shall not prohibit the marketing
17 or bundling of other products or services, in addition
18 to local exchange services. However, a city shall
19 include on a billing statement sent to a person
20 receiving services from the city, a separate charge
21 for each service provided to the person. This
22 subsection does not prohibit the city from also
23 including on the billing statement a total amount to

24 be paid by the person.

25 Sec. 5. Section 427.1, subsection 2, Code 1999, is
26 amended to read as follows:

27 2. MUNICIPAL AND MILITARY PROPERTY. The property
28 of a county, township, city, school corporation, levee
29 district, drainage district or military company of the
30 state of Iowa, when devoted to public use and not held
31 for pecuniary profit, except property of a municipally
32 owned electric utility held under joint ownership and
33 property of an electric power facility financed under
34 chapter 28F which shall be subject to taxation under
35 chapter 437A and facilities of a municipal utility
36 that are used for the provision of local exchange
37 services pursuant to chapter 476, but only to the
38 extent such facilities are used to provide such
39 services, which shall be subject to taxation under
40 chapter 433, except that section 433.11 shall not
41 apply. The exemption for property owned by a city or
42 county also applies to property which is operated by a
43 city or county as a library, art gallery or museum,
44 conservatory, botanical garden or display, observatory
45 or science museum, or as a location for holding
46 athletic contests, sports or entertainment events,
47 expositions, meetings or conventions, or leased from
48 the city or county for any such purposes. Food and
49 beverages may be served at the events or locations
50 without affecting the exemptions, provided the city

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1 has approved the serving of food and beverages on the
2 property if the property is owned by the city or the
3 county has approved the serving of food and beverages
4 on the property if the property is owned by the
5 county.

6 Sec. 6. Section 433.12, Code 1999, is amended to
7 read as follows:

8 433.12 "COMPANY" DEFINED.

9 "Company" as used in this chapter means any person,
10 copartnership, association, corporation, or syndicate
11 that owns or operates, or is engaged in operating, any
12 telegraph or telephone line, whether formed or
13 organized under the laws of this state or elsewhere.
14 "Company" includes a city that owns or operates a
15 municipal utility providing local exchange services
16 pursuant to chapter 476.

17 Sec. 7. Section 476.1B, subsection 3, Code 1999,
18 is amended to read as follows:

19 3. Unless otherwise specifically provided by
20 statute, a municipally owned utility providing local
21 exchange services is not subject to regulation by the
22 board under this chapter except for regulatory action

23 pertaining to the enforcement of sections 476.11,
 24 476.29, 476.95, 476.96, 476.100, 476.101, and 476.102.
 25 Sec. 8. EFFECTIVE DATE AND RETROACTIVE
 26 APPLICABILITY. This Act, being deemed of immediate
 27 importance, takes effect upon enactment, and applies
 28 retroactively to July 1, 1993. City elections held
 29 after June 30, 1993, for the purpose of voting on the
 30 question of offering communications or
 31 telecommunications systems or services offered
 32 separately or combined with any system or service
 33 specified under section 362.2, subsection 6, are
 34 deemed to have been held in accordance with this Act
 35 and are valid for the purpose of offering such systems
 36 or services. Actions of the utilities board taken in
 37 reliance on the results of the city elections held as
 38 specified in this section are deemed to have been
 39 taken in accordance with this Act and are valid.
 40 Financing measures taken by a city prior to January 1,
 41 1999, are not a violation of this Act."

JOHN W. JENSEN
 MICHAEL E. GRONSTAL

S-3149

1 Amend Senate File 179 as follows:
 2 1. Page 1, by striking lines 27 through 32 and
 3 inserting the following: "hearing. Unless good cause
 4 for issuing a decision at a later date is shown by the
 5 subject or the department to the satisfaction of the
 6 presiding officer, or is identified by the presiding
 7 officer, the presiding officer shall issue a decision
 8 affirming or denying the request in whole or in part
 9 within sixty calendar days of the conclusion of the
 10 hearing. If the decision is not issued within the
 11 sixty-day time period or other time period identified
 12 by the presiding officer, the request shall be deemed
 13 affirmed and the department shall correct the data or
 14 the findings as requested."

JOHNNIE HAMMOND

S-3150

1 Amend House File 721, as passed by the House, as
 2 follows:
 3 1. Page 2, by striking lines 8 through 10 and
 4 inserting the following: "~~assessment.~~ A voting
 5 member of the council shall not be a salaried employee
 6 of the council or any organization or agency receiving
 7 moneys from the council."
 8 2. Page 2, line 14, by striking the word "All"

9 and inserting the following: "All The council shall
 10 provide a bond for all".
 11 3. Page 2, by striking line 15 and inserting the
 12 following: "~~shall provide a bond in an amount~~
 13 ~~required by the council.~~"

MERLIN E. BARTZ

S-3151

1 Amend Senate File 328 as follows:
 2 1. Page 1, by inserting after line 6 the
 3 following:
 4 "1A. Each year, moneys in the tourism 2000 fund
 5 shall be used to provide for tourism advertising and
 6 tourism 2000 fund marketing and administrative costs.
 7 In order to determine the marketing allocation, at the
 8 beginning of each fiscal year, the department shall
 9 determine the current average regional tourism
 10 advertising budget of contiguous states. The
 11 allocation of marketing expenditures under this
 12 subsection shall be equivalent to the average regional
 13 state tourism advertising budget minus the current
 14 tourism advertising placement budget of the
 15 department."
 16 2. Page 1, line 25, by inserting after the word
 17 "year," the following: "after allocating moneys for
 18 expenditure under subsection 1A,".
 19 3. Page 1, line 26, by striking the word "moneys"
 20 and inserting the following: "remaining moneys".

COMMITTEE ON SMALL BUSINESS,
 ECONOMIC DEVELOPMENT & TOURISM
 MARY A. LUNDBY, Chairperson

S-3152

1 Amend Senate File 211 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 249A.3, subsection 2, Code
 5 1999, is amended by adding the following new lettered
 6 paragraph before paragraph a and renumbering the
 7 subsequent paragraphs:
 8 NEW PARAGRAPH. a. As allowed under 42 U.S.C. }
 9 1396a(a)(10)(A)(ii)(XIII), individuals with
 10 disabilities, who are less than sixty-five years of
 11 age, who are members of families whose income is less
 12 than two hundred fifty percent of the most recently
 13 revised official poverty line published by the federal
 14 office of management and budget for the family, who
 15 have earned income and who are eligible for medical

16 assistance or additional medical assistance under this
17 section if earnings are disregarded. As allowed by 42
18 U.S.C. } 1396a(r)(2), unearned income shall also be
19 disregarded in determining whether an individual is
20 eligible for assistance under this paragraph. For the
21 purposes of determining the amount of an individual's
22 resources under this paragraph and as allowed by 42
23 U.S.C. } 1396a(r)(2), a maximum of ten thousand
24 dollars of available resources shall be disregarded
25 and any additional resources held in a retirement
26 account, in a medical savings account, or in any other
27 account approved under rules adopted by the department
28 shall also be disregarded. Individuals eligible for
29 assistance under this paragraph, whose individual
30 income exceeds one hundred fifty percent of the
31 official poverty line published by the federal office
32 of management and budget for an individual, shall pay
33 a premium. The amount of the premium shall be based
34 on a sliding fee schedule adopted by rule of the
35 department and shall be based on a percentage of the
36 individual's income. The maximum premium payable by
37 an individual whose income exceeds one hundred fifty
38 percent of the official poverty line shall be
39 commensurate with premiums charged for private group
40 health insurance in this state. This paragraph shall
41 be implemented no later than March 1, 2000."
42 2. Title page, line 1, by striking the words
43 "disabled persons" and inserting the following:
44 "persons with disabilities".

MAGGIE TINSMAN

S-3153

- 1 Amend House File 656, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 16 through 19.
- 4 2. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
SHELDON RITTMER, Chairperson

S-3154

- 1 Amend Senate File 445 as follows:
- 2 1. Page 4, by inserting after line 6 the
- 3 following:
- 4 "Sec. . Section 99F.4A, Code 1999, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION: 11. The authority to impose any
- 7 moratorium or prohibition under chapter 99D or 99F on
- 8 the issuance of any new licenses or additional

9 gambling equipment shall remain vested in the general
10 assembly."

MICHAEL E. GRONSTAL

S-3155

1 Amend House File 497, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, line 12, by inserting after the word
4 "medicine," the following: "one podiatrist."

KEN VEENSTRA

S-3156

1 Amend Senate File 457 as follows:
2 1. Page 1, by striking line 3 and inserting the
3 following:
4 "An amount, not to exceed ~~two~~ four hundred thousand
5 dollars".
6 2. Page 1, line 4, by striking the words
7 "~~annually~~, Funds" and inserting the following:
8 "annually,".

LARRY McKIBBEN

S-3157

1 Amend Senate File 83 as follows:
2 1. Page 1, by inserting after line 23 the
3 following:
4 "c. Coverage under this section does not include a
5 condition defined as relational, including but not
6 limited to marital counseling; adult, child, and
7 adolescent antisocial behavior; bereavement; and
8 religious or spiritual problems."

GENE MADDOX

S-3158

1 Amend Senate File 293 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "DIVISION A
5 SUBCHAPTER I
6 GENERAL
7 Section 1. NEW SECTION. 6C.1 TITLE.
8 This chapter shall be known and may be cited as the
9 "Land Development Management Act".
10 Sec. 2. NEW SECTION. 6C.2 POLICY OF THIS STATE

11 -- PURPOSE OF THIS CHAPTER.

- 12 1. The policy of the state is to ensure the sound
 13 and orderly development and use of land including
 14 agricultural, commercial, industrial, residential,
 15 recreational, and historic uses.
- 16 2. The purposes of this chapter include all of the
 17 following:
- 18 a. Preserving the use of prime agricultural land
 19 for agricultural production, and preserving natural,
 20 cultural, and historical areas.
- 21 b. Providing for the orderly development of cities
 22 including by providing for incorporation,
 23 discontinuation, annexation, severance, and
 24 consolidation.
- 25 c. Striking a balance between the need to carry
 26 out the legitimate public purposes described in this
 27 section and the need to preserve private property
 28 rights.
- 29 d. Encouraging economic development in this state
 30 by providing for development in areas where
 31 development has been planned by local governments
 32 acting in concert pursuant to this chapter and under
 33 state oversight.
- 34 e. Controlling urban sprawl, and thereby providing
 35 for the protection and preservation of the private and
 36 public interest in the land, water, and related
 37 resources of this state for the public health, safety,
 38 and general welfare, and for the benefit of present
 39 and future generations.
- 40 3. All public agencies, including state and local
 41 governments, shall cooperate in achieving the purposes
 42 and carrying out the provisions of this chapter.
- 43 Sec. 3. NEW SECTION. 6C.3 DEFINITIONS.
- 44 1. "Adjoining" means having a common boundary for
 45 not less than fifty feet. Territory may be adjoining
 46 although separated by a roadway or waterway.
- 47 2. "Annexation" means the addition of territory to
 48 a city.
- 49 3. "Area" means an area of land.
- 50 4. "Basic improvement" means the development of

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- 1 land for any of the following:
- 2 a. A utility, including telephone or other
 3 communication lines, city utility as defined in
 4 section 362.2, public utility as defined in section
 5 476.1, or pipeline providing gas, water, wastewater,
 6 or sewer service.
- 7 b. A thoroughfare, such as a road or street as
 8 defined in section 306.3.
- 9 5. "Board" means the land management planning

- 10 board as created pursuant to section 6C.14.
- 11 6. "Boundary adjustment" means annexation,
12 severance, or consolidation.
- 13 7. "Bounded territory" means territory proposed to
14 be incorporated, annexed, or severed, whether or not
15 contiguous to all other areas proposed to be
16 incorporated, annexed, or severed. "Bounded
17 territory" having a common boundary with the right-of-
18 way of a secondary road extends to the centerline of
19 the road.
- 20 8. "Building" means any fixed structure affording
21 facilities or shelter for persons, animals, or
22 property.
- 23 9. "City development" means an incorporation,
24 discontinuance, or boundary adjustment.
- 25 10. "Committee" means the local strategic
26 development committee required to be created pursuant
27 to section 6C.53.
- 28 11. "Consolidation" means the combining of two or
29 more cities into one city.
- 30 12. "Council" means the state strategic
31 development council as created pursuant to section
32 6C.12.
- 33 13. "Department" means the department of economic
34 development.
- 35 14. "Development" means the construction or
36 structural alteration, conversion, or enlargement of a
37 structure or use of land, including the construction
38 of basic improvements, public improvements, buildings,
39 structures, or impermeable structures.
- 40 15. "Discontinuance" means termination of a city.
- 41 16. "Extraterritorial area" means unincorporated
42 territory adjacent to the limits of a city, regardless
43 of whether the territory is governed by a county
44 zoning ordinance as provided in chapter 335. The
45 unincorporated area shall include any area over which
46 the city exercises jurisdiction under section 414.23.
- 47 17. "Extra-urban development" means development of
48 land for a use, which creates densities and uses
49 within a territory which is not designated for that
50 type of use according to a strategic development plan

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- 1 required to be adopted by a local government as
2 provided in this chapter. However, "extra-urban
3 development" does not include development which is
4 part of any of the following:
- 5 a. A farm operation, including any related
6 structure which is constructed or installed, or any
7 use or practice which is implemented involving a farm
8 operation, including a residence constructed for

- 9 occupation by a person engaged in a farm operation.
10 b. The construction, installation, improvement, or
11 maintenance of basic improvements.
12 c. The preservation of natural and historic or
13 cultural areas, the development of recreational areas,
14 or the protection of natural and historic resources
15 and fragile ecosystems of this state including
16 forests, wetlands, rivers, streams, lakes and their
17 shorelines, aquifers, prairies, and recreational
18 areas.
19 d. Development occurring on land which has been
20 platted prior to the effective date of this Act.
21 18. "Farm operation" means a condition or activity
22 which occurs on a farm in connection with the
23 production of farm products and includes but is not
24 limited to the raising, harvesting, drying, or storage
25 of crops; the harvesting of trees; the care or feeding
26 of livestock; the handling or transportation of crops
27 or livestock; the treatment or disposal of wastes
28 resulting from livestock; the marketing of products at
29 roadside stands or farm markets; the operation of farm
30 machinery and irrigation pumps; ground and aerial
31 seeding and spraying; the application of chemical
32 fertilizers, conditioners, insecticides, pesticides,
33 and herbicides; and the employment and use of farm
34 labor.
35 19. "Farmland" means land that is used to carry on
36 a farm operation or is classified as land that may be
37 used to carry on a farm operation.
38 20. "Fund" means the land management planning fund
39 as created in section 6C.21.
40 21. "Incorporation" means establishment of a new
41 city.
42 22. "Island" means territory that is completely
43 surrounded by the corporate boundaries of one or more
44 cities or the boundary of the state, a river, or
45 similar natural barrier which prevents access to
46 public benefits and services originating outside the
47 boundaries of a city.
48 23. "Inventory" means a permanent land use and
49 natural resources inventory system as provided in
50 section 6C.32.

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- 1 24. "Local government" means a county or city
2 government.
3 25. "Local legislation" means any ordinance,
4 resolution, amendment, regulation, or rule adopted by
5 a local government, which has the force and effect of
6 law.
7 26. "Major public project" means any of the

8 following:

- 9 a. The construction of a new or the relocation of
10 an existing highway.
- 11 b. The construction or expansion of an
12 improvement, including a structure or basic
13 improvement, other than a highway, which involves the
14 development of more than fifty acres of land or six
15 thousand tons of top soil.
- 16 c. The construction of any of the following:
- 17 (1) A dam or reservoir.
- 18 (2) A correctional institution as provided in
19 chapter 904.
- 20 27. "Member agency" means a state agency which is
21 represented on the council as provided in section
22 6C.12.
- 23 28. "Owner of property" means the owner of
24 property as shown on the records of the county
25 recorder.
- 26 29. "Parcel" means a specific tract of land
27 including an area located within a territory.
- 28 30. "Planned territory" means territory which is
29 governed or proposed to be governed by a strategic
30 development plan.
- 31 31. "Public agency" means a state agency, local
32 government, or other political subdivision, including
33 but not limited to a principal department as provided
34 in section 7E.5, a school corporation organized under
35 chapter 273 or 274, a community college as provided in
36 chapter 260C, a regional library as provided in
37 chapter 256, or a township as provided in chapter 359.
- 38 32. "Public benefits and services" means benefits
39 and services provided by a local government to persons
40 residing within the jurisdiction of the local
41 government, regardless of whether the benefits and
42 services are provided directly or by another person
43 under contract with the local government, including
44 providing for the health and safety, education, or
45 transportation of the public. A public benefit and
46 service includes but is not limited to fire protection
47 and suppression, law enforcement, the collection and
48 disposal of refuse, the delivery of public water and
49 sewer facilities, and ambulance or emergency care.
- 50 33. "Public building" means any building used for

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1 human occupation constructed by a public agency other
2 than a state agency to either provide public benefits
3 and services or to accommodate the general public or
4 public agency employees, including but not limited to
5 offices, laboratories, workshops, classrooms,
6 auditoriums, libraries, museums, courtrooms, hearing

7 and meeting rooms, schools, garages, cellhouses, or
8 other secure sleeping facilities.

9 34. "Public improvement" means basic improvements
10 and facilities including but not limited to parks and
11 recreational areas and public buildings which are
12 constructed by or for the use of a public agency other
13 than state agencies.

14 35. "Public utility" means a public utility
15 subject to regulation pursuant to chapter 476.

16 36. "Regional development authority" means a
17 council of governments established pursuant to chapter
18 28H or a joint planning commission established
19 pursuant to chapter 28I.

20 37. "Registered voter" means a person who is
21 registered to vote pursuant to chapter 48A.

22 38. "Severance" means the deletion of territory
23 from a city.

24 39. "State agency" means the same as "agency"
25 defined in section 17A.2.

26 40. "Strategic development area" means an area
27 governed by a strategic development plan as provided
28 in subchapter IV.

29 41. "Strategic development plan" means a plan
30 adopted by a county and cities participating as
31 provided in subchapter III as a means to organize the
32 manner and location of future development within a
33 territory of a county.

34 42. "Territory" means any land area which is under
35 the jurisdiction of a local government as provided in
36 this chapter and which is subject to a strategic
37 development plan or city development.

38 43. "Urban sprawl" means the development of land
39 that occurs on the fringes of cities, if the
40 development is for a use which is not contiguous to
41 existing or approved development, creates urban
42 densities and uses within future urbanizing and
43 agriculturally productive land, natural or historic
44 areas, and is designed without regard to its
45 surroundings.

46 Sec. 4. NEW SECTION. 6C.5 FINANCIAL ASSISTANCE
47 AWARDED BY PUBLIC AGENCIES.

48 Each public agency awarding financial assistance to
49 persons for use in developing land shall consider
50 whether the development is consistent with the

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1 purposes of this chapter as provided in section 6C.2,
2 the requirements of this chapter, and any relevant
3 strategic development plan. Financial assistance
4 includes but is not limited to moneys awarded from the
5 community economic betterment account established

6 pursuant to section 15.320 or the revitalize Iowa's
7 sound economy fund established pursuant to section
8 315.2, or from tax increment financing created
9 pursuant to section 403.19 or tax exemptions within
10 revitalization areas as provided in chapter 404.

11 SUBCHAPTER II

12 PART 1

13 STATE ADMINISTRATION

14 Sec. 5. NEW SECTION. 6C.11 CREATION OF STATE
15 ADMINISTRATIVE ENTITIES -- PROCEDURES.

16 1. The following entities are created under this
17 subchapter for purposes of administering this chapter:

18 a. The state strategic development council.

19 b. The land management planning board.

20 2. The department of economic development shall
21 provide office space and staff assistance, and shall
22 budget funds to cover expenses of the entities. The
23 office of attorney general shall provide legal counsel
24 to the entities.

25 3. Except as provided in this subchapter, each
26 entity shall meet on a regular basis and at the call
27 of the chairperson or upon the written request to the
28 chairperson of two or more members.

29 4. A majority of voting members appointed to an
30 entity constitute a quorum and the affirmative vote of
31 a majority of the members appointed is necessary for
32 any substantive action to be taken by the entity,
33 except that a lesser number may adjourn a meeting.
34 The majority shall not include any member who has a
35 conflict of interest and a statement by a member that
36 the member has a conflict of interest is conclusive
37 for this purpose. A vacancy in the membership does
38 not impair the right of a quorum to exercise all
39 rights and perform all duties of the entity.

40 5. A vacancy shall be filled in the same manner as
41 an original appointment. A person appointed to fill a
42 vacancy shall serve only for the unexpired portion of
43 the term. Except as provided in this subchapter, a
44 member is eligible for reappointment.

45 6. Members of an entity, other than a state
46 officer or employee, are entitled to receive a per
47 diem as specified in section 7E.6 for each day spent
48 in performance of duties as members, and shall be
49 reimbursed for all actual and necessary expenses
50 incurred in the performance of duties as members.

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1 Sec. 6. NEW SECTION. 6C.12 STATE STRATEGIC
2 DEVELOPMENT COUNCIL.

3 1. The state strategic development council is
4 created as the state's principal agency overseeing

5 planning by major state agencies involved in major
6 public projects. The purpose of the council is to
7 ensure that development by state agencies is
8 coordinated, including through the adoption of a state
9 strategic development plan as provided in section
10 6C.42.

11 2. The council shall be composed of all of the
12 following persons:

13 a. The governor or the governor's designee who
14 shall serve as the chairperson of the council.

15 b. The director of the department of economic
16 development or a designee.

17 c. The director of the department of natural
18 resources or a designee.

19 d. The director of the department of
20 transportation or a designee.

21 e. The director of the department of corrections
22 or a designee.

23 f. The director of the department of general
24 services or a designee.

25 g. The secretary of agriculture or a designee.

26 h. The state historic preservation officer

27 appointed by the director of the department of
28 cultural affairs.

29 i. A designee appointed by the state board of
30 regents as provided for in chapter 262. The member
31 shall be appointed from the university of Iowa, Iowa
32 state university of science and technology, and the
33 university of northern Iowa on a rotating basis. Each
34 appointee shall serve one term prior to replacement.

35 A member appointed under this proposal shall be an
36 expert in issues relating to land use planning.

37 j. Four members of the general assembly, who shall
38 serve as nonvoting, ex officio members. The members
39 shall include two members of the senate appointed by
40 the president of the senate, after consultation with
41 the majority leader and the minority leader of the
42 senate, and two members of the house of
43 representatives appointed by the speaker of the house,
44 after consultation with the majority leader and the
45 minority leader of the house. The legislative members
46 shall be appointed upon the convening and for the
47 period of each general assembly. Not more than one
48 member from each house shall be of the same political
49 party.

50 Sec. 7. NEW SECTION. 6C.13 COUNCIL -- POWERS AND

Page 8

1 DUTIES.

2 1. The purpose of the council is to ensure that
3 development by state agencies is coordinated,

4 including through the adoption of a state strategic
5 development plan as provided in section 6C.42.

6 2. The council shall adopt rules pursuant to
7 chapter 17A which are necessary to administer its
8 duties under this chapter.

9 Sec. 8. NEW SECTION. 6C.14 LAND MANAGEMENT
10 PLANNING BOARD.

11 1. The land management planning board is created
12 as the state's principal agency overseeing planning by
13 local governments. The board shall oversee
14 administration of this chapter, monitor the
15 effectiveness of public agencies in achieving the
16 purposes of this chapter as provided in section 6C.2,
17 and study methods to better achieve those purposes.

18 2. The board shall be composed of the following
19 members:

20 a. One member appointed from a city with a
21 population of forty-five thousand or less.

22 b. One member appointed from a city with a
23 population of more than forty-five thousand but less
24 than one hundred thousand.

25 c. One member appointed from a city with a
26 population of one hundred thousand or more.

27 d. One member appointed from a county with a
28 population of fifty thousand or less.

29 e. One member appointed from a county with a
30 population of more than fifty thousand but less than
31 one hundred thousand.

32 f. One member appointed from a county with a
33 population of one hundred thousand or more.

34 g. One member appointed by the secretary of
35 agriculture.

36 h. One member appointed by the director of the
37 department of natural resources.

38 i. One member appointed by the director of the
39 department of economic development.

40 j. Two members appointed by the governor to
41 represent the general public.

42 4. The members shall be appointed by the governor
43 subject to confirmation by the senate as provided in
44 section 2.32. The appointments must be for six-year
45 staggered terms beginning and ending as provided in
46 section 69.19, or for an unexpired term if a vacancy
47 occurs. No member shall serve more than two complete
48 six-year terms.

49 5. A member may be removed from office by the
50 governor for misfeasance, malfeasance, willful neglect

3 waived in writing.

4 6. The board shall elect a chairperson each year.

5 Sec. 9. NEW SECTION. 6C.15 POWERS AND DUTIES OF
6 THE BOARD.

7 1. The board shall do all of the following:

8 a. Approve or disapprove strategic development
9 plans and petitions for city development, including
10 plans for annexation, as provided in this chapter.

11 b. Administer the land use planning fund for
12 development management and farmland and natural area
13 protection as created in section 6C.21. The board
14 shall pay claims by eligible local governments for
15 reimbursement of expenses relating to preparing
16 strategic development plans as provided in section
17 6C.22.

18 c. Adopt rules pursuant to chapter 17A which are
19 necessary to administer its duties under this chapter.

20 The rules shall include establishing filing fees for
21 petitions and applications submitted to the board.
22 The board may establish a schedule of fees required to
23 file these documents with the board, based on criteria
24 established by the board, which may include the size
25 of the local government filing the document.

26 2. The board may adopt forms to be completed and
27 submitted by local governments as required for the
28 efficient administration of this chapter. The board
29 shall adopt a simple form for strategic development
30 plans to be completed by small local governments.

31 PART 2

32 Sec. 10. NEW SECTION. 6C.21 LAND MANAGEMENT
33 PLANNING FUND.

34 1. A land management planning fund is created
35 within the state treasury under the control of the
36 department.

37 2. The fund shall consist of all of the following:

38 a. Moneys appropriated by the general assembly.

39 b. Moneys available to and obtained or accepted by
40 the department from the federal government or private
41 sources for placement in the fund.

42 c. Fees paid to the department of revenue and
43 finance which have been collected by county auditors
44 for deposit into the fund pursuant to section 331.507.

45 3. Moneys in the fund shall be used exclusively
46 for the following purposes:

47 a. First, to pay for the costs of administration
48 of this chapter by the board.

49 b. Second, to reimburse local governments for
50 preparing strategic development plans as provided in

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1 section 6C.22.

2 c. Finally, to the extent that moneys are
3 remaining under this subsection, the moneys may be
4 used to reimburse Iowa state university of science and
5 technology and counties for costs associated with
6 preparing permanent land use and natural resource
7 inventories, as provided in section 6C.31.

8 4. The treasurer of state shall act as custodian
9 of the fund. The treasurer of state is authorized to
10 invest the moneys deposited in the fund. The income
11 from such investment shall be credited to and
12 deposited in the fund. Notwithstanding section 8.33,
13 moneys in the fund are not subject to reversion to the
14 general fund of the state. The fund shall be
15 administered by the board which shall make
16 expenditures from the fund consistent with the
17 purposes set out in this section. The moneys in the
18 fund shall be disbursed upon warrants drawn by the
19 director of revenue and finance pursuant to the order
20 of the board. The fiscal year of the fund begins July
21 1. The finances of the fund shall be calculated on an
22 accrual basis in accordance with generally accepted
23 accounting principles. The auditor of state shall
24 regularly perform audits of the fund.

25 Sec. 11. **NEW SECTION. 6C.22 REIMBURSEMENT OF**
26 **LOCAL GOVERNMENTS FOR PREPARATION OF PLANS.**

27 1. a. The board shall approve a claim against the
28 fund to reimburse local governments for costs
29 associated with preparing strategic development plans.

30 b. The board may approve a claim against the fund
31 to reimburse Iowa state university of science and
32 technology or counties for costs associated with
33 preparing land use and natural resource inventories.

34 2. a. Except as provided in paragraph "b", a
35 claim is eligible to be paid if all of the following
36 apply:

37 (1) The claim is made in a manner and according to
38 procedures required in this section and established by
39 the board.

40 (2) The claim is complete and accurate, and
41 contains no significant false or misleading
42 statements.

43 (3) There are sufficient moneys in the fund in
44 order to satisfy the claim.

45 (4) The person filing the claim for preparing a
46 strategic development plan is a local government. The
47 person filing the claim for preparing a land use and
48 natural resource inventory is Iowa state university of
49 science and technology or a county.

50 (5) The amount of the claim is for reasonable

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1 costs associated with preparing the strategic
 2 development plan or land use and natural resource
 3 inventory.

4 (6) If the claim is for costs related to preparing
 5 a strategic development plan, the claim is submitted
 6 by all local governments which are parties to the
 7 strategic development plan.

8 b. The board is not required to approve a claim
 9 for reimbursement of costs incurred in preparing part
 10 of a strategic development plan as provided in section
 11 6C.57, until the entire plan is approved.

12 3. The claim must include supporting evidence that
 13 the claim is for reasonable costs related to
 14 preparation of the strategic development plan or land
 15 use and natural resource inventory, which may include
 16 invoices, as required by the board.

17 4. The amount of the claim for preparing a
 18 strategic development plan shall be based on the local
 19 government's ability to pay according to a schedule of
 20 rates reimbursing a percentage of the total costs
 21 expended by the local government in preparing the
 22 strategic development plan. However, a local
 23 government shall not be required to incur more than
 24 one hundred thousand dollars in unreimbursed expenses
 25 for preparing a strategic development plan.

26 5. If at any time the board determines that there
 27 are insufficient moneys in the fund to make payment of
 28 all claims for preparing strategic development plans,
 29 the department shall pay claims according to the date
 30 that the claims are received by the department. To
 31 the extent that a claim cannot be fully satisfied, the
 32 department shall order that the unpaid portion of the
 33 payment be deferred until the claim can be satisfied.

SUBCHAPTER III

LAND USE INVENTORIES

35 Sec. 12. NEW SECTION. 6C.31 IOWA STATE
 36 UNIVERSITY OF SCIENCE AND TECHNOLOGY -- REPOSITORY --
 37 STUDY AND REPORT.

38 To the extent that moneys are appropriated and data
 39 is available, Iowa state university of science and
 40 technology shall do all of the following:

41 1. Serve as the repository of permanent land use
 42 and natural resources inventories completed pursuant
 43 to section 6C.32. The university shall provide for
 44 computer access of these inventories by the department
 45 for use by the council or board created and described
 46 in subchapter II.

47 2. Study the extent to which land in Iowa is being
 48 converted from agricultural use to residential,
 49 commercial, industrial, or public uses, including
 50

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- 1 farmland, recreational areas, natural areas, and
2 public facilities and basic improvements.
- 3 a. At least every two years, the university shall
4 prepare a report that includes all of the following:
- 5 (1) A description of counties that have a farmland
6 protection program or strategies in place, including
7 the use of zoning, or a farmland preservation
8 ordinance adopted pursuant to chapter 335 or programs
9 such as conservation easements.
- 10 (2) A description of land use changes in each
11 county, which may include an analysis of data
12 collected by the department of revenue and finance.
13 The report to every extent practical shall identify
14 changes in the use or classification of use for
15 parcels of land, including from an agricultural class
16 to a nonagricultural class.
- 17 (3) An assessment of the productive quality of
18 soil of farmland converted to another use. The
19 assessment of the soil may be by using crop yields,
20 corn suitability ratings, or classifications by the
21 United States department of agriculture.
- 22 (4) An evaluation of urban growth patterns
23 throughout the state, including areas of urban sprawl
24 and extra-urban development.
- 25 b. The report shall be delivered to the governor,
26 the general assembly, and the department of economic
27 development not later than September 1 of each
28 reporting year.
- 29 3. Iowa state university of science and technology
30 shall provide technical advice to the board in
31 adopting rules necessary to implement a permanent land
32 use and natural resources inventory system as required,
33 pursuant to section 6C.32. The university shall
34 provide technical assistance to counties in completing
35 the system according to a schedule established by the
36 university in cooperation with the board.
- 37 Sec. 13. NEW SECTION. 6C.32 PERMANENT LAND USE
38 AND NATURAL RESOURCES INVENTORY SYSTEM.
- 39 1. Counties shall establish a permanent land use
40 and natural resources inventory system. The system
41 shall assess and categorize land uses, the productive
42 quality of farmland soil, and the changes in use or
43 classifications for use of the land.
- 44 a. A county board of supervisors may establish a
45 county land preservation and use commission in order
46 to carry out this section, as provided by the county
47 board of supervisors.
- 48 b. The data shall be systematically collected by
49 the county, subject to all of the following:
- 50 (1) Whenever possible, the data shall be enhanced

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1 by aerial imagery.

2 (2) The data shall be converted to or entered in a
3 digital format capable of access by computer systems.

4 (3) The data shall be structured in a uniform
5 manner that allows comparisons between counties.

6 (4) To every extent practical, the system shall
7 include any data collected for county land use
8 inventories pursuant to 1982 Iowa Acts, chapter 1245.

9 c. The system shall provide for the regular update
10 of data, but not less than every five years.

11 2. The system shall be instituted by a county
12 according to rules adopted by the board. The rules
13 shall provide for implementation according to a
14 schedule adopted by the board in cooperation with Iowa
15 state university of science and technology. All
16 counties shall have a system implemented by June 30,
17 2003. However, a county shall not be required to
18 implement a system until the state appropriates moneys
19 to the county for implementation.

SUBCHAPTER IV

STRATEGIC DEVELOPMENT PLANNING

PART 1

STATE AGENCY PLANNING

24 Sec. 14. NEW SECTION. 6C.41 CONSULTATION DURING
25 MAJOR PUBLIC PROJECTS.

26 1. The state strategic development council shall
27 meet regularly and its members shall consult when a
28 state agency is engaged in a major public project.
29 The state agency must consult with the council during
30 regularly scheduled meetings conducted throughout the
31 planning stages of a major public project.

32 2. A state agency shall not begin construction of
33 a major public project prior to consulting with the
34 council.

35 3. In reviewing a major public project, the
36 council shall to every extent practical ensure that
37 the missions, policies, and goals of affected member
38 agencies are not negatively impacted. The major
39 public project shall be consistent with the state
40 strategic development plan as required by section
41 6C.42.

42 Sec. 15. NEW SECTION. 6C.42 STATE STRATEGIC
43 DEVELOPMENT PLAN.

44 1. a. The council shall establish, maintain, and
45 revise a state strategic development plan which shall
46 be implemented by state agencies, as provided in this
47 section. State agencies shall consult with the
48 council regarding major public projects. The council
49 may adopt rules which exempt major public projects
50 from the requirements of this section, to the extent

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1 that the council determines that compliance with the
2 state strategic development plan or consultation with
3 the council is inconsistent with or unnecessary to
4 carry out the purposes of this chapter as provided in
5 section 6C.2.

6 b. The state plan shall include development
7 standards and practices that ensure that development
8 conducted by state agencies carries out the purposes
9 of this chapter as provided in section 6C.2, the
10 requirements of this chapter, and relevant strategic
11 development plans. Each state agency shall adopt
12 policies governing development, including planning and
13 construction of projects, which implement development
14 standards and practices as required in the state
15 strategic development plan.

16 2. a. A state agency shall not begin construction
17 of a major public project unless the state agency
18 consults with member agencies during a council
19 meeting. The state agency proposing construction
20 shall submit a plan of development to the council for
21 consideration. The plan shall summarize the major
22 public project and explain how the major public
23 project complies with the requirements of the state
24 strategic development plan and any appropriate
25 strategic development plan governing the area where
26 the major public project is proposed to be developed.
27 The state agency shall regularly inform the council of
28 the progress of the major public project during the
29 course of its construction.

30 b. Any concern about or objection to the planning
31 or construction of a major public project expressed by
32 a member agency or the council shall be noted in the
33 minutes of the council. Nothing in this section
34 authorizes the council to disapprove a plan for
35 development or alter construction of the major public
36 project.

37 3. The council shall approve an initial state
38 strategic development plan by July 1, 2001.

39 Sec. 16. NEW SECTION. 6C.43 OVERSIGHT.

40 1. The council shall report to the board as
41 required by the board.

42 2. The council shall report to the committee of
43 the general assembly which is primarily responsible
44 for legislative oversight of state agencies, as
45 required, by the committee. The council shall do all
46 of the following:

47 a. Present information to the committee as
48 requested by the committee.

49 b. Notify the committee of the planning stages of
50 a major public project initiated by a member agency,

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1 including any comments or objections of the council or
2 a member agency.
3 c. Submit a copy of its state strategic
4 development plan and any amendments to or revisions of
5 the plan with the committee.

PART 2

LOCAL GOVERNMENT PLANNING

8 Sec. 17. NEW SECTION. 6C.51 SHORT DESCRIPTION.

9 A strategic development plan shall integrate the
10 planning functions of the local government, including
11 the planning of basic improvements and the provision
12 of public benefits and services.

13 Sec. 18. NEW SECTION. 6C.52 PURPOSES.

14 1. A strategic development plan shall carry out
15 the purposes of this chapter as provided in section
16 6C.2 and the requirements of this chapter.

17 2. The purpose of a strategic development plan is
18 to direct the coordinated, efficient, and orderly
19 development of local governments and their environs
20 that will, based on an analysis of present and future
21 needs, best promote the public health, safety, morals,
22 and general welfare. The goals and objectives of a
23 strategic development plan include the following:

24 a. Providing a unified physical design for the
25 development of the local community.

26 b. Encouraging a pattern of compact and contiguous
27 high-density development to be guided into appropriate
28 areas.

29 c. Establishing an acceptable and consistent level
30 of public benefits and services and ensuring timely
31 provision of those public benefits and services.

32 d. Promoting the adequate provision of employment
33 opportunities and the economic health of the local
34 governments.

35 e. Conserving features of significant statewide or
36 regional architectural, cultural, historical, or
37 archaeological interest.

38 f. Protecting life and property from the effects
39 of natural hazards and natural disasters, such as
40 flooding, winds, and wildfires.

41 g. Taking into consideration such other matters
42 that may be logically related to or form an integral
43 part of a plan for the coordinated, efficient, and
44 orderly development of the local communities.

45 h. Providing for a variety of housing choices and
46 assure affordable housing for future population
47 growth.

48 i. Identifying and protecting nonreplaceable
49 farmland, natural areas, environmentally sensitive
50 land, historical or cultural areas, and critical areas

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1 of local or statewide concern.

2 j. Preventing the occurrence of urban sprawl,
3 including the economic, environmental, and social
4 costs that accompany it, and by encouraging infill and
5 redevelopment of existing urban sites.

6 k. Allowing local governments to plan for
7 development in a comprehensive, orderly, and
8 cooperative manner.

9 l. Ensuring that adequate basic improvements and
10 public benefits and services are provided concurrently
11 with development.

12 Sec. 19. NEW SECTION. 6C.53 STRATEGIC
13 DEVELOPMENT PLAN.

14 1. A strategic development plan shall govern a
15 strategic development area designated within a county
16 as provided in this section in order to organize the
17 manner and location of future development in a way
18 that carries out the purposes of this chapter as
19 provided in section 6C.2 and the purposes of a
20 strategic development plan as provided in section
21 6C.52. A strategic development plan shall govern a
22 strategic preservation area if created in the plan in
23 order to preserve prime agricultural land for
24 agricultural production, or natural, cultural, or
25 historical areas. The participants of the strategic
26 development plan shall be all of the following:

27 a. The county.

28 b. All participating cities as provided in this
29 section which are located in the county.

30 c. Any city that adjoins the county that is
31 allowed to participate in the strategic development
32 plan. An adjoining city shall be included as a
33 participant, if inclusion satisfies the purposes of
34 section 6C.52. The city shall be included by either
35 of the following:

36 (1) The county, all participating cities in the
37 county, and the city seeking participation by the
38 adoption of a resolution providing for the
39 participation.

40 (2) The board orders participation upon
41 application to the board by the city adopting a
42 resolution seeking participation.

43 2. A strategic development plan may rely upon a
44 comprehensive plan adopted pursuant to section 335.5
45 or section 414.3, to the extent that the comprehensive
46 plan complies with this part.

47 3. A strategic development plan approved by the
48 board shall be the basis for the comprehensive plan of
49 each county required pursuant to section 335.5, if the
50 county has adopted a zoning ordinance, and for the

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1 comprehensive plan of each participating city required
2 pursuant to section 414.3. The county and each
3 participating city shall amend its comprehensive plan
4 as necessary to conform to the strategic development
5 plan approved by the board.

6 4. A county and participating cities are
7 encouraged to continue to plan for development and
8 land use jointly and to use the strategic development
9 plan as a basis for subsequent joint planning.

10 5. A strategic development plan shall include, at
11 a minimum, documents describing and depicting city
12 corporate limits, as well as a strategic development
13 area. A strategic development plan may address land
14 use, transportation, public infrastructure, housing,
15 and economic development.

16 a. A strategic development plan shall establish
17 one or more strategic development areas.

18 (1) In establishing a strategic development area,
19 the plan shall do all of the following:

20 (a) Identify territory that is reasonably compact
21 yet sufficiently large to accommodate residential and
22 nonresidential growth projected to occur during the
23 next twenty years.

24 (b) Identify territory that is contiguous to the
25 existing boundaries of a city.

26 (c) Identify territory that a reasonable and
27 prudent person would project as the likely site of
28 high-density commercial, industrial, and residential
29 growth over the next twenty years based on historical
30 experience, economic trends, population growth
31 patterns, topographical characteristics, and any
32 professional planning, engineering, and economic
33 studies that are available. The city shall report
34 population growth projections for the city based upon
35 state and federal census data.

36 (2) A strategic development area shall not contain
37 any agricultural land which has a corn suitability
38 rating of sixty or higher, according to information
39 released by Iowa state university to the department of
40 revenue and finance for purposes of determining the
41 productivity formula for assessment and taxation of
42 agricultural land, unless there is a showing by the
43 committee that the land is necessary for the orderly
44 development of the city.

45 b. A strategic development plan may establish one
46 or more strategic preservation areas. In establishing
47 a strategic preservation area, the plan shall identify
48 territory to be preserved for the next twenty years
49 for agricultural purposes, forests, recreational
50 areas, wildlife management areas, cultural areas,

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1 historical areas, or other areas planned for
2 development.

3 6. a. A city may be excused from participating as
4 a party to a strategic development plan, if the city
5 council adopts a resolution declaring that it elects
6 not to be a party to the plan. The city's resolution
7 shall become part of the strategic development plan.
8 The city shall not exercise jurisdiction within its
9 extraterritorial area including as provided in section
10 414.23.

11 b. A city shall not be eligible to participate in
12 a strategic development plan if the city is completely
13 contiguous to and surrounded by one or more cities, or
14 by one or more cities and the boundaries of another
15 state. The corporate limits of the surrounded city
16 shall constitute the boundaries of the city's
17 strategic development area and such city shall not be
18 eligible to ratify or reject the recommended strategic
19 development plan as provided in section 6C.55.

20 Sec. 20. NEW SECTION. 6C.54 LOCAL STRATEGIC
21 DEVELOPMENT COMMITTEE.

22 1. On or before October 1, 1999, a local strategic
23 development committee is created within each county
24 which shall be composed of the following members:

25 a. A member of the county board of supervisors
26 appointed by the county board of supervisors.

27 b. The mayor of each participating city as
28 provided in section 6C.53 or the mayor's designee as
29 confirmed by the city council.

30 c. One member appointed by the board of directors
31 of the county's soil conservation district or
32 districts, who shall represent agricultural interests.

33 d. Two members appointed by the county board of
34 supervisors and one member appointed by the mayor of
35 each of the two largest participating cities, to
36 assure broad representation of agricultural,
37 environmental, construction, educational, and
38 homeowner interests.

39 2. The department of economic development shall
40 provide for facilitating the coordination of the
41 committees.

42 Sec. 21. NEW SECTION. 6C.55 LOCAL GOVERNMENT
43 ADOPTION OF STRATEGIC DEVELOPMENT PLAN.

44 1. The committee shall recommend a strategic
45 development plan that conforms with section 6C.52.

46 2. When designating that part of a strategic
47 development area contiguous to a city, the committee
48 shall identify, and give consideration to, the amount
49 of territory within the current incorporated
50 boundaries of the city that is vacant or undeveloped

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1 land.

2 3. The committee shall utilize planning resources
3 that are available within the county, including city
4 and county planning commissions and zoning
5 administrators. The committee is also encouraged to
6 utilize the services of a regional development
7 authority, Iowa state university of science and
8 technology, the university of Iowa, and the university
9 of northern Iowa.

10 4. Prior to final approval of the recommended
11 strategic development plan by the committee, the
12 committee shall hold at least one public hearing on
13 the proposed recommended strategic development plan.
14 The county auditor shall give at least thirty days'
15 notice of the time, place, and purpose of the public
16 hearing by notice published in a newspaper of general
17 circulation in the county.

18 5. Not later than January 1, 2002, the committee
19 shall submit the recommended strategic development
20 plan to the county board of supervisors and the city
21 council of each participating city for ratification by
22 each local government.

23 a. Not later than one hundred twenty days after
24 receiving the recommended strategic development plan,
25 the county board of supervisors and the city council
26 for each participating city shall adopt a resolution
27 to either ratify or reject the recommended strategic
28 development plan. A local government that fails to
29 timely adopt the resolution shall be deemed to have
30 ratified the recommended strategic development plan on
31 the last day of the one hundred twenty-day period.

32 b. If the county board of supervisors or the city
33 council of any participating city rejects the
34 recommended strategic development plan submitted by
35 the committee, the county or participating city shall
36 submit its objections to the plan, as provided by the
37 committee. After receiving objections to the plan,
38 the committee may recommend a revised strategic
39 development plan. The committee shall submit the
40 revised strategic development plan for ratification to
41 the county board of supervisors and the city council
42 of each participating city.

43 Not later than one hundred twenty days after
44 receiving the revised recommended strategic
45 development plan, the county board of supervisors and
46 city council for each participating city shall either
47 ratify or reject the revised recommended strategic
48 development plan in the same manner as provided in
49 paragraph "a". A local government that fails to
50 timely adopt a resolution shall be deemed to have

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1 ratified the recommended strategic development plan on
2 the last day of the one hundred twenty-day period.

3 6. The committee shall submit the revised
4 recommended strategic development plan to the board,
5 if the plan has been rejected by a local government.
6 However, the committee may submit an unrevised
7 recommended strategic development plan to the board,
8 if the committee determines that there is a
9 substantial probability that a revised recommended
10 strategic development plan would not be ratified by
11 all the local governments. The committee shall submit
12 the recommended strategic development plan and any
13 revisions or objections to the board as provided in
14 section 6C.56.

15 Sec. 22. NEW SECTION. 6C.56 DISPUTE RESOLUTION.

16 1. If a recommended strategic development plan or
17 a revised strategic development plan is rejected
18 pursuant to section 6C.55, the committee shall submit
19 each of the considered plans, revisions, and
20 objections to the board for resolution of the matter.
21 The board shall review the plans, revisions, and
22 objections and resolve the dispute by approving a
23 proposed strategic development plan based on the
24 extent to which the plan furthers the purposes of this
25 chapter as provided in section 6C.2 and the purposes
26 of the strategic development plan as provided in
27 section 6C.52. If the dispute involves competing
28 strategic development plans by two or more cities
29 governing the same strategic development area, the
30 board shall determine the city best able to provide
31 public benefits and services in the strategic
32 development area.

33 2. The board shall submit to the board of
34 supervisors a proposed strategic development plan for
35 consideration by the county supervisors in the county
36 and distribution to the city council of each city in
37 the county and any other participating city. The
38 local governments participating in the strategic
39 development plan shall be provided a reasonable time
40 to consider the proposed strategic development plan as
41 required by the board.

42 The proposed strategic development plan must be
43 approved by resolution by the board of supervisors in
44 the county and the city council of each participating
45 city.

46 The board of supervisors for the county shall
47 notify the board of the ratification or rejection of
48 the proposed strategic development plan in a manner
49 required by the board. A notice of rejection
50 submitted to the board may be accompanied by final

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1 recommendations for amendment to the proposed
2 strategic development plan. The board shall adopt the
3 proposed plan as provided in section 6C.57.

4 Sec. 23. NEW SECTION. 6C.57 STRATEGIC
5 DEVELOPMENT PLAN APPROVED BY THE BOARD.

6 Not later than July 1, 2002, the board shall
7 approve every strategic development plan ratified by a
8 board of supervisors and the city councils of
9 participating cities or alternatively proposed by the
10 board. The board shall approve a strategic
11 development plan, if the plan accomplishes the
12 purposes of this chapter as provided in section 6C.2,
13 and the purposes of a strategic development plan as
14 provided in section 6C.52. If the board determines
15 that a ratified strategic development plan does not
16 accomplish these purposes, the board shall adopt and
17 grant its approval of amendments to the plan for the
18 sole purpose of accomplishing those purposes.

19 Sec. 24. NEW SECTION. 6C.58 RECORDING OF
20 STRATEGIC DEVELOPMENT PLAN.

21 After the board has approved a strategic
22 development plan as provided in section 6C.57, the
23 board shall forward a copy to the county auditor who
24 shall record the plan in the office of county recorder
25 no later than five days after receiving the plan from
26 the board. The plan shall become effective upon its
27 recording with the county recorder.

28 Sec. 25. NEW SECTION. 6C.59 EFFECTIVENESS.

29 After a strategic development plan has been
30 recorded, the plan shall remain in effect for not less
31 than five years absent a showing of extraordinary
32 circumstances necessitating a change in the plan.
33 After expiration of the five-year period, the county
34 or a participating city may propose an amendment to
35 the strategic development plan or may propose a review
36 of the plan by filing notice with the county board of
37 supervisors for the county, the city council of each
38 city in the county, and any other participating city.
39 Upon receipt of such notice, the county board of
40 supervisors and city councils of each participating
41 city shall promptly reconvene the committee. The
42 burden of proving the reasonableness of a proposed
43 amendment to the plan shall be upon the party
44 proposing the amendment. The procedures for amending
45 the strategic development plan shall be the same as
46 the procedures set forth in this part for establishing
47 the original strategic development plan.

48 Sec. 26. NEW SECTION. 6C.60 APPEAL -- JUDICIAL
49 REVIEW.

50 1. The affected county, an affected participating

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1 city, a resident of such county, or an owner of real
2 property located within such county may appeal a
3 decision of the board relating to the strategic
4 development plan presented to the board for its
5 approval. The judicial review provisions of this
6 section and chapter 17A shall be the exclusive means
7 by which a person or party who is aggrieved or
8 adversely affected by action of the board may seek
9 judicial review of that board action.

10 2. Appeal must be filed within sixty days after
11 the strategic development plan is recorded upon final
12 approval of the board. In accordance with the Iowa
13 rules of civil procedure pertaining to service of
14 process, copies of the petition shall be served upon
15 the board, the county, and each city located in the
16 county.

17 3. The court's review on appeal of a decision is
18 limited to questions relating to jurisdiction,
19 regularity of proceedings, and whether the decision
20 appealed from is, by a preponderance of the evidence,
21 arbitrary, unreasonable, or without substantial
22 supporting evidence. The court may reverse and remand
23 a decision of the board with appropriate directions to
24 the county and the participating cities in order to
25 identify and obtain adoption or approval of a growth
26 plan in conformance with the procedures set forth in
27 this part.

28 4. The filing of a petition for review does not
29 stay the effectiveness of the strategic development
30 plan and strategic development areas identified in the
31 plan. However, the court may order a stay upon
32 appropriate terms if it is shown to the satisfaction
33 of the court that any party or the public at large is
34 likely to suffer significant injury if a stay is not
35 granted. If more than one petition for review
36 regarding a single board decision is filed, all such
37 petitions shall be consolidated and tried as a single
38 civil action.

39 5. The following portions of section 17A.19 are
40 not applicable to this chapter:

- 41 a. The portion of subsection 2 relating to where
- 42 proceedings for judicial review shall be instituted.
- 43 b. Subsection 5.
- 44 c. Subsection 8.
- 45 d. Subsections 10 through 12.

46 Sec. 27. NEW SECTION. 6C.61 LOCAL LEGISLATION.

47 A local government may adopt local legislation
48 regulating development within its territory in order
49 to carry out the purposes of this chapter that is
50 consistent with the local government's strategic

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1 development plan. A local government shall cooperate
2 with any other local government, which is a party to a
3 strategic development plan in adopting local
4 legislation regulating development within a strategic
5 development area. The local legislation may provide
6 for all of the following:

7 1. Defraying development costs incurred by the
8 local government to the extent determined appropriate
9 by the local government. The local legislation may
10 provide for financing the construction of basic
11 improvements and the delivery of public benefits and
12 services to its territory, including the imposition of
13 any impact fees to defray the costs of providing off-
14 site or adjacent basic improvements or public benefits
15 and services.

16 2. Providing for the establishment of conservation
17 easements; the acquisition of development rights,
18 including the purchase of development rights or the
19 transfer of development rights; and development
20 standards.

21 Sec. 28. NEW SECTION. 6C.62 REGIONAL DEVELOPMENT
22 AUTHORITIES.

23 A regional development authority shall not provide
24 development assistance, including planning,
25 investigations, or studies, that is inconsistent with
26 a strategic development plan for the area served by
27 the regional development authority.

28 SUBCHAPTER V
29 CITY DEVELOPMENT
30 PART 1
31 GENERAL

32 Sec. 29. NEW SECTION. 6C.71 PURPOSE.

33 The purpose of this subchapter is to establish a
34 process for the approval of a petition for city
35 development which furthers the purposes of this
36 chapter as provided in section 6C.2, is consistent
37 with a strategic development plan governing the
38 territory as provided in subchapter IV, and which
39 considers the desire of the residents of the territory
40 subject to a boundary change and the interests of the
41 residents of all territories affected by a city
42 development.

43 Sec. 30. NEW SECTION. 6C.73 AGREEMENTS VOID.

44 A local government shall not execute an agreement
45 with another local government under chapter 28E that
46 annexes territory. Local governments who are parties
47 in an agreement on the effective date of this Act that
48 provides for annexation under chapter 28 shall amend
49 the agreement to the extent necessary in order to be
50 consistent with the provisions of this chapter. The

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1 local governments must amend the agreement prior to
2 the date on which a strategic development plan
3 governing the territory subject to the agreement is
4 recorded with the county recorder as provided in
5 section 6C.58. Any agreement that is inconsistent
6 with the provisions of this chapter shall be void on
7 the date that a strategic development plan governing
8 the territory is recorded with the county recorder as
9 provided in section 6C.58.

PART 2

PETITIONS

11 Sec. 31. ~~NEW SECTION.~~ 6C.81 INVOLUNTARY CITY
12 DEVELOPMENT PETITIONS.

13 1. The board may accept a petition for city
14 development submitted by a city council, a county
15 board of supervisors, or five percent of the qualified
16 electors of a city or territory subject to the
17 petition.
18

19 2. a. A petitioner shall provide notice by
20 certified mail to all of the following:

21 (1) The city council of each city subject to the
22 city development.

23 (2) The board of supervisors for each county,
24 which contains a portion of a city subject to the city
25 development.

26 (3) The city council of a city if an incorporation
27 includes territory within the city's extraterritorial
28 area.

29 (4) Any regional planning authority for the area.

30 (5) Each owner of land within the bounded
31 territory. The notice shall also be mailed to each
32 person who has purchased land under real estate
33 contract under chapter 656, if the contract is
34 recorded with the county recorder.

35 b. The notice shall provide information regarding
36 the petition as required by the board and shall
37 include a copy of the petition.

38 3. Within ninety days of receipt of a petition,
39 the board shall initiate appropriate proceedings or
40 dismiss the petition as provided in this paragraph.
41 The board may combine petitions which concern the same
42 territory or city or which provide for city
43 development affecting common territory.

44 4. a. A petition must provide how the city
45 development will further the city's strategic
46 development plan. The petition shall include all of
47 the following:

48 (1) A general statement of the city development.

49 (2) A map of the territory, city, or cities
50 involved.

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1 (3) The location of public improvements planned to
2 be constructed in the proposed bounded territory.

3 (4) An assessed valuation of platted and unplatted
4 land in the bounded territory.

5 (5) The names of owners of property located in the
6 bounded territory.

7 (6) The population density of the bounded
8 territory.

9 (7) A description of the bounded territory's
10 topography.

11 (8) Plans for the disposal of assets and
12 assumption of liabilities.

13 (9) A description of existing public benefits and
14 services available in the bounded territory.

15 (10) Plans for agreements with any existing
16 special service districts.

17 (11) In a case of annexation or incorporation, the
18 petition must state that none of the territory is
19 within a city.

20 (12) In a case of incorporation or consolidation,
21 the petition must state the name of the proposed city.

22 (13) Any formal agreement between affected cities
23 and counties for the maintenance, improvement, and
24 traffic control of any shared roads involved in an
25 incorporation or boundary adjustment.

26 (14) In the discretion of a city council, a
27 provision for a transition for the imposition of city
28 taxes against property within an annexation area.

29 (a) The provision shall not allow a greater
30 exemption from taxation than the tax exemption formula
31 schedule provided under section 427B.3, subsections 1
32 through 5, and shall be applied in the levy and
33 collection of taxes.

34 (b) The provision may also allow for the partial
35 provision of city services during the time in which
36 the exemption from taxation is in effect.

37 **Sec. 32. NEW SECTION. 6C.82 SPECIAL REQUIREMENTS**
38 **FOR ANNEXATIONS -- PUBLIC HEARINGS.**

39 1. Before a petition for involuntary annexation is
40 submitted to the board, the petitioner must hold a
41 public hearing on the petition. The petition shall
42 identify all property owners listed in the petition.
43 The petitioner shall provide notice of the hearing
44 which shall include the time and place of the public
45 hearing.

46 a. At least thirty days before a petition for
47 annexation is submitted to the board, the petitioner
48 must deliver a notice by certified mail to all of the
49 following:

50 (1) Any party to a strategic development plan

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1 governing the bounded territory.

2 (2) The city council of each city whose urbanized
3 area contains a portion of the bounded territory.

4 (3) The board of supervisors of each county which
5 contains a portion of the bounded territory.

6 (4) The regional planning authority for the
7 bounded territory.

8 (5) Each affected public utility.

9 (6) Each owner of property located in the bounded
10 territory. The notice shall also be mailed to each
11 person who has purchased land under real estate
12 contract under chapter 656, if the contract is
13 recorded with the county recorder.

14 (7) Each owner of adjacent property located within
15 the bounded territory.

16 b. At least five days before the date of the
17 public hearing, the petitioner shall publish the
18 notice of the hearing in an official county newspaper
19 in each county which contains a part of the territory.

20 2. The mayor of the city proposing to annex the
21 bounded territory, or that person's designee, shall
22 serve as chairperson of the public hearing. The city
23 clerk of the city or the city clerk's designee shall
24 record the proceedings of the public hearing. Any
25 person attending the public hearing may provide oral
26 or written comments regarding the petition. The
27 minutes of the public hearing and all documents
28 submitted at the public meeting shall be forwarded to
29 the board by the chairperson of the hearing in a
30 manner and according to procedures required by the
31 board.

32 Sec. 33. NEW SECTION. 6C.83 VOLUNTARY
33 ANNEXATIONS -- PETITIONS TO CITY COUNCIL.

34 1. A petition for voluntary annexation of
35 territory by a city must be approved by resolution of
36 the council which receives the petition. The city
37 council shall approve or deny the petition following a
38 public hearing as provided in this section. If
39 approved by the council, the petition must be
40 delivered to the board for approval.

41 2. All of the owners of land in a territory
42 adjoining a city must petition the council of the
43 adjoining city requesting the voluntary annexation.
44 Territory comprising railway right-of-way or territory
45 comprising not more than twenty percent of the land
46 area may be included in the petition without the
47 consent of an owner to avoid creating an island or to
48 create more uniform boundaries.

49 3. The petition must contain any information
50 required by the board, including a legal description.

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1 and a map of the territory showing its location in
2 relationship to the city.

3 4. The city shall provide notice of the petition
4 as follows:

5 a. At least thirty days prior to any action by the
6 city council regarding the petition, the city shall
7 provide notice as follows:

8 (1) The city shall mail a notice of the petition
9 by certified mail to all of the following:

10 (a) Any party to a strategic development plan
11 governing the bounded territory.

12 (b) The board of supervisors of each county which
13 contains a portion of the territory proposed to be
14 annexed.

15 (c) Each affected public utility.

16 (d) The regional planning authority of the
17 territory.

18 (e) Each owner of property located within the
19 bounded territory who is not a party to the petition.

20 The notice shall also be mailed to each person who has
21 purchased land under real estate contract under
22 chapter 656, if the contract is recorded with the
23 county recorder.

24 (f) Each owner of property which adjoins the
25 bounded territory.

26 (2) The city shall publish notice of the petition
27 and hearing in an official county newspaper in each
28 county which contains a portion of the territory.

29 b. The notice shall include the time and place of
30 the public hearing and a legal description of the
31 territory petitioned to be annexed. If the city
32 publishes additional notices, at least one of the
33 notices shall identify the territory by a description
34 using common landmarks.

35 5. a. A petition for voluntary annexation of
36 territory without the consent of all the property
37 owners in the territory must be approved by eight
38 members of the board.

39 b. A resolution approving an annexation may
40 provide for the transition for the imposition of
41 taxes.

42 Sec. 34. NEW SECTION. 6C.84 SPECIAL NOTICE
43 REQUIRED FOR ANNEXATIONS INVOLVING LAND OWNED BY
44 GOVERNMENTS.

45 1. If territory owned by the state is to be
46 annexed under this subchapter, the attorney general
47 must be provided with a copy of the petition, and
48 notified of each hearing or meeting provided under
49 this part.

50 2. If territory within the road right-of-way owned

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1 by a county is annexed as provided in this subchapter,
2 the county attorney must be provided with a copy of
3 the petition, and notified of each hearing or meeting
4 provided in this part.

5 Sec. 35. NEW SECTION. 6C.85 SPECIAL SEVERANCE
6 PROCEEDINGS.

7 The board, a city, or the owners of land in bounded
8 territory may provide for the severance of the bounded
9 territory as provided in this section.

10 1. a. The board may order a severance upon its
11 own initiative or upon petition by a city as provided
12 in section 6C.95.

13 b. Any territory may be severed upon the unanimous
14 consent of all owners of the territory, approval by
15 resolution of the city council of the city in which
16 the territory is located, and approval by the board.

17 2. The board shall approve a severance if the
18 severance satisfies the purposes of this chapter as
19 provided in section 6C.2, the purposes of this
20 subchapter as provided in section 6C.71, and any
21 strategic development plan governing the territory
22 proposed to be severed. The board shall conduct a
23 special proceeding under this section to consider
24 issuing an order or approving a petition for a
25 severance in a manner and according to procedures
26 adopted by the board. The board may establish an
27 expedited process for considering a severance.
28 However, the board shall not issue an order or approve
29 a petition for a severance, if the board would not
30 have approved a severance under section 6C.90.

31 3. If the bounded territory is severed, the city
32 council shall provide by resolution for the equitable
33 distribution of assets and equitable distribution and
34 assumption of liabilities of the territory as between
35 the city and the severed territory.

36 Sec. 36. NEW SECTION. 6C.86 APPROVAL OF CITY
37 DEVELOPMENT PETITIONS REQUIRED.

38 City development shall not occur unless a petition
39 is submitted and approved by the board as provided in
40 this subchapter. The petition may be for
41 incorporation, discontinuance, or boundary adjustment.

42 Sec. 37. NEW SECTION. 6C.87 SUBMISSION OF CITY
43 DEVELOPMENT PETITIONS.

44 1. A person eligible to file a petition for city
45 development with the board shall comply with the
46 requirements of this subchapter, according to
47 procedures and in a manner required by the board. A
48 petition must include all elements required to be
49 included by the board pursuant to rules adopted by the
50 board, which carries out the purposes of this chapter

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1 as provided in section 6C.2, the purposes of this
2 subchapter as provided in section 6C.71, and the
3 requirements of this subchapter.

4 2. A petition for annexation must contain a plan
5 of annexation which provides for how the annexation
6 complies with the requirements of a strategic
7 development plan governing the bounded territory as
8 provided in subchapter IV. The plan shall provide all
9 of the following:

10 a. A description of public benefits and services
11 planned to be extended to the bounded territory and a
12 schedule of when the public benefits and services will
13 be extended to residents of the bounded territory.

14 b. The location of public buildings planned to be
15 constructed within the bounded territory.

16 c. The rationale for the annexation and for
17 inclusion of the bounded territory.

18 Sec. 38. NEW SECTION. 6C.88 PUBLIC MEETING AND
19 CONSIDERATION OF EVIDENCE.

20 1. The board shall conduct a public meeting
21 regarding a petition as soon as practicable for a city
22 development petition.

23 a. The board shall provide notice as follows:

24 (1) The notice shall be delivered to all of the
25 following:

26 (a) Each party participating in a strategic
27 development plan.

28 (b) The city council of each city for which a
29 discontinuance or boundary adjustment is proposed.

30 (c) The county board of supervisors for each
31 county, which contains a portion of a city to be
32 discontinued or territory to be incorporated, annexed,
33 or severed.

34 (d) Any regional planning authority for the
35 territory involved.

36 (e) All the owners of property located within a
37 bounded territory subject to annexation. The notice
38 shall also be delivered to each person who has
39 purchased land within the bounded territory under real
40 estate contract under chapter 656, if the contract is
41 recorded with the county recorder.

42 (f) All the owners of property adjoining property
43 within the bounded territory subject to annexation.

44 (2) The board shall publish notice of the petition
45 and hearing in two issues of a newspaper having
46 general circulation in each city and each territory
47 involved in the proposal.

48 b. The notice shall include a brief description of
49 the petition and a statement of where the petition is
50 available for public inspection.

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1 c. Any person may submit written briefs, and in
2 the board's discretion, may present oral comments.

3 d. The board may subpoena witnesses and documents
4 relevant to the proposed city development.

5 2. In considering a petition for a boundary
6 adjustment, the board shall receive and weigh evidence
7 of all of the following:

8 a. The potential effect of the proposed city
9 development on adjacent areas, and on other local
10 governments directly affected, including but not
11 limited to the potential impact of the proposed
12 boundary adjustment on future revenues of affected
13 local governments.

14 b. Whether the petition is based on a voluntary
15 boundary adjustment.

16 c. The desire of persons residing in the bounded
17 territory.

18 3. If the petition is for an annexation, the board
19 shall receive and weigh evidence of all of the
20 following:

21 a. Existing and projected commercial and
22 industrial development within the bounded territory.

23 b. Existing and projected population in the
24 bounded territory.

25 c. The potential effects of extending public
26 benefits and services and constructing proposed public
27 improvements as required in the plan of annexation,
28 including but not limited to the cost and adequacy of
29 providing existing public benefits and services and
30 constructing public improvements within the bounded
31 territory.

32 d. The extent of available and suitable
33 developable land within the corporate limits of the
34 city.

35 e. The extent to which the bounded territory
36 included in the proposed annexation is as compact and
37 contiguous to the city as possible.

38 f. The extent to which a voluntary boundary
39 adjustment was attempted.

40 Sec. 39. NEW SECTION. 6C.89 DISMISSAL OF
41 PETITIONS.

42 The board may dismiss a petition if it finds that
43 it proposes substantially the same city development
44 that has been disapproved by the board, a city, or by
45 election within the two years prior to the date the
46 petition is submitted to the board, or that any
47 bounded territory proposed to be annexed has been
48 voluntarily annexed under section 6C.83. The board
49 shall file for record a statement of each dismissal
50 and the reason for it, and shall promptly notify the

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1 parties to the proceeding of its decision.

2 Sec. 40. NEW SECTION. 6C.90 APPROVAL OR
3 DISAPPROVAL OF PETITIONS.

4 1. The board shall base its decision to approve or
5 disapprove a petition for a city development on all
6 evidence determined relevant by the board. The
7 decision shall be based on the extent to which a
8 petition and evidence supporting the petition
9 satisfies the purposes of this chapter as provided in
10 section 6C.2, the purposes of this subchapter as
11 provided in section 6C.71, the requirements of this
12 subchapter, and any strategic development plan
13 governing the territory proposed to be adjusted as
14 required pursuant to subchapter IV.

15 2. The board shall approve or disapprove a
16 petition as amended, within ninety days of the final
17 meeting, and shall file its decision for record and
18 promptly notify the parties to the proceeding of its
19 decision.

20 3. The board shall consider any objection by a
21 county to the plan of annexation, if the bounded
22 territory is located in the county. The board may
23 disapprove the petition based only on the objection.
24 If land in an adjoining county could reasonably be
25 annexed as part of future city development, the board
26 shall consider comments regarding the plan of
27 annexation presented by the adjoining county.

28 4. The board may establish an expedited process to
29 approve any of the following:

30 a. A petition for the voluntary annexation of
31 territory as provided in section 6C.83 or the
32 voluntary severance of territory as provided in
33 section 6C.85.

34 b. A petition submitted by a city to sever annexed
35 territory because the city cannot provide public
36 benefits or services to the territory.

37 c. A board action to sever territory as provided
38 in section 6C.95.

39 5. The board shall deny a petition based on any of
40 the following:

41 a. An inadequate quantity or quality of evidence
42 submitted by the petitioner.

43 b. The petition is premature.

44 c. For a petition for incorporation, any of the
45 following apply:

46 (1) The city proposed to be incorporated will be
47 unable to provide customary public benefits and
48 services.

49 (2) Any part of the territory is within an
50 extraterritorial area. The board shall deny the

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1 petition, unless a petition for annexation of
2 substantially the same territory to such city has been
3 dismissed, disapproved, or voted upon unfavorably
4 within the last five years.

5 d. For a discontinuance or severance, any of the
6 following apply:

7 (1) The city proposed to be discontinued or the
8 territory to be severed will be surrounded by one or
9 more cities and a petition for annexation of the same
10 bounded territory has not been approved by the board.

11 (2) The county or another city will be unable to
12 provide necessary public benefits and services to the
13 residents of the territory.

14 e. For a boundary adjustment, the city development
15 would create an island.

16 f. For an annexation, any of the following apply:

17 (1) The bounded territory does not adjoin the city
18 applying for the annexation.

19 (2) The establishment of the boundaries of the
20 bounded territory is not rational. Establishing the
21 boundaries of bounded territory that fail to follow
22 property lines is presumed not to be rational.

23 (3) It is unreasonable or impracticable for the
24 city applying for annexation to extend public benefits
25 and services to the bounded territory within four
26 years.

27 (4) The motive for annexation is solely to
28 increase revenues to the city applying for annexation.

29 (5) The bounded territory is not located within a
30 strategic development area of the annexing city as
31 designated in the strategic development plan governing
32 the territory.

33 g. For a consolidation of cities, if the cities
34 are not contiguous.

35 8. Upon approval by the board, the city clerk
36 shall file a copy of related documents with the county
37 board of supervisors, secretary of state, and state
38 department of transportation. The documents shall
39 include the board's order, any city resolution, and a
40 map and a legal description of the territory. The
41 city clerk shall also record a copy of the map and
42 resolution with the county recorder.

43 9. If a petition is approved, the board shall
44 provide for an election as provided in section 6C.91.

45 Sec. 41. NEW SECTION. 6C.91 ELECTION.

46 1. If the board approves a petition as provided in
47 section 6C.90 for city development, the board shall
48 provide for an election. However, an election is not
49 required if one of the following applies:

50 a. The city development is a voluntary annexation

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1 under section 6C.83, the bounded territory is within
2 an extraterritorial area of the city, and the
3 territory is not within an extraterritorial area of
4 another city.

5 b. The city development is a severance under
6 section 6C.85.

7 2. The date for the election shall not be less
8 than thirty days nor more than ninety days after the
9 board orders the election as provided in section
10 6C.90. The county commissioner of elections shall
11 conduct the election.

12 a. A city development which is an incorporation,
13 discontinuance, annexation, or severance, shall be
14 authorized if a majority of the total number of
15 persons voting approves the city development. In the
16 case of incorporation or discontinuance, the
17 registered voters of the territory or city
18 respectively are eligible to vote in the election. In
19 the case of annexation or severance, the registered
20 voters of the territory and of the city are eligible
21 to vote in the election.

22 b. A city development which is a consolidation
23 shall be authorized if a favorable majority vote in
24 each city approves a consolidation. The registered
25 voters of each city are eligible to vote in the
26 election.

27 3. The county commissioner of elections shall
28 publish notice of the election as provided in section
29 49.53 and shall conduct the election in the same
30 manner as other special city elections.

31 4. The city shall provide to the commissioner of
32 elections a map of the area subject to the petition
33 for city development. The commissioner of elections
34 shall approve the map for posting. The map shall be
35 displayed prominently in at least four places within
36 the voting precinct, and inside each voting booth, or
37 on the left-hand side inside the curtain of each
38 voting machine.

39 5. The costs of an incorporation election shall be
40 borne by the initiating petitioners if the election
41 fails. However, if the proposition is approved the
42 cost shall become a charge of the new city.

43 Sec. 42. NEW SECTION. 6C.92 PROCEDURE AFTER
44 APPROVAL.

45 1. After the county commissioner of elections has
46 certified the results to the board of an election
47 conducted pursuant to section 6C.91, the board shall
48 do all of the following:

49 a. Provide for the publication of a notice of the
50 result as provided in section 362.3.

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1 b. File with the secretary of state and the clerk
2 of each city incorporated or involved in a boundary
3 adjustment, and record with the recorder of each
4 county which contains a portion of any city or
5 territory involved, all of the following:

6 (1) Copies of the proceedings including the
7 original petition and any amendments.

8 (2) The order of the board approving the petition.

9 (3) Evidence that notice has been delivered or
10 published as provided in this subchapter.

11 (4) Certification of the election result conducted
12 pursuant to section 6C.91.

13 (5) Any other material that the board determines
14 to be of primary importance to the proceedings.

15 c. File with the state department of
16 transportation a copy of the map and legal land
17 description of each completed incorporation or
18 boundary adjustment.

19 2. Upon proper filing and expiration of time for
20 appeal, the incorporation, discontinuance, or boundary
21 adjustment is complete. However, if an appeal to any
22 of the proceedings is pending, completion does not
23 occur until the appeal is decided, unless a subsequent
24 date is provided in the petition as approved by the
25 board.

26 Sec. 43. NEW SECTION. 6C.93 APPEAL.

27 1. A city, or a resident or property owner in the
28 territory or city affected by a city development
29 petition may appeal a decision of the board rendered
30 under section 6C.90 or an election conducted under
31 section 6C.91.

32 2. An appeal must be filed within thirty days of
33 the filing of a decision or the publication of notice
34 of the result of an election.

35 3. Except as provided in this subsection the
36 judicial review provisions of this section and chapter
37 17A shall be the exclusive means by which a person or
38 party who is aggrieved or adversely affected may seek
39 judicial review of a board's decision or an election
40 result. The court may reverse and remand a decision
41 of the board or election result with appropriate
42 directions.

43 4. Notwithstanding section 17A.19, subsection 2,
44 the appeal shall be made to the district court of a
45 county which contains a portion of any city or
46 territory involved in the petition. Notwithstanding
47 section 17A.19, subsection 5, an appeal of an approval
48 of a petition does not stay an election.
49 Notwithstanding section 17A.19, subsection 8, the
50 court upon review of the appeal shall not reverse or

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1 remand a board's decision or election result unless
2 any of the following apply:

3 a. For an election result, the election was
4 conducted in an illegal manner.

5 b. For a decision by the board, any of the
6 following apply:

7 (1) The board did not have jurisdiction to
8 consider the petition.

9 (2) The board conducted its proceedings in an
10 irregular manner.

11 (3) The decision of the board is any of the
12 following:

13 (a) Conducted according to irregular procedures.

14 (b) Unsupported by substantial evidence in the
15 record.

16 (c) Unreasonable, arbitrary, or capricious.

17 (d) Characterized by an abuse of discretion or a
18 clearly unwarranted exercise of discretion.

19 Sec. 44. NEW SECTION. 6C.94 SUPERVISION OF
20 PROCEDURES.

21 1. When a city development is complete, the board
22 shall supervise procedures necessary to carry out the
23 petition as approved by the board.

24 2. In implementing the petition approved by the
25 board, all of the following shall apply:

26 a. For an incorporation, the county commissioner
27 of elections shall conduct an election for mayor and
28 council of the city, who shall serve until their
29 successors take office following the next regular city
30 election.

31 b. For a discontinuance, the board shall publish
32 two notices as provided in section 368.15 that it will
33 do all of the following:

34 (1) Receive and adjudicate claims against the
35 discontinued city for a period of six months from the
36 date of last notice.

37 (2) Levy necessary taxes against the property
38 within the discontinued city to pay claims allowed.
39 All records of a discontinued city shall be deposited
40 with the county auditor of the county designated by
41 the board. Any remaining balances shall be deposited
42 in the county treasury where the former city was
43 located.

44 c. For a boundary adjustment, the proper city
45 officials shall carry out procedures necessary to
46 implement the petition.

47 Sec. 45. NEW SECTION. 6C.95 COMPLIANCE WITH
48 REQUIREMENTS FOR A BOUNDARY ADJUSTMENT --
49 RECONSIDERATION.

50 1. A city shall comply with any conditions

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1 provided in a petition for a boundary adjustment or
2 conditions imposed on the city by the board in
3 approving the petition.

4 2. A city shall provide public benefits and
5 services to a bounded territory annexed under a plan
6 of annexation approved by the board as part of a
7 petition for boundary adjustment, as provided in
8 section 6C.90. If a city fails to provide public
9 benefits and services within its bounded territory
10 within four years from the date that the annexation
11 becomes final, the city may apply for an extension to
12 provide the public benefits and services for a period
13 not to exceed two additional years. The board may
14 grant the extension, if the board determines that the
15 city has acted in good faith to provide the public
16 benefits and services and that unforeseen events
17 contributed to the delay. The board may grant an
18 extension for one additional year if the board
19 determines that exigent circumstances warrant the
20 extension. However, in no case may the board approve
21 an extension for more than seven years following the
22 date that the annexation becomes final.

23 3. The board shall reconsider approving a petition
24 upon its own initiative for a boundary adjustment if
25 the board finds that the petition may be disapproved
26 under this subsection.

27 a. If the petition was for an annexation, the
28 board may reconsider the petition upon receipt of an
29 appeal brought by an owner of land located in the
30 bounded territory annexed pursuant to a plan of
31 annexation approved as part of the petition. The
32 appeal shall be submitted in a manner and according to
33 procedures required by the board. The board shall
34 disapprove a reconsidered petition, if the board
35 determines that one of the following applies:

36 b. The city fails to provide public benefits and
37 services to the annexed bounded territory within the
38 period required by this section.

39 c. The city misrepresented a material fact in its
40 petition for annexation that caused the board to
41 approve the petition.

42 4. If the board determines that the petition
43 should not have been approved, the board may do any of
44 the following:

45 a. Provide an order of tax relief to do either of
46 the following:

47 (1) Require that all or some property within the
48 annexed territory be taxed according to a reduced
49 rate. The reduced rate shall not be less than the
50 rate applicable if the territory had not been annexed.

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1 The property shall be taxed at the reduced rate until
2 at least public benefits and services are extended to
3 property within the annexed property.

4 (2) Require that the city provide a rebate to
5 residents equaling the difference between the property
6 taxes paid to the city by owners of property within
7 the annexed territory and the amount in taxes owed
8 under the reduced rate.

9 b. Order the severance of all or any part of the
10 bounded territory annexed pursuant to a plan of
11 annexation submitted with a petition for boundary
12 alteration as provided in section 6C.85, if any of the
13 following applies:

14 (1) The board finds any of the following applies:

15 (a) The city failed to comply with purposes of
16 this chapter as provided in section 6C.2, the
17 requirements of this subchapter, a strategic
18 development plan as provided in subchapter IV, or
19 conditions provided in the petition or order approving
20 the petition.

21 (b) The failure was due to the city's bad faith,
22 recklessness, or disregard for the facts as stated in
23 the petition, including the plan of annexation.

24 (2) The city petitions the board to order a
25 severance, based on the city's failure to provide
26 adequate public benefits or services to land owners in
27 the bounded territory.

DIVISION B

MISCELLANEOUS PROVISIONS

30 Sec. 46. Section 15.108, subsection 3, paragraph
31 a, subparagraph (2), Code 1999, is amended to read as
32 follows:

33 (2) Provide office space and staff assistance to
34 ~~the city development~~ land management planning board as
35 provided in section ~~368.9~~ 6C.11.

36 Sec. 47. Section 306.9, unnumbered paragraph 1,
37 Code 1999, is amended to read as follows:

38 It is the policy of the state of Iowa that
39 relocation of primary highways through cultivated land
40 shall be avoided to the maximum extent possible. When
41 the volume of traffic for which the road is designed
42 or other conditions, including designation as part of
43 the network of commercial and industrial highways,
44 require relocation, diagonal routes shall be avoided
45 if feasible and prudent alternatives consistent with
46 efficient movement of traffic exist. The department
47 shall adopt rules pursuant to chapter 17A that
48 establish an analytical framework for determining when
49 a primary highway must be relocated through cultivated
50 land, including by using diagonal routes. The rules

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1 shall include a detailed list of factors for use by
2 the department in completing its analysis in
3 compliance with the state's policy.

4 Sec. 48. Section 331.304, subsection 7, Code 1999,
5 is amended to read as follows:

6 7. The board may file a an involuntary petition
7 with the city development land use management planning
8 board as provided in section ~~368.11~~ 6C.85.

9 Sec. 49. Section 331.321, subsection 1, paragraph
10 u, Code 1999, is amended by striking the paragraph.

11 Sec. 50. Section 331.427, subsection 1, unnumbered
12 paragraph 1, Code 1999, is amended to read as follows:

13 Except as otherwise provided by state law, county
14 revenues from taxes and other sources for general
15 county services shall be credited to the general fund
16 of the county, including revenues received under
17 sections 6C.94, 101A.3, 101A.7, 123.36, 123.143,
18 142B.6, 176A.8, 321.105, 321.152, 321G.7, section
19 331.554, subsection 6, sections 341A.20, 364.3,
20 ~~368.21~~, 422A.2, 428A.8, 430A.3, 433.15, 434.19,
21 445.57, 453A.35, 458A.21, 483A.12, 533.24, 556B.1,
22 567.10, 583.6, 602.8108, 904.908, and 906.17, and
23 chapter 405A, and the following:

24 Sec. 51. Section 331.507, subsection 2, unnumbered
25 paragraph 1, Code 1999, is amended to read as follows:

26 The auditor ~~is entitled to~~ shall collect the
27 following fees:

28 Sec. 52. Section 331.507, subsection 2, paragraph
29 a, Code 1999, is amended to read as follows:

30 a. For a transfer of property made in the transfer
31 records, five nine dollars for each separate parcel of
32 real estate described in a deed, or transfer of title
33 certified by the clerk of the district court.

34 However, the fee shall not exceed fifty fifty-four
35 dollars for a transfer of property which is described
36 in one instrument of transfer.

37 Sec. 53. Section 331.507, subsection 3, Code 1999,
38 is amended to read as follows:

39 3. Fees collected ~~or received~~ by the auditor under
40 this section shall be accounted for and paid as
41 follows:

42 a. The first five dollars collected under this
43 section for each separate parcel of real estate, up to
44 fifty dollars for transfers of property described in
45 one instrument shall be paid into the county treasury
46 as provided in section 331.902.

47 b. The remaining moneys collected under this
48 section shall be paid to the department of revenue and
49 finance on a monthly basis for deposit in the land
50 management planning fund as created in section 6C.21.

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1 Sec. 54. Section 362.1, Code 1999, is amended to
2 read as follows:

3 362.1 CITATION.

4 This chapter and chapters 364, ~~368~~, 372, 376, 380,
5 384, 388 and 392 may be cited as the "City Code of
6 Iowa".

7 Sec. 55. Section 362.9, Code 1999, is amended to
8 read as follows:

9 362.9 APPLICATION OF CITY CODE.

10 The provisions of this chapter and chapters 6C,
11 364, ~~368~~, 372, 376, 380, 384, 388 and 392 are
12 applicable to all cities.

13 Sec. 56. Section 384.38, subsection 2, Code 1999,
14 is amended to read as follows:

15 2. Upon petition as provided in section 384.41,
16 subsection 1, a city may assess to private property
17 affected by public improvements within three miles of
18 the city's boundaries the cost of construction and
19 repair of public improvements within that area. The
20 right-of-way of a railway company shall not be
21 assessed unless the company joins as a petitioner for
22 said improvements. In the petition the property
23 owners shall waive the limitation provided in section
24 384.62 that an assessment may not exceed twenty-five
25 percent of the value of the lot. The petition shall
26 contain a statement that the owners agree to pay the
27 city an amount equal to five percent of the cost of
28 the improvements, to cover administrative expenses
29 incurred by the city. This amount may be added to the
30 cost of the improvements. Before the council may
31 adopt the resolution of necessity, the preliminary
32 resolution, preliminary plans and specifications,
33 plat, schedule, and estimate of cost must be submitted
34 to, and receive written approval from, the board of
35 supervisors of any county which contains part of the
36 property, and the ~~city development board~~ land
37 management planning board established in section ~~368.9~~
38 6C.11.

39 Sec. 57. Section 455B.306A, subsection 1, Code
40 1999, is amended to read as follows:

41 1. A city which annexes an area pursuant to
42 chapter ~~368~~ 6C, or plans to operate or expand solid
43 waste collection services into an area where the
44 collection of solid waste is presently being provided
45 by a private entity, shall notify the private entity
46 by certified mail at least sixty days before its
47 annexation or expansion of its intent to provide solid
48 waste collection services in the area.

49 Sec. 58. Section 524.1202, subsection 1, Code
50 1999, is amended to read as follows:

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1 1. Except as otherwise provided in subsection 2 of
2 this section, no state bank shall establish a bank
3 office outside the corporate limits of a municipal
4 corporation or in a municipal corporation in which
5 there is already an established state or national bank
6 or office, however the subsequent chartering and
7 establishment of any state or national bank, through
8 the opening of its principal place of business within
9 the municipal corporation where the bank office is
10 located, shall not affect the right of the bank office
11 to continue in operation in that municipal
12 corporation. The existence and continuing operation of
13 a bank office shall not be affected by the subsequent
14 discontinuance of a ~~municipal corporation~~ city
15 ~~pursuant to the provisions of sections 368.11 to~~
16 ~~368.22~~ chapter 6C. A bank office existing and
17 operating on July 1, 1976, which is not located within
18 the confines of a municipal corporation, shall be
19 allowed to continue its existence and operation
20 without regard to this subsection.

21 Sec. 59. IMPLEMENTATION OF ACT. The fees and
22 funds generated as a result of the enactment of this
23 Act are intended to cover the costs of any state
24 mandate included in this Act and this specification of
25 state funding shall be deemed to meet all the state
26 funding-related requirements of section 25B.2,
27 subsection 3, and no additional state funding shall be
28 necessary for the full implementation of this Act by,
29 and enforcement of this Act against, all affected
30 political subdivisions.

31 Sec. 60. TRANSFER OF SECTION.

32 1. The Code editor is directed to transfer section
33 368.2, Code 1999, to chapter 380 and correct internal
34 references as necessary.

35 2. The Code editor is directed to transfer
36 sections 368.3, 368.7A, and 368.24, Code 1999, to part
37 III, of subchapter V of chapter 6C as enacted in this
38 Act. The Code editor is directed to change the name
39 of the "city development board" to the "land
40 management board" or "board" wherever "city
41 development board" appears in those transferred
42 sections.

43 Sec. 61.

44 1. Sections 352.3 through 352.5, Code 1999, are
45 repealed.

46 2. Sections 368.1 and 368.4 through 368.7 and
47 368.8 through 368.23, Code 1999, are repealed.

48 Sec. 62. The person appointed by the director of
49 the department of economic development to serve on the
50 land use planning board for development management and

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1 farmland and natural area protection as created in
2 section 6C.14, as enacted in this Act, shall be a
3 member of the special commission to study and make
4 recommendations concerning urban planning, growth
5 management of cities, and protection of farmland as
6 provided in House Concurrent Resolution 21, as passed
7 by the Seventy-sixth General Assembly.

8 Sec. 63. EFFECTIVE AND APPLICABILITY DATES.

9 1. Except as provided in this section, this Act
10 takes effect July 1, 1999.

11 2. The land management planning board and the
12 state strategic development council as created in
13 Act shall be appointed as soon as practical upon the
14 enactment of this Act. The entities shall carry out
15 all functions necessary to prepare for the
16 administration of this Act on July 1, 1999, and
17 provide for the transition of administration of
18 provisions from under chapter 368 to chapter 6C,
19 including the adoption of rules.

20 3. a. Except as provided in paragraph "b", a
21 petition for city development filed with the land
22 management planning board prior to June 30, 2002, as
23 provided in this Act, shall be governed by this Act.

24 b. Notwithstanding requirements in this Act, the
25 following shall apply:

26 (1) If a city council approves an application or
27 petition for city development before the effective
28 date of this Act, the petition shall be governed by
29 chapter 368 as that chapter appears in the 1999 Code,
30 except that the land management planning board, as
31 created in section 6C.11 as enacted in this Act, shall
32 act in lieu of the city development board as created
33 in section 368.9 of the 1999 Code.

34 (2) If a city council approves a petition for city
35 development on or after the effective date of this
36 Act, the land management planning board as created in
37 section 6C.11, as enacted in this Act, may approve a
38 petition for city development affecting territory
39 required to be governed by a strategic development
40 plan, if the petition otherwise complies with the
41 provisions of this Act, including the purposes set
42 forth in sections 6C.2 and 6C.71. The petitioner
43 shall be required to file a plan of annexation as
44 required in this Act, absent reference to the
45 strategic development plan.

46 c. The board may adopt rules necessary to
47 administer this subsection."

S-3159

- 1 Amend Senate File 460 as follows:
- 2 1. Page 19, by inserting after line 19 the
- 3 following:
- 4 "It is the intent of the general assembly that the
- 5 Iowa public employees' retirement system division
- 6 reissue its request for proposal for a headquarters
- 7 office building acquisition. It is also the intent of
- 8 the general assembly that the Iowa public employees'
- 9 retirement system division's request for proposal for
- 10 a headquarters office acquisition continue to include
- 11 general mandatory requirements and evaluation
- 12 criteria. The evaluation criteria shall include
- 13 categories of cost, access to the state capitol and
- 14 the state of Iowa personnel department, other site
- 15 location criteria, and timing for purchase, with not
- 16 more than 2 percent of the total point evaluation
- 17 attributable to the second listed category. Any
- 18 subject matter relating to evaluation criteria
- 19 categories 2 and 3 shall be prohibited from being
- 20 classified under general mandatory requirements and
- 21 any mandatory requirements established shall be
- 22 reported to the chairpersons, vice chairpersons, and
- 23 ranking members of the joint appropriations
- 24 subcommittee on administration and regulation."

MERLIN E. BARTZ

S-3160

- 1 Amend Senate File 460 as follows:
- 2 1. By striking page 25, line 22, through page 27,
- 3 line 7.

NANCY J. BOETTGER
JOE BOLKCOM

S-3161

- 1 Amend Senate File 393 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 28E.41 JOINT COUNTY,
- 5 CITY, FIRE DISTRICT, SCHOOL DISTRICT BUILDINGS.
- 6 1. A county, city, fire district, or school
- 7 district, which has areas within its boundaries which
- 8 overlap areas within the boundaries of another county,
- 9 city, fire district, or school district, or whose
- 10 boundaries are contiguous with another county, city,
- 11 fire district, or school district, may execute an
- 12 agreement pursuant to this section for the joint

13 construction or acquisition, furnishing, operation,
14 and maintenance of a public building or buildings for
15 their common use. Noncontiguous cities located within
16 the same county, or cities located in contiguous
17 counties, may also execute an agreement for the joint
18 construction or acquisition, furnishing, operation,
19 and maintenance of a joint public building or
20 buildings for their common use. Such an agreement
21 regarding a joint public building may allow for, but
22 is not limited to, any of the following:

23 a. Acquisition of a construction site and
24 construction of a public building for common use.
25 b. Purchase of an existing building for joint
26 public use, or conversion of a building previously
27 owned and maintained by a county, city, fire district,
28 or school district for joint public use.
29 c. Equipping or furnishing a new or existing
30 building for joint public use.
31 d. Operation, maintenance, or improvement of a
32 joint public building.
33 e. Any other aspect of joint public building
34 construction, acquisition, furnishing, operation, or
35 maintenance mutually agreed upon by the county, city,
36 fire district, or school district and not otherwise
37 prohibited by law.

38 2. An agreement pursuant to subsection 1 shall be
39 approved by resolution of the governing bodies of each
40 of the participating counties, cities, fire districts,
41 or school districts and shall specify the purposes for
42 which the joint public building shall be used, the
43 estimated cost thereof, the estimated amount of the
44 cost to be allocated to each of the participating
45 counties, cities, fire districts, or school districts,
46 the proportion and method of allocating the expenses
47 of the operation and maintenance of the building or
48 improvement, and the disposition to be made of any
49 revenues to be derived therefrom, in addition to the
50 provisions of sections 28E.5 and 28E.6, and any other

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1 applicable provision of this chapter.

2 3. a. A county, city, fire district, or school
3 district may expend funds or issue general obligation
4 bonds for the payment of its share of the cost of
5 constructing, acquiring, furnishing, operating, or
6 maintaining a joint public building pursuant to
7 subsection 1. Section 28E.16 shall apply regarding a
8 single election to be authorized by the board of
9 supervisors, city council, governing body of a fire
10 district, and board of directors of a school district,
11 in the event that a single bond issue throughout the

12 overlapping or contiguous areas, or noncontiguous
13 cities located in the same county or cities located in
14 contiguous counties, is contemplated. If separate
15 bond issues are authorized by the governing body of a
16 county, city, fire district, or school district for
17 its respective share of the cost of the joint public
18 building, the applicable bonding provisions of
19 chapters 74, 75, 298, 331, and 384 shall apply. With
20 regard to any issuance of bonds pursuant to this
21 section, a proposition to authorize an issuance of
22 bonds by a county, city, fire district, or school
23 district shall be deemed carried or adopted if the
24 vote in favor of the proposition is equal to at least
25 sixty percent of the vote cast for and against the
26 proposition in each participating county, city, fire
27 district, or school district.

28 b. Bonds shall not be issued by a county, city,
29 fire district, or school district until provision has
30 been made by each of the other participating counties,
31 cities, fire districts, or school districts to the
32 agreement for the payment of their shares of the cost
33 of the joint public building. In the event that the
34 cost of the construction or acquisition, furnishing,
35 operation, and maintenance of the joint public
36 building exceeds that which was originally estimated
37 and agreed to, the governing body of a county, city,
38 fire district, or school district shall have the
39 authority, jointly or individually, as appropriate, to
40 expend additional moneys or issue additional bonds to
41 pay their respective portions of the increased costs.

42 c. The governing body of a county, city, fire
43 district, or school district is authorized to enter
44 into an agreement under this section to construct,
45 acquire, furnish, operate, or maintain the public
46 building which is the subject of the agreement for its
47 own purposes to the same extent and in the same manner
48 as if the public building were wholly owned by and
49 devoted to the uses of the county, city, fire
50 district, or school district.

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1 d. The authority granted to a county, city, fire
2 district, or school district pursuant to this section
3 shall be in addition to, and not in derogation of, any
4 other powers conferred by law upon a county, city,
5 fire district, or school district to make agreements,
6 appropriate and expend moneys, and to issue bonds for
7 the same or similar purposes.

8 4. For purposes of this section, "fire district"
9 means any governmental entity which provides fire
10 protection services."

11 2. Title page, by striking lines 1 and 2 and
12 inserting the following: "An Act providing for the
13 joint construction or acquisition, furnishing,
14 operation, and maintenance of public buildings by
15 counties, cities, fire districts, and school
16 districts."

JACK RIFE

S-3162

1 Amend the amendment, S-3148, to Senate File 392 as
2 follows:
3 1. By striking page 1, line 2, through page 4,
4 line 41, and inserting the following:
5 ". By striking everything after the enacting
6 clause and inserting the following:
7 "Section 1. LEGISLATIVE INTENT. It is the intent
8 of the general assembly to specifically provide that
9 cities of Iowa which create city utilities in the
10 manner provided by law are authorized to provide on a
11 competitively neutral basis with existing local
12 exchange carriers separate or combined cable
13 communications or television, telephone,
14 telecommunications systems or services, including
15 wireless systems or services, through the ownership of
16 systems or offering of the services.
17 Sec. 2. Section 362.2, subsection 6, Code 1999, is
18 amended to read as follows:
19 6. "City utility" means all or part of a
20 waterworks, gasworks, sanitary sewage system, storm
21 water drainage system, electric light and power plant
22 and system, heating plant, cable communication or
23 television system, telephone or telecommunications
24 systems or services offered separately or combined
25 with any system or service specified in this
26 subsection or authorized by other law, any of which
27 are owned by a city, including all land, easements,
28 rights of way, fixtures, equipment, accessories,
29 improvements, appurtenances, and other property
30 necessary or useful for the operation of the utility.
31 Sec. 3. NEW SECTION. 388.9 COMPETITIVE
32 INFORMATION.
33 1. Notwithstanding section 21.5, subsection 1, the
34 governing body of a city utility or combined utility
35 system, or a city enterprise or combined city
36 enterprise as defined in section 384.80, by a vote of
37 two-thirds of the members of the body or all of the
38 members present at the meeting, may hold a closed
39 session to discuss marketing and pricing strategies or
40 proprietary information if its competitive position
41 would be harmed by public disclosure not required of

42 potential or actual competitors, and if no public
43 purpose would be served by such disclosure. The
44 minutes and a tape recording of a session closed under
45 this subsection shall be available for public
46 examination at that point in time when the public
47 disclosure would no longer harm the utility's
48 competitive position.

49 2. Notwithstanding section 22.2, subsection 1,
50 public records of a city utility or combined utility

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1 system, or a city enterprise or combined city
2 enterprise as defined in section 384.80, which shall
3 not be examined or copied as of right, include
4 proprietary information, records of customer names and
5 accounts, records associated with marketing or pricing
6 strategies, preliminary working papers, spreadsheet
7 scenarios, and cost data, if the competitive position
8 of the city utility, combined utility system, city
9 enterprise, or combined city enterprise would be
10 harmed by public disclosure not required of a
11 potential or actual competitor, and if no public
12 purpose would be served by such disclosure. A public
13 record not subject to examination or copying under
14 this subsection shall be available for public
15 examination and copying at that point in time when
16 public disclosure would no longer harm the competitive
17 position of the city utility, combined utility system,
18 city enterprise, or combined city enterprise.

19 Sec. 4. NEW SECTION. 388.10 MUNICIPAL UTILITY
20 PROVIDING LOCAL EXCHANGE SERVICES.

21 1. a. A city that owns or operates a municipal
22 utility providing local exchange services pursuant to
23 chapter 476 or the municipal utility shall not do any
24 of the following:

25 (1) Use general fund moneys for the ongoing
26 support or subsidy of a telecommunications system.

27 (2) Provide any city facilities, equipment, or
28 services to provide telecommunications systems or
29 services at a cost for such facilities, equipment, or
30 services which is less than the reasonable cost of
31 providing such city facilities, equipment, or
32 services.

33 (3) Provide any other city service, other than a
34 communications service, to a telecommunications
35 customer at a cost which is less than would be paid by
36 the same person receiving such other city service if
37 the person was not a telecommunications customer. For
38 purposes of this subparagraph, "communications
39 service" includes, but is not limited to, voice,
40 video, and data products and services.

- 41 (4) Use funds or revenue generated from electric,
42 gas, water, sewage, or solid waste services provided
43 by the city for the ongoing support of that portion of
44 a system or service used to provide local exchange
45 services.
- 46 b. For purposes of this section,
47 "telecommunications system" means only that portion of
48 a system or facilities which is used to provide local
49 exchange services.
- 50 2. A city that owns or operates a municipal .

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- 1 utility providing local exchange services pursuant to
2 chapter 476 or the municipal utility shall do the
3 following:
- 4 a. Prepare and maintain records which record the
5 full cost accounting of providing local exchange
6 service. The records shall show the amount and source
7 of capital for initial construction or acquisition of
8 the local exchange system or facilities. This section
9 shall not prohibit a municipal utility from utilizing
10 capital from any lawful source, provided that the
11 reasonable cost of such capital is accounted for as a
12 cost of providing the service.
- 13 b. Adopt rates for the provision of local exchange
14 services that reflect the actual cost of providing the
15 local exchange service. However, this paragraph shall
16 not prohibit the municipal utility from establishing
17 market-based prices for competitive local exchange
18 services.
- 19 c. Be subject to all requirements of the city
20 which would apply to any other provider of local
21 exchange services in the same manner as such
22 requirements would apply to such other provider.
- 23 3. This section shall not prohibit the marketing
24 or bundling of other products or services, in addition
25 to local exchange services. However, a city shall
26 include on a billing statement sent to a person
27 receiving services from the city, a separate charge
28 for each service provided to the person. This
29 subsection does not prohibit the city from also
30 including on the billing statement a total amount to
31 be paid by the person.
- 32 Sec. 5. Section 427.1, subsection 2, Code 1999, is
33 amended to read as follows:
- 34 2. MUNICIPAL AND MILITARY PROPERTY. The property
35 of a county, township, city, school corporation, levee
36 district, drainage district or military company of the
37 state of Iowa, when devoted to public use and not held
38 for pecuniary profit, except property of a municipally
39 owned electric utility held under joint ownership and

40 property of an electric power facility financed under
41 chapter 28F which shall be subject to taxation under
42 chapter 437A and facilities of a municipal utility
43 that are used for the provision of local exchange
44 services pursuant to chapter 476, but only to the
45 extent such facilities are used to provide such
46 services, which shall be subject to taxation under
47 chapter 433, except that section 433.11 shall not
48 apply. The exemption for property owned by a city or
49 county also applies to property which is operated by a
50 city or county as a library, art gallery or museum,

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1 conservatory, botanical garden or display, observatory
2 or science museum, or as a location for holding
3 athletic contests, sports or entertainment events,
4 expositions, meetings or conventions, or leased from
5 the city or county for any such purposes. Food and
6 beverages may be served at the events or locations
7 without affecting the exemptions, provided the city
8 has approved the serving of food and beverages on the
9 property if the property is owned by the city or the
10 county has approved the serving of food and beverages
11 on the property if the property is owned by the
12 county:

13 Sec. 6. Section 433.12, Code 1999, is amended to
14 read as follows:

15 433.12 "COMPANY" DEFINED.

16 "Company" as used in this chapter means any person,
17 copartnership, association, corporation, or syndicate
18 that owns or operates, or is engaged in operating, any
19 telegraph or telephone line, whether formed or
20 organized under the laws of this state or elsewhere.

21 "Company" includes a city that owns or operates a
22 municipal utility providing local exchange services
23 pursuant to chapter 476.

24 Sec. 7. Section 476.1B, subsection 3, Code 1999,
25 is amended to read as follows:

26 3. Unless otherwise specifically provided by
27 statute, a municipally owned utility providing local
28 exchange services is not subject to regulation by the
29 board under this chapter except for regulatory action
30 pertaining to the enforcement of sections 476.11,
31 476.29, 476.95, 476.96, 476.100, 476.101, and 476.102.

32 Sec. 8. EFFECTIVE DATE AND RETROACTIVE
33 APPLICABILITY. This Act, being deemed of immediate
34 importance, takes effect upon enactment, and applies
35 retroactively to July 1, 1993. City elections held
36 after June 30, 1993, for the purpose of voting on the
37 question of offering communications or
38 telecommunications systems or services offered

39 separately or combined with any system or service
40 specified under section 362.2, subsection 6, are
41 deemed to have been held in accordance with this Act
42 and are valid for the purpose of offering such systems
43 or services. Actions of the utilities board taken in
44 reliance on the results of the city elections held as
45 specified in this section are deemed to have been
46 taken in accordance with this Act and are valid.
47 Financing measures taken by a city prior to January 1,
48 1999, are not a violation of this Act."

STEVE KING

S-3163

1 Amend Senate File 460 as follows:
2 1. Page 12, by inserting after line 10 the
3 following:
4 "It is the intent of the general assembly that
5 paragraphs (C) and (D) of 3-501.17 of the food code as
6 defined in section 137F.1 do not apply to aged cheese
7 and the funds appropriated in this subsection shall
8 not be used to enforce 3-501.17(C) and (D) of the food
9 code with respect to aged cheese."

JOHN REDWINE
MATT McCOY

S-3164

1 Amend Senate File 460 as follows:
2 1. Page 2, line 8, by striking the figure "18.50"
3 and inserting the following: "17.50".
4 2. Page 3, line 1, by striking the figure "25.00"
5 and inserting the following: "24.00".
6 3. Page 3, line 21, by striking the figure
7 "19.00" and inserting the following: "17.00".
8 4. Page 3, line 27, by striking the figure
9 "94.50" and inserting the following: "92.50".
10 5. Page 6, line 10, by striking the figure
11 "46.85" and inserting the following: "45.85".
12 6. Page 6, line 16, by striking the figure
13 "117.00" and inserting the following: "114.00".
14 7. Page 10, line 23, by striking the figure
15 "21.00" and inserting the following: "20.00".
16 8. Page 12, line 16, by striking the figure
17 "15.00" and inserting the following: "13.00".
18 9. Page 21, line 2, by striking the figure
19 "529.00" and inserting the following: "525.00".

20 10. By striking page 24, line 34, through page
21 25, line 8.

JOHN REDWINE
MATT McCOY

S-3165

1 Amend Senate File 460 as follows:
2 1. Page 2, line 32, by striking the figure "1"
3 and inserting the following: "a".
4 2. Page 3, line 2, by striking the figure "2" and
5 inserting the following: "b".
6 3. Page 8, line 28, by inserting after the figure
7 "1." the following: "a."
8 4. Page 8, line 33, by striking the figure
9 "1,387,444" and inserting the following: "1,367,444".
10 5. Page 8, by inserting after line 34 the
11 following:
12 "b. For the funding of technology upgrades in the
13 office of governor and lieutenant governor:
14 \$ 45,000"
15 6. Page 9, line 1, by striking the figure
16 "20,000" and inserting the following: "45,000".
17 7. Page 9, line 3, by inserting after the word
18 "commerce." the following: "The funds received from
19 civil damages collected by the alcoholic beverages
20 division shall be used to fund the appropriation in
21 this subsection only after the appropriation from such
22 civil penalties as provided in section 14, subsection
23 4, and section 28, subsection 2 of this Act, are fully
24 satisfied."
25 8. Page 9, line 7, by striking the figure
26 "20,000" and inserting the following: "45,000".
27 9. Page 27, line 9, by inserting after the word
28 and figure "subsection 1" the following: ", paragraph
29 b".

JOHN REDWINE

S-3166

1 Amend Senate File 443 as follows:
2 1. By striking everything after the enacting
3 clause, and inserting the following:
4 "Section 1. NEW SECTION. 172C.1 DEFINITIONS.
5 As used in this chapter, unless the context
6 otherwise requires:
7 1. "Contract livestock facility" means an animal
8 feeding operation as defined in section 455B.161,
9 where livestock owned by a contractor is produced by a

10 contract producer who owns the animal feeding
11 operation. "Contract livestock facility" includes a
12 confinement feeding operation as defined in section
13 455B.161. However, a contract livestock facility does
14 not include a custom cattle feedlot as defined in
15 section 579A.1.

16 2. "Contract producer" means the owner of a
17 contract livestock facility who is paid by a
18 contractor for producing livestock owned by the
19 contractor at the contract livestock facility.

20 3. "Contractor" means a person who owns livestock
21 and pays a contract producer for producing the
22 livestock at a contract livestock facility owned by
23 the contract producer.

24 4. "Livestock" means beef cattle, dairy cattle,
25 sheep, or swine.

26 5. "Processor" means a person engaged in the
27 business of manufacturing goods from livestock,
28 including a person who is required to be licensed as a
29 dealer or broker as provided in chapter 172A.

30 6. "Produce" means to provide feed or services
31 relating to the care and feeding of livestock. If the
32 livestock is dairy cattle, "produce" includes milking
33 the dairy cattle.

34 7. "Production contract" means an oral or written
35 agreement executed by a contract producer and a
36 contractor who provides that a contract producer is to
37 receive payment for producing livestock owned by the
38 contractor at the contract producer's contract
39 livestock facility.

40 Sec. 2. NEW SECTION. 172C.2 PRODUCTION CONTRACTS
41 -- CONFIDENTIALITY PROHIBITED.

42 A provision which is part of a production contract
43 is void, if the provision states that information
44 contained in the production contract is confidential.
45 The provision is void regardless of whether the
46 confidentiality provision is express or implied; oral
47 or written; required or conditional; contained in the
48 production contract, another production contract, or
49 in a related document, policy, or agreement. This
50 section does not affect other provisions of a

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1 production contract or a related document, policy, or
2 agreement which can be given effect without the voided
3 provision. This section does not require either party
4 to a production contract to divulge the information in
5 the production contract to another person.

6 Sec. 3. NEW SECTION. 172C.3 PRODUCTION CONTRACTS
7 REQUIRED TO BE FILED.

8 1. As used in this section, all of the following

9 apply:

- 10 a. A production contract is advertised if it is
11 presented or delivered to a contract producer,
12 regardless of whether it is part of an offer. A
13 production contract is executed if it is signed by the
14 contractor and contract producer or authorized
15 representatives and is still in force.
- 16 b. A production contract is advertised or executed
17 regardless of whether it is a new production contract
18 or the renewal or extension of a previous production
19 contract.
- 20 2. On or before March 31 of each year, a
21 contractor shall file with the secretary of state
22 types of production contracts that are advertised or
23 executed by the contractor. The production contracts
24 filed with the secretary of state shall not include
25 the printed name or signature of a contract producer.
26 A contractor shall not advertise or execute a
27 production contract, unless the contractor files that
28 type of production contract with the secretary of
29 state.
- 30 3. The secretary of state in consultation with the
31 attorney general shall adopt rules which provide for
32 all of the following:
- 33 a. Criteria for distinguishing types of production
34 contracts. The rules shall categorize the types of
35 production contracts that must be submitted to the
36 secretary of state under this section.
- 37 b. The manner in which a contractor must file
38 types of production contracts. The secretary of state
39 may require that the types of production contracts be
40 filed in an electronic format.
- 41 c. Exceptions to the filing requirement as
42 provided in this section. The secretary of state may
43 create an exception because of any of the following:
- 44 (1) The consideration owed by the contractor under
45 all production contracts executed by the contractor
46 and a contract producer is minimal.
- 47 (2) There is a family relationship between the
48 contractor and the contract producer.
- 49 (3) The contractor and the contract producer are
50 part of the same family farm entity or networking

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- 1 farmers entity as defined in section 10.1.
- 2 (4) The livestock is purchased for a purpose other
3 than for use by a processor.
- 4 4. The attorney general may provide an analysis of
5 filed production contracts in order to assist contract
6 producers in negotiating production contracts.
- 7 However, the secretary of state, in consultation with

8 the attorney general, may designate some information
9 contained in a production contract as confidential, if
10 such information is a confidential record under
11 section 22.7.

12 Sec. 4. **NEW SECTION. 172C.4 ENFORCEMENT.**

13 1. The attorney general's office is the primary
14 agency responsible for enforcing this chapter. The
15 secretary of state shall notify the attorney general's
16 office if the secretary of state has reason to believe
17 that a violation of section 172C.3 has occurred.

18 2. In enforcing the provisions of this chapter,
19 the attorney general may do all of the following:

20 a. Apply to the district court for an injunction
21 to do any of the following:

22 (1) Restrain a contractor from engaging in conduct
23 or practices in violation of this chapter.

24 (2) Require a contractor to comply with a
25 provision of this chapter.

26 b. Apply to district court for the issuance of a
27 subpoena to obtain a production contract for purposes
28 of enforcing this chapter.

29 c. Bring an action in district court to enforce
30 penalties provided in section 172C.5, including the
31 assessment and collection of civil penalties.

32 Sec. 5. **NEW SECTION. 172C.5 PENALTIES.**

33 1. A contractor who includes a confidentiality
34 provision in a production contract in violation of
35 section 172C.2 is guilty of a fraudulent practice as
36 provided in section 714.8.

37 2. A contractor who fails to file a timely or
38 complete production contract type as required in
39 section 172C.3 is subject to a civil penalty not to
40 exceed one thousand dollars. Each contract advertised
41 or executed in violation of section 172C.3 constitutes
42 a separate offense.

43 Sec. 6. Section 579A.1, subsections 2, 3, and 4,
44 Code 1999, are amended to read as follows:

45 2. "Custom cattle feedlot" means a feedlot where
46 cattle owned by a person are ~~subject to care and~~
47 ~~feeding performed~~ provided feed and care by another
48 person.

49 3. "Custom cattle feedlot operator" means the
50 owner of a custom cattle feedlot or ~~a person managing~~

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1 ~~the custom cattle feedlot, if the person is authorized~~
2 ~~by the owner to file and enforce a lien under this~~
3 ~~chapter the owner's personal representative.~~

4 4. "Feedlot" means ~~the same as defined in section~~
5 ~~172D-1 a lot, yard, corral, building, or other area in~~
6 which cattle are confined and fed and maintained for

7 forty-five days or more in any twelve-month period.

8 Sec. 7. Section 579A.1, Code 1999, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 4A. "Personal representative"
11 means a person who is authorized by the owner of a
12 custom cattle feedlot to act on behalf of the owner,
13 including by executing an agreement, managing a custom
14 cattle feedlot, or filing and enforcing liens under
15 this chapter.

16 Sec. 8. Section 579A.2, subsection 1, Code 1999,
17 is amended to read as follows:

18 1. A custom cattle feedlot operator shall have a
19 lien upon the cattle and the identifiable cash
20 proceeds from the sale of the cattle for the amount of
21 the contract price for the feed and care of the
22 livestock cattle at the custom cattle feedlot agreed
23 ~~upon pursuant to a written or oral agreement by the~~
24 custom cattle feedlot operator and the person who owns
25 the cattle, which may be enforced as provided in
26 section 579A.3.

27 Sec. 9. Section 579A.2, subsection 2, paragraph e,
28 Code 1999, is amended to read as follows:

29 e. The printed name and signature of the person
30 filing the form.

31 Sec. 10. Section 579A.2, subsection 3, Code 1999,
32 is amended to read as follows:

33 3. Except as provided in chapter 581, a lien
34 created under this section until preserved and a lien
35 preserved under this section is superior to and shall
36 have priority over a conflicting lien or security
37 interest in the cattle, including a lien or security
38 interest that was perfected prior to the creation of
39 the lien provided under this section.

40 Sec. 11. NEW SECTION. 579A.4 WAIVERS
41 UNENFORCEABLE.

42 A waiver of a right created by this subchapter,
43 including but not limited to, a waiver of the right to
44 file a lien pursuant to this subchapter is void and
45 unenforceable.

46 Sec. 12. NEW SECTION. 579A.5 ALTERNATE LIEN
47 PROCEDURE.

48 A person who is a custom cattle feedlot operator
49 may file and enforce a lien as a contract producer
50 under this chapter or chapter 579B, but not both.

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1 Sec. 13. NEW SECTION. 579B.1 DEFINITIONS.

2 As used in this chapter, unless the context
3 otherwise requires:

- 4 1. "Commodity" means livestock or a crop.
- 5 2. "Contract crop field" means farmland where a

6 crop owned by a contractor is produced by a contract
7 producer.

8 3. "Contract livestock facility" means an animal
9 feeding operation as defined in section 455B.161,
10 where livestock owned by a contractor is produced by a
11 contract producer who owns the animal feeding
12 operation. "Contract livestock facility" includes a
13 confinement feeding operation as defined in section
14 455B.161 or a feedlot as defined in section 172D.1,
15 including a custom cattle feedlot.

16 4. "Contract operation" means a contract livestock
17 facility or contract crop field.

18 5. "Contract producer" means the owner of a
19 contract operation who is paid by a contractor for
20 producing a commodity owned by the contractor at the
21 contract operation. A contract producer includes a
22 contract producer's personal representative.

23 6. "Contractor" means a person who pays a contract
24 producer for producing a commodity at a contract
25 operation owned by the contract producer.

26 7. "Crop" means any variety of alfalfa, barley,
27 buckwheat, corn, flax, millet, oats, rye, sorghum,
28 soybeans, or wheat, forage, or silage.

29 8. "Farmland" means the same as defined in section
30 352.2.

31 9. "Livestock" means beef cattle, dairy cattle,
32 sheep, or swine.

33 10. "Personal representative" means a person who
34 is authorized by a contract producer to act on behalf
35 of the contract producer, including by executing an
36 agreement, managing a contract operation, or filing
37 and enforcing a lien as provided in this chapter.

38 11. "Processor" means a person engaged in the
39 business of manufacturing goods from commodities,
40 including a person who is required to be licensed as a
41 dealer or broker as provided in chapter 172A.

42 12. "Produce" means to do any of the following:

43 a. Provide feed or services relating to the care
44 and feeding of livestock. If the livestock is dairy
45 cattle, "produce" includes milking the dairy cattle.

46 b. Provide for planting, raising, harvesting, and
47 storing crop. "Produce" includes preparing the soil
48 for planting and nurturing the crop by the application
49 of fertilizers or soil conditioners as defined in
50 section 200.3 or pesticides as defined in section

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1 206.2.

2 13. "Production contract" means an oral or written
3 agreement executed by a contract producer and a
4 contractor who provides that a contract producer is to

5 receive payment for producing a commodity owned by the
6 contractor at the contract producer's contract
7 operation.

8 Sec. 14. NEW SECTION. 579B.2 ESTABLISHMENT OF
9 LIEN -- PRIORITY.

10 A contract producer who is a party to a production
11 contract shall have a lien as provided in this
12 section. The amount of the lien shall be the amount
13 owed to the contract producer pursuant to the terms of
14 the production contract, which may be enforced as
15 provided in section 579B.3.

16 1. a. If the production contract is for the
17 production of livestock, all of the following shall
18 apply:

19 (1) The lien shall be upon all of the following:

20 (a) Slaughter cattle, swine, or sheep and the
21 identifiable cash proceeds from the sale of the swine
22 or sheep.

23 (b) Dairy cattle and the identifiable cash
24 proceeds from the sale of milk produced by the dairy
25 cattle.

26 (2) The lien is created at the time the livestock
27 arrive at the contract livestock facility and
28 continues for one year after the livestock is no
29 longer under the authority of the contract producer.
30 For purposes of this section, livestock is no longer
31 under the authority of the contract producer when the
32 livestock leave the contract livestock facility.

33 b. If the production contract is for the
34 production of a crop, all of the following shall
35 apply:

36 (1) The lien shall be upon the crop and the
37 identifiable cash proceeds from the sale of the crop.

38 (2) The lien is created at the time the crop is
39 planted and continues for one year after the crop is
40 no longer under the authority of the contract
41 producer. For purposes of this section, a crop is no
42 longer under the authority of the contract producer
43 when the crop or a warehouse receipt issued by a
44 warehouse operator licensed under chapter 203C for
45 grain from the crop is no longer under the custody or
46 control of the contract producer.

47 2. In order to preserve the lien, the contract
48 producer must file in the office of the secretary of
49 state a lien statement on a form prescribed by the
50 secretary of state. If the lien arises out of

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1 producing livestock or milk, the contract producer
2 must file the lien within twenty days after the
3 livestock arrive at the contract livestock facility.

4 If the lien arises out of producing a crop, the
 5 contract producer must file the lien within twenty
 6 days after the crop is planted. The secretary of
 7 state shall charge a fee of not more than ten dollars
 8 for filing the statement. The secretary of state may
 9 adopt rules pursuant to chapter 17A for the electronic
 10 filing of the statements. The statement must include
 11 all of the following:

- 12 a. An estimate of the amount owed pursuant to the
 13 production contract.
- 14 b. The date when the livestock arrive at the
 15 contract livestock facility or the date when the crop
 16 was planted.
- 17 c. The estimated duration of the period when the
 18 commodity will be under the authority of the contract
 19 producer.
- 20 d. The name of the party to the production
 21 contract whose commodity is produced pursuant to the
 22 production contract.
- 23 e. The description of the location of the contract
 24 operation, by county and township.
- 25 f. The printed name and signature of the person
 26 filing the form.

27 4. Except as provided in chapter 581, a lien
 28 created under this section until preserved and a lien
 29 preserved under this section is superior to and shall
 30 have priority over a conflicting lien or security
 31 interest in the commodity, including a lien or
 32 security interest that was perfected prior to the
 33 creation of the lien provided under this section.

34 Sec. 15. NEW SECTION. 579B.3 ENFORCEMENT.

35 Before a commodity leaves the authority of the
 36 contract producer as provided in section 579B.2, the
 37 contract producer may foreclose a lien created in that
 38 section in the manner provided for the foreclosure of
 39 secured transactions as provided in sections 554.9504,
 40 554.9506, and 554.9507. After the commodity is no
 41 longer under the authority of the contract producer,
 42 the contract producer may enforce the lien by
 43 commencing an action at law for the amount of the lien
 44 against either of the following:

- 45 1. The holder of the identifiable cash proceeds
 46 from the sale of the commodity.
- 47 2. The processor who has purchased the commodity
 48 within three days after the commodity is no longer
 49 under the authority of the contract producer.

50 Sec. 16. NEW SECTION. 579B.4 WAIVERS

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1 UNENFORCEABLE.

2 A waiver of a right created by this chapter,

- 3 including but not limited to a waiver of the right to
 4 file a lien pursuant to this chapter, is void and
 5 unenforceable.
 6 Sec. 17. NEW SECTION. 579B.5 ALTERNATE LIEN
 7 PROCEDURE.
 8 A person who is a custom cattle feedlot operator as
 9 defined in section 579A.1 may file and enforce a lien
 10 as a contract producer under this chapter or chapter
 11 579A, but not both.
 12 Sec. 18. Section 714.8, Code 1999, is amended by
 13 adding the following new subsection:
 14 NEW SUBSECTION. 17. A contractor who includes a
 15 confidentiality provision in a production contract in
 16 violation of section 172C.2.
 17 Sec. 19. EFFECTIVE DATE. This Act, being deemed
 18 of immediate importance, takes effect upon enactment."
 19 2. Title page, by striking lines 1 and 2 and
 20 inserting the following: "An Act relating to
 21 production contracts, providing penalties, and
 22 providing an effective".

MERLIN E. BARTZ

S-3167

- 1 Amend Senate File 441 as follows:
 2 1. Page 1, line 3, by striking the words "A
 3 school corporation" and inserting the following: "One
 4 or more school corporations".
 5 2. Page 1, line 17, by inserting after the word
 6 "for" the following: "the year following".

DONALD B. REDFERN

S-3168

- 1 Amend Senate File 460 as follows:
 2 1. Page 2, line 32, by striking the figure "1"
 3 and inserting the following: "a".
 4 2. Page 3, line 2, by striking the figure "2" and
 5 inserting the following: "b".
 6 3. Page 8, line 28, by inserting after the figure
 7 "1." the following: "a."
 8 4. Page 8, line 33, by striking the figure
 9 "1,387,444" and inserting the following: "1,367,444".
 10 5. Page 8, by inserting after line 34 the
 11 following:
 12 "b. For the funding of technology upgrades in the
 13 office of governor and lieutenant governor:
 14 \$ 45,000"
 15 6. Page 9, line 1, by striking the figure
 16 "20,000" and inserting the following: "45,000".

17 7. Page 9, line 3, by inserting after the word
18 "commerce." the following: "The funds received from
19 civil damages collected by the alcoholic beverages
20 division shall be used to fund the appropriation in
21 this subsection only after the appropriation from such
22 civil penalties as provided in section 14, subsection
23 4, and section 28, subsection 2 of this Act, are fully
24 satisfied."

25 8. Page 9, line 7, by striking the figure
26 "20,000" and inserting the following: "45,000".

27 9. Page 15, line 18, by striking the figure
28 "100,000" and inserting the following: "130,000".

29 10. Page 15, by inserting after line 18 the
30 following:

31 "Of the funds appropriated in this subsection, the
32 sum of \$30,000 is appropriated from funds in the
33 general fund of the state received from civil
34 penalties collected by the alcoholic beverages
35 division of the department of commerce. The funds
36 received from civil damages collected by the alcoholic
37 beverages division shall be used first to fund the
38 appropriation provided in this subsection.
39 Notwithstanding section 123.53, subsection 5, of the
40 civil penalties collected by the alcoholic beverages
41 division of the department of commerce during the
42 fiscal year beginning July 1, 1998, and ending June
43 30, 1999, the sum of \$30,000 shall not be expended,
44 obligated, or encumbered for any other purpose than
45 provided for in this subsection."

46 11. Page 24, line 19, by inserting after the word
47 "commerce." the following: "The funds received from
48 civil damages collected by the alcoholic beverages
49 division shall be used to fund the appropriation in
50 this subsection only after the appropriation from such

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1 civil penalties as provided in section 14, subsection
2 4, is fully satisfied."

3 12. Page 27, line 9, by inserting after the word
4 and figure "subsection 1" the following: ", paragraph
5 b".

6 13. Page 27, by inserting after line 10 the
7 following:

8 "... Section 14, subsection 4, of this Act, being
9 deemed of immediate importance, takes effect upon
10 enactment."

JOHN REDWINE

S-3169

1 Amend House File 218, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by striking lines 20 through 26 and
4 inserting the following: "including the following
5 voting membership:

6 a. Three members appointed by the board of
7 supervisors of each county participating in the
8 alliance with at least one of the appointees being a
9 member of the board of supervisors.

10 b. Seven additional voting members who shall be
11 persons with experience in the fields of environmental
12 affairs, conservation, finance, development, tourism,
13 or related fields. The seven members shall be
14 appointed by the members appointed pursuant to
15 paragraph "a" for a term of three years. However, of
16 the initial appointees, two directors shall be
17 appointed to a one-year term and two directors shall
18 be appointed to a two-year term. Thereafter, all
19 appointments shall be for a three-year term.

20 2. The administrator of the soil conservation
21 division of the department of agriculture and land
22 stewardship, a staff coordinator or director of the
23 councils of governments serving the counties
24 participating in the alliance, the director of the
25 department of economic development, the cooperative
26 extension administrator of the Iowa state university
27 extension service, the director of the department of
28 natural resources, the director of transportation, the
29 director of the department of cultural affairs, and a
30 staff coordinator of the golden hills resource
31 conservation and development agency or the Sioux river
32 resource conservation and development agency may
33 voluntarily serve as nonvoting members of the board of
34 directors. A director or administrator specifically
35 identified in this subsection may be represented by a
36 designee. The voting members of the board of
37 directors shall select the staff persons to represent
38 the councils of governments and the resource
39 conservation and development agencies.

40 3. Each voting member of the board of directors
41 who is appointed by the board of supervisors of a
42 participating county shall be appointed to a three-
43 year term and shall hold office until a successor is
44 appointed. However, of the initial appointees, each
45 participating board of supervisors shall appoint one
46 director to a one-year term and one director to a two-
47 year term. Thereafter, all appointments shall be for
48 three years. A vacancy shall be filled by the
49 appointing authority for the unexpired portion of the
50 term. A member shall serve without compensation, but

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1 a member may be reimbursed for actual expenses
2 incurred while performing the duties of office by the
3 governmental agency or private organization which the
4 member represents."

STEVEN D. HANSEN

S-3170

1 Amend House File 218, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking lines 20 through 26 and
4 inserting the following: "including the following
5 voting membership:
6 a. Three members appointed by the board of
7 supervisors of each county participating in the
8 alliance with at least one of the appointees being a
9 member of the board of supervisors.
10 b. Seven additional voting members who shall be
11 persons with experience in the fields of environmental
12 affairs, conservation, finance, development, tourism,
13 or related fields. The seven members shall be
14 appointed by the members appointed pursuant to
15 paragraph "a" for a term of three years. However, of
16 the initial appointees, two directors shall be
17 appointed to a one-year term and two directors shall
18 be appointed to a two-year term. Thereafter, all
19 appointments shall be for a three-year term.
20 2. The administrator of the soil conservation
21 division of the department of agriculture and land
22 stewardship, a staff coordinator or director of the
23 councils of governments serving the counties
24 participating in the alliance, the director of the
25 department of economic development, the cooperative
26 extension administrator of the Iowa state university
27 extension service, the director of the department of
28 natural resources, the director of transportation, the
29 director of the department of cultural affairs, and a
30 staff coordinator of the golden hills resource
31 conservation and development agency or the Sioux river
32 resource conservation and development agency may
33 voluntarily serve as nonvoting members of the board of
34 directors. A director or administrator specifically
35 identified in this subsection may be represented by a
36 designee. The voting members of the board of
37 directors shall select the staff persons to represent
38 the councils of governments and the resource
39 conservation and development agencies.
40 3. Each voting member of the board of directors
41 who is appointed by the board of supervisors of a

42 participating county shall be appointed to a three-
 43 year term and shall hold office until a successor is
 44 appointed. However, of the initial appointees, each
 45 participating board of supervisors shall appoint one
 46 director to a one-year term and one director to a two-
 47 year term. Thereafter, all appointments shall be for
 48 three years. A vacancy shall be filled by the
 49 appointing authority for the unexpired portion of the
 50 term. A member shall serve without compensation, but

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1 a member may be reimbursed for actual expenses
 2 incurred while performing the duties of office by the
 3 governmental agency or private organization which the
 4 member represents."

5 2. Page 2, line 28, by striking the figure "1."

6 3. Page 2, line 30, by striking the letter "a"
 7 and inserting the following: "1".

8 4. Page 3, line 3, by striking the letter "b" and
 9 inserting the following: "2".

10 5. Page 3, line 7, by striking the letter "c" and
 11 inserting the following: "3".

12 6. Page 3, line 12, by striking the letter "d"
 13 and inserting the following: "4".

14 7. Page 3, line 14, by striking the letter "e"
 15 and inserting the following: "5".

16 8. Page 3, line 18, by striking the letter "f"
 17 and inserting the following: "6".

18 9. By striking page 3, line 22, through page 4,
 19 line 6.

STEVEN D. HANSEN

S-3171

1 Amend Senate File 419 as follows:

2 1. Page 1, line 14, by inserting after the figure
 3 "169.14." the following: "This subsection shall not
 4 apply to an animal shelter, as defined in section
 5 162.2, that provides veterinary medical services to
 6 animals in the custody of the shelter."

RICHARD F. DRAKE

S-3172

1 Amend Senate File 315 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 161D.1, subsection 4, Code
 5 1999, is amended to read as follows:

6 4. This section ~~chapter~~ is not intended to affect
7 the authority of the department of natural resources
8 in its acquisition, development, and management of
9 public lands within the counties represented by the
10 authority.

11 Sec. 2. Section 161D.2, Code 1999, is amended to
12 read as follows:

13 161D.2 LOESS HILLS DEVELOPMENT AND CONSERVATION
14 FUND.

15 A loess hills development and conservation fund is
16 created in the state treasury, ~~to~~. The fund shall
17 include a hungry canyons account and a loess hills
18 alliance account which shall be administered by the
19 loess hills development and conservation authority.
20 The proceeds of the ~~fund~~ respective accounts shall be
21 used for the purposes specified in section 161D.1 or
22 161D.6 as applicable. The loess hills development and
23 conservation authority may accept gifts, bequests,
24 other moneys including, but not limited to, state or
25 federal moneys, and in-kind contributions for deposit
26 in the fund. The gifts, grants, bequests from public
27 and private sources, state and federal moneys, and
28 other moneys received by the authority shall be
29 deposited in the ~~fund~~ respective accounts and any
30 interest earned ~~on the fund~~ shall be credited to the
31 fund respective accounts to be used for the purposes
32 specified in section 161D.1 or 161D.6 as applicable.
33 Notwithstanding section 8.33, any unexpended or
34 unencumbered moneys remaining in the fund at the end
35 of the fiscal year shall not revert to the general
36 fund of the state, but the moneys shall remain
37 available for expenditure by the authority in
38 succeeding fiscal years.

39 Sec. 3. NEW SECTION. 161D.3 DEFINITIONS.

40 As used in this chapter, unless the context
41 otherwise requires:

- 42 1. "Alliance" means the loess hills alliance
43 created in section 161D.5.
- 44 2. "Authority" means the loess hills development
45 and conservation authority created in section 161D.1.
- 46 3. "Fund" means the loess hills development and
47 conservation fund created in section 161D.2.

48 Sec. 4. NEW SECTION. 161D.4 MISSION STATEMENT.

49 The mission of the loess hills alliance is to
50 create a common vision for Iowa's loess hills,

Page 2

- 1 protecting special natural and cultural resources
- 2 while ensuring economic viability and private property
- 3 rights of the region.

4 Sec. 5. NEW SECTION. 161D.5 LOESS HILLS ALLIANCE

5 CREATED.

6 1. A loess hills alliance is created. The
7 alliance shall carry out its responsibilities under
8 the general direction of the loess hills development
9 and conservation authority. The alliance shall
10 encompass the geographic region including the counties
11 of Plymouth, Woodbury, Monona, Harrison,
12 Pottawattamie, Mills, and Fremont. Membership and
13 participation in projects of the alliance is not
14 required. The alliance shall be governed by a board
15 of directors appointed by the authority.

16 2. Each member of the board of directors shall be
17 a resident of a county participating in the alliance
18 and shall be appointed to a term of office as
19 determined by the authority. The directors of the
20 alliance shall carry out their responsibilities
21 pursuant to bylaws approved by the authority.

22 Sec. 6. NEW SECTION. 161D.6 RESPONSIBILITIES.

23 1. The board of directors of the alliance shall
24 have the following responsibilities:

25 a. To prepare and adopt a comprehensive plan for
26 the development and conservation of the loess hills
27 area subject to the approval of the authority. The
28 plan shall provide for the designation of significant
29 scenic areas, the protection of native vegetation, the
30 education of the public on the need for and methods of
31 preserving the natural resources of the loess hills
32 area, and the promotion of tourism and related
33 business and industry in the loess hills area.

34 b. To apply for, accept, and expend public and
35 private funds for planning and implementing projects,
36 programs, and other components of the mission of the
37 alliance subject to approval of the authority.

38 c. To study different options for the protection
39 and preservation of significant historic, scenic,
40 geologic, and recreational areas of the loess hills
41 including but not limited to a federal or state park,
42 preserve, or monument designation, fee title
43 acquisition, or restrictive easement.

44 d. To make recommendations to and coordinate the
45 planning and projects of the alliance with the
46 authority.

47 e. To develop and implement pilot projects for the
48 protection of loess hills areas with the use of
49 restrictive easements from willing sellers and fee
50 title ownership from willing sellers subject to

Page 3

1 approval of the authority.

2 f. To report annually not later than January 15 to

3 the general assembly the activities of the alliance

4 during the preceding fiscal year including, but not
5 limited to, its projects, funding, and expenditures.
6 2. A restrictive easement authorized pursuant to
7 this section shall not exceed thirty years in duration
8 and shall be recorded as provided in section 457A.3.
9 Any compensation agreed to for a restrictive easement
10 shall be paid in equal annual installments during the
11 lifetime of the restrictive easement. At the
12 expiration of a restrictive easement or upon
13 termination for nonperformance, the holder of the
14 restrictive easement shall record an affidavit with
15 the county recorder of the county in which the
16 servient land is located releasing the servient land
17 from the restrictive easement. The holder of the
18 restrictive easement shall send, by certified mail, a
19 copy of the affidavit verifying the recording of the
20 release of the restrictive easement to the landowner.
21 If a holder of the restrictive easement fails to
22 record the release of a restrictive easement at its
23 expiration or for nonperformance, the owner of the
24 servient land may petition the district court for an
25 order removing the restrictive easement. As used in
26 this subsection, "nonperformance" means the failure to
27 make an annual payment of any compensation within
28 ninety days of the annual due date.
29 Sec. 7. NEW SECTION. 161D.7 PROGRAM
30 COORDINATION.
31 The department of natural resources shall
32 coordinate the bluffland protection program with the
33 program and projects of the loess hills alliance."
34 2. Title page, line 2, by striking the words
35 "membership, powers and duties" and inserting the
36 following: "responsibilities".

STEVE KING

S-3173

1 Amend Senate File 451 as follows:
2 1. Page 1, by inserting after line 14 the
3 following:
4 "Sec. NEW SECTION. 13B.2A INDIGENT DEFENSE
5 ADVISORY COMMISSION.
6 An indigent defense advisory commission is
7 established within the department to advise and make
8 recommendations to the legislature and the state
9 public defender regarding the hourly rates paid to
10 court-appointed counsel and per case fee limitations.
11 These recommendations shall be consistent with the
12 constitutional requirement to provide effective
13 assistance of counsel to those indigent persons for
14 whom the state is required to provide counsel.

15 The advisory commission shall consist of five
16 members. The governor shall appoint three members,
17 including one member from nominations by the Iowa
18 state bar association and one member from nominations
19 by the supreme court. Two members, one from each
20 chamber of the general assembly, shall be appointed,
21 with no more than one appointed from the same
22 political party. Each member shall serve a three-year
23 term, with initial terms to be staggered. No more
24 than three members shall be licensed to practice law
25 in Iowa. The state public defender shall serve as an
26 ex officio member of the commission and shall serve as
27 the nonvoting chair of the commission.

28 The members of the commission are entitled to
29 receive reimbursement for actual expenses incurred as
30 provided for in section 7E.6, subsection 2 while
31 engaged in the performance of the duties of the
32 commission.

33 The advisory commission shall file a written report
34 every three years with the governor and the general
35 assembly by January 1 of a year in which a report is
36 due regarding the recommendations and activities of
37 the commission. The first such report shall be due on
38 January 1, 2003."

39 2. Page 9, line 1, by striking the word
40 "reimbursed" and inserting the following: "reimbursed
41 paid".

42 3. By renumbering as necessary.

GENE MADDOX

S-3174

1 Amend Senate File 437 as follows:

2 1. Page 1, by striking lines 10 through 13 and
3 inserting the following: "with a one-time notice
4 within thirty days of the furnishing of the labor or
5 materials for which a lien claim is made, ~~including~~
6 ~~the amount, kind, and value of the labor or materials~~
7 ~~furnished.~~"

8 2. Page 1, by striking lines 15 through 18 and
9 inserting the following: "that the principal
10 contractor was notified with a one-time notice within
11 thirty days after the labor or materials were
12 furnished of ~~the amount, kind, and value of the labor~~
13 ~~or materials furnished.~~"

14 3. By renumbering as necessary.

JEFF LAMBERTI
JoANN JOHNSON
TOM FLYNN

S-3175

1 Amend Senate File 413 as follows:

2 1. Page 2, by inserting after line 34 the
3 following:

4 "Sec. ____ NEW SECTION. 533.49E SAFE DEPOSIT
5 ACCESS ON DEATH OF OWNER OR LESSEE.

6 1. A credit union shall permit a person named in
7 and authorized by a court order to open, examine, and
8 remove the contents of a safe deposit box located at
9 the credit union. If a court order has not been
10 delivered to the credit union, the following persons
11 may access and remove any or all contents of a safe
12 deposit box located at a state credit union and
13 described in an ownership or rental agreement or lease
14 between the state credit union and a deceased owner or
15 lessee:

16 a. A co-owner or co-lessee of the safe deposit
17 box.

18 b. A person designated in the safe deposit box
19 agreement or lease to have access to the safe deposit
20 box upon the death of the lessee, to the extent
21 provided in the safe deposit box agreement or lease.

22 c. An executor or administrator of the estate of a
23 deceased owner or lessee upon delivery to the state
24 credit union of a certified copy of letters of
25 appointment.

26 d. A person named as an executor in a copy of a
27 purported will produced by the person, provided such
28 access shall be limited to the removal of a purported
29 will, and no other contents shall be removed.

30 e. A trustee of a trust created by the deceased
31 owner or lessee upon delivery to the state credit
32 union of a copy of the trust together with an
33 affidavit by the trustee which certifies that the copy
34 of the trust delivered to the state credit union with
35 the affidavit is an accurate and complete copy of the
36 trust, the trustee is the duly authorized and acting
37 trustee under the trust, the trust property includes
38 property in the safe deposit box, and that to the
39 knowledge of the trustee the trust has not been
40 revoked.

41 2. A person removing any contents of a safe
42 deposit box pursuant to subsection 1 shall deliver any
43 writing purported to be a will of the decedent to the
44 court having jurisdiction over the decedent's estate,
45 and shall deliver any document purported to be an
46 insurance policy on the life of the decedent to the
47 beneficiary named in such policy.

48 3. a. If a person authorized to have access under
49 subsection 1 does not request access to the safe
50 deposit box within the thirty-day period immediately

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1 following the date of death of the owner or lessee of
2 a safe deposit box, and the state credit union has
3 knowledge of the death of the owner or lessee of the
4 safe deposit box, the safe deposit box may be opened
5 by or in the presence of two officers of the state
6 credit union. If no key is produced, the state credit
7 union may cause the safe deposit box to be opened and
8 the state credit union shall have a claim against the
9 estate of the deceased owner or lessee and a lien upon
10 the contents of the safe deposit box for the costs of
11 opening and resealing the safe deposit box.

12 b. If a safe deposit box is opened pursuant to
13 paragraph "a", the credit union officers present at
14 such opening shall do all of the following:

15 (1) Remove any purported will of the deceased
16 owner or lessee.

17 (2) Unseal, copy, and retain in the records of the
18 state credit union a copy of a purported will removed
19 from the safe deposit box. An additional copy of such
20 purported will shall be made, dated, and signed by the
21 officers present at the safe deposit box opening and
22 placed in the safe deposit box. The safe deposit box
23 shall then be resealed.

24 (3) The original of a purported will shall be sent
25 by registered or certified mail or personally
26 delivered to the district court in the county of the
27 last known residence of the deceased owner or lessee
28 or the court having jurisdiction over the testator's
29 estate. If the residence is unknown or last known and
30 not in this state, the purported will shall be sent by
31 registered or certified mail or personally delivered
32 to the district court in the county where the safe
33 deposit box is located.

34 3. The state credit union may rely upon published
35 information or other reasonable proof of death of an
36 owner or lessee. A state credit union has no duty to
37 inquire about or discover, and is not liable to any
38 person for failure to inquire about or discover, the
39 death of the owner or lessee of a safe deposit box. A
40 state credit union has no duty to open or cause to be
41 opened, and is not liable to any person for failure to
42 open or cause to be opened, a safe deposit box of a
43 deceased owner or lessee. Upon compliance with the
44 requirements of subsection 1 or 2, the state credit
45 union is not liable to any person as a result of the
46 opening of the safe deposit box, removal and delivery
47 of the purported will, or retention of the unopened
48 safe deposit box and contents."

49 2. Title page, line 2, by inserting after the word
50 "banks" the following: "and credit unions".

JOHN REDWINE

S-3176

1 Amend Senate File 437 as follows:
2 1. Page 1, by inserting after line 21 the
3 following:
4 "3. Notwithstanding other provisions of this
5 chapter, a principal contractor shall not be
6 prohibited from requesting information from a
7 subcontractor or a person furnishing labor or
8 materials to a subcontractor regarding payments made
9 or payments to be made to a person furnishing labor or
10 materials to a subcontractor."

JEFF LAMBERTI
TOM FLYNN

S-3177

1 Amend House File 218 as follows:
2 1. Title page, line 1, by striking the words
3 "preservation and development".

STEVE KING

S-3178

1 Amend Senate File 451 as follows:
2 1. Page 1, by inserting after line 14 the
3 following:
4 "Sec. . NEW SECTION. 13B.2A INDIGENT DEFENSE
5 ADVISORY COMMISSION.
6 An indigent defense advisory commission is
7 established within the department to advise and make
8 recommendations to the legislature and the state
9 public defender regarding the hourly rates paid to
10 court-appointed counsel and per case fee limitations.
11 These recommendations shall be consistent with the
12 constitutional requirement to provide effective
13 assistance of counsel to those indigent persons for
14 whom the state is required to provide counsel.
15 The advisory commission shall consist of five
16 members. The governor shall appoint three members,
17 including one member from nominations by the Iowa
18 state bar association and one member from nominations
19 by the supreme court. Two members, one from each
20 chamber of the general assembly, shall be appointed,
21 with no more than one appointed from the same

22 political party. Each member shall serve a three-year
23 term, with initial terms to be staggered. No more
24 than three members shall be licensed to practice law
25 in Iowa. The state public defender shall serve as an
26 ex officio member of the commission and shall serve as
27 the nonvoting chair of the commission.

28 The members of the commission are entitled to
29 receive reimbursement for actual expenses incurred as
30 provided for in section 7E.6, subsection 2 while
31 engaged in the performance of the duties of the
32 commission.

33 The advisory commission shall file a written report
34 every three years with the governor and the general
35 assembly by January 1 of a year in which a report is
36 due regarding the recommendations and activities of
37 the commission. The first such report shall be due on
38 January 1, 2003."

39 2. Page 5, line 27, by inserting after the word
40 "supervisors" the following: "in substantially the
41 same manner as provided in section 815.7".

42 3. Page 6, line 2, by inserting after the word
43 "supervisors" the following: "in substantially the
44 same manner as provided in section 815.7".

45 4. Page 6, line 13, by inserting after the word
46 "supervisors" the following: "in substantially the
47 same manner as provided in section 815.7".

48 5. Page 6, line 31, by inserting after the word
49 "supervisors" the following: "in substantially the
50 same manner as provided in section 815.7".

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1 6. Page 7, line 8, by inserting after the word
2 "supervisors" the following: "in substantially the
3 same manner as provided in section 815.7".

4 7. Page 7, line 24, by inserting after the word
5 "supervisors" the following: "in substantially the
6 same manner as provided in section 815.7".

7 8. Page 8, lines 17 and 18, by striking the words
8 "in the" and inserting the following: "in
9 substantially the same".

10 9. Page 8, line 18, by inserting after the word
11 "supervisors" the following: "as provided in section
12 815.7".

13 10. Page 9, line 1, by striking the word
14 "reimbursed" and inserting the following: "reimbursed
15 paid".

16 11. Page 12, line 8, by inserting after the word
17 "judgments" the following: "and the seriousness of
18 the charge".

19 12. Page 12, line 30, by inserting after the word
20 "judgments" the following: "and the seriousness of

21 the charge".

22 13. Page 13, line 11, by inserting after the word

23 "judgments" the following: "and the seriousness of

24 the charge".

GENE MADDOX

S-3179

1 Amend Senate File 405 as follows:

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

4 "Section 1. NEW SECTION. 527A.1 LIMITATION OF
5 LIABILITY -- YEAR 2000.

6 1. LEGISLATIVE INTENT. The general assembly finds
7 that the ability of financial institutions to continue
8 operations through the transition from the year 1999
9 to the year 2000 and subsequent years is essential to
10 the economy of this state and the nation. Financial
11 institutions are subject to both state and federal
12 laws and regulations and are regulated by both state
13 and federal regulatory agencies. The general assembly
14 also finds that despite compliance with regulatory
15 guidelines and regulations, certain events may occur
16 during the transition from the year 1999 to the year
17 2000 and subsequent years that may affect operations
18 of financial institutions. It is the intent of the
19 general assembly to limit the liability of financial
20 institutions, public utilities, and other persons,
21 except a person who has manufactured or produced for
22 sale or modified for resale any information
23 technology, that may result from year 2000 problems in
24 order to ensure that financial institutions, public
25 utilities, and other persons continue to operate
26 during and after the transition from the year 1999 to
27 the year 2000.

28 2. DEFINITIONS. As used in this chapter, unless
29 the context otherwise requires:

30 a. "Actual damages" means actual monetary losses
31 proximately caused by a year 2000 problem.

32 b. "Financial institution" means a bank
33 incorporated under the provisions of any state or
34 federal law, a savings and loan association or savings
35 bank incorporated under the provisions of any state or
36 federal law, a credit union organized under the
37 provisions of any state or federal law, and any
38 affiliate of a bank, savings and loan association,
39 savings bank, or credit union, or an insurance company
40 organized under the laws of this state or admitted to
41 do business in this state, or an agent of an insurance
42 company licensed pursuant to chapter 522.

43 c. "Information technology" means microprocessors,

44 computer equipment and software, telecommunications
45 equipment and software, and other equipment, software
46 and systems utilized in the processing of data and
47 information, and the technology involved in processing
48 such data and information.
49 d. "Latent year 2000 problem" means a year 2000
50 problem that could not be discovered by observation,

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1 inspection, or testing conducted with reasonable care
2 prior to December 31, 2001.

3 e. "Public utility" means a gas or electric entity
4 regulated pursuant to chapter 476.

5 f. "Year 2000 problem" means an event,
6 circumstance, disruption, or other problem which
7 prevents information technology from accurately
8 processing, calculating, comparing, or sequencing date
9 or time data or information related to either of the
10 following:

11 (1) From, into, or between the twentieth and
12 twenty-first centuries, or from, into, or between the
13 years 1999 and 2000.

14 (2) Leap year calculations.

15 "Year 2000 problem" also includes an inability of a
16 financial institution or other person, except a person
17 who has manufactured or produced for sale or modified
18 for resale any information technology, to perform its
19 intended or requested functions because of a problem
20 that is the result of a year 2000 problem encountered
21 by a third party including, but not limited to, the
22 failure of a governmental entity to provide data or
23 information, transportation delays, energy failure, or
24 communications failure.

25 3. TIME FOR COMMENCING ACTION. An action in
26 connection with a year 2000 problem shall not be filed
27 after December 31, 2001. The time for filing an
28 action under this section shall be extended, in the
29 event of a latent year 2000 problem which is
30 discovered after December 31, 2001, for a period of
31 six months from the date a reasonably prudent person
32 should have discovered the year 2000 problem,
33 provided, however, that an action based upon a latent
34 year 2000 problem shall not be filed after December
35 31, 2002. An action not timely filed is forever
36 barred.

37 4. PRIVACY OF CONTRACT WITH FINANCIAL INSTITUTION.
38 A financial institution is not liable to a person not
39 in privity of contract with such financial institution
40 for damages resulting from a year 2000 problem.

41 5. LIABILITY FOR ACTUAL DAMAGES. Except with
42 respect to a claim for workers compensation under

43 chapter 85, a claim for personal injury or wrongful
44 death, or unless otherwise provided by written
45 contract, a financial institution, public utility, or
46 other person, except a person who has manufactured or
47 produced for sale or modified for resale any
48 information technology, shall only be held liable, if
49 at all, for actual damages incurred by reason of a
50 year 2000 problem. A financial institution, public

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1 utility, or other person, except a person who has
2 manufactured or produced for sale or modified for
3 resale any information technology, shall not be held
4 liable for projected losses of future income or
5 earnings, loss of future business or employment
6 opportunities, punitive damages, exemplary damages,
7 consequential damages, extraordinary damages,
8 noneconomic damages, or any other relief in excess of
9 actual damages incurred by reason of a year 2000
10 problem.

11 6. AFFIRMATIVE DEFENSE FOR FINANCIAL INSTITUTIONS

12 AND PUBLIC UTILITIES. It is an affirmative defense of
13 a financial institution and a public utility to any
14 claim, action, or proceeding alleging liability
15 arising by reason of a year 2000 problem that the
16 financial institution or public utility has
17 substantially complied with year 2000 regulations,
18 requirements, and guidelines as set forth by such
19 financial institution's or public utility's primary
20 state or federal regulator. No damages shall be
21 awarded against a financial institution or public
22 utility that affirmatively proves such substantial
23 compliance.

24 7. REASONABLE EFFORTS DEFENSE. In any claim,

25 action, or proceeding alleging liability arising by
26 reason of a year 2000 problem, it shall be an
27 affirmative defense that the defendant exercised due
28 diligence, reasonable care, or complied with the
29 state-of-the-art in existence at the time, to prevent
30 or remedy the year 2000 problem in the activity in
31 which the defendant was engaged. No damages shall be
32 awarded against a defendant who affirmatively proves
33 such fact.

34 8. FORSEEABILITY. In any claim, action or

35 proceeding alleging liability arising by reason of a
36 year 2000 problem, except with respect to a claim for
37 workers compensation under chapter 85, personal injury
38 or wrongful death, or unless otherwise provided by
39 written contract, the defendant shall not be liable
40 unless the plaintiff establishes, by clear and
41 convincing evidence in addition to all other requisite

42 elements of the claim, that the defendant knew, or
43 reasonably should have known, that its acts or
44 omissions would cause harm to the plaintiff in the
45 specific facts and circumstances of the claim.
46 9. COMPARATIVE FAULT. In an action or proceeding
47 against a financial institution, public utility, or
48 other person alleging actual damages arising by reason
49 of a year 2000 problem, the apportionment, if any, of
50 such damages shall be made pursuant to chapter 668.

Page 4

1 For purposes of a claim arising by reason of a year
2 2000 problem, chapter 668 shall apply to articles 3
3 and 4 of chapter 554."
4 2. Title page, line 1, by striking the words
5 "financial institutions" and inserting the following:
6 "certain persons".

JOHN W. JENSEN
JEFF LAMBERTI
TOM FLYNN

S-3180

1 Amend House File 218, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking line 20 and inserting the
4 following: "including the following voting
5 membership:
6 a. Three members appointed by the board of
7 supervisors of each county participating in the
8 alliance with at least one of the appointees being a
9 member of the board of supervisors.
10 b. Seven additional voting members who shall be
11 persons with experience in the fields of environmental
12 affairs, conservation, finance, development, tourism,
13 or related fields. The seven members shall be
14 appointed by the members appointed pursuant to
15 paragraph "a" for a term of three years. However, of
16 the initial appointees, two directors shall be
17 appointed to a one-year term and two directors shall
18 be appointed to a two-year term. Thereafter, all
19 appointments shall be for a three-year term.
20 2. The administrator of the soil conservation
21 division of the department of agriculture and land
22 stewardship, a staff coordinator or director of the
23 councils of governments serving the counties
24 participating in the alliance, the director of the
25 department of economic development, the cooperative
26 extension administrator of the Iowa state university
27 extension service, the director of the department of

28 natural resources, the director of transportation, the
 29 director of the department of cultural affairs, and a
 30 staff coordinator of the golden hills resource
 31 conservation and development agency or the Sioux river
 32 resource conservation and development agency may
 33 voluntarily serve as nonvoting members of the board of
 34 directors. A director or administrator specifically
 35 identified in this subsection may be represented by a
 36 designee. The voting members of the board of
 37 directors shall select the staff persons to represent
 38 the councils of governments and the resource
 39 conservation and development agencies.

40 3. Each voting member of the board of directors
 41 who is appointed by the board of supervisors of a
 42 participating county shall be appointed to a three-
 43 year term and shall hold office until a successor is
 44 appointed. However, of the initial appointees, each
 45 participating board of supervisors shall appoint one
 46 director to a one-year term and one director to a two-
 47 year term. Thereafter, all appointments shall be for
 48 three years. A vacancy shall be filled by the
 49 appointing authority for the unexpired portion of the
 50 term. A member shall serve without compensation, but

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1 a member may be reimbursed for actual expenses
 2 incurred while performing the duties of office by the
 3 governmental agency or private organization which the
 4 member represents."

5 2. Page 2, line 21, by striking the figure "2"
 6 and inserting the following: "4".

7 3. Page 2, by striking lines 22 through 24 and
 8 inserting the following: "resident of a county
 9 participating in the alliance. The directors of the
 10 alliance shall carry out".

STEVEN D. HANSEN

S-3181

1 Amend Senate File 462 as follows:
 2 1. Page 4, by striking lines 32 and 33 and
 3 inserting the following: "States, at any time between
 4 December 7, 1941, and December 31, 1946, both dates
 5 inclusive, and who served for a period of".
 6 2. Page 5, line 19, by striking the word and
 7 figures "September 16, 1940" and inserting the
 8 following: "December 7, 1941".

JOHN P. KIBBIE

S-3182

- 1 Amend Senate File 179 as follows:
- 2 1. Page 1, by striking lines 9 through 14 and
- 3 inserting the following: "data or of the findings of
- 4 the assessment report. The department shall issue a
- 5 written response affirming or denying the request in
- 6 whole or in part within thirty calendar days of
- 7 receiving the request."
- 8 2. Page 1, by striking lines 27 through 32 and
- 9 inserting the following: "hearing. The officer
- 10 presiding over the hearing shall issue a decision
- 11 affirming or denying the request in whole or in part
- 12 within sixty calendar days of the conclusion of the
- 13 hearing."

JOHNIE HAMMOND

S-3183

- 1 Amend Senate File 414 as follows:
- 2 1. Page 1, by inserting after line 18 the
- 3 following:
- 4 "Sec. . Section 730.5, subsection 9, paragraph
- 5 g, Code 1999, is amended by adding the following new
- 6 subparagraph:
- 7 NEW SUBPARAGRAPH. (4) However, unless the
- 8 employee establishes by a preponderance of the
- 9 evidence that the violation of the employer's
- 10 substance abuse policy occurred while at the work
- 11 site, subparagraphs (1) through (3) shall not apply
- 12 and the employee shall be responsible for the costs of
- 13 rehabilitation."
- 14 2. By renumbering as necessary.

STEVE KING

S-3184

- 1 Amend Senate File 434 as follows:
- 2 1. Page 1, line 2, by striking the word "FIFTY-
- 3 EIGHT" and inserting the following: "FIFTY-FIVE".
- 4 2. Page 1, line 24, by striking the word "fifty-
- 5 eight" and inserting the following: "fifty-five".

MICHAEL W. CONNOLLY

S-3185

- 1 Amend Senate File 414 as follows:
- 2 1. Page 1, by inserting after line 18 the
- 3 following:

4 "Sec. . Section 730.5, subsection 9, paragraph
 5 g, Code 1999, is amended by adding the following new
 6 subparagraph:
 7 NEW SUBPARAGRAPH. (4) An employer shall only be
 8 responsible for the payment of the costs of
 9 rehabilitation pursuant to subparagraphs (1) through
 10 (3) if the employee remains employed with the employer
 11 providing rehabilitation for at least six months
 12 following the receipt of a confirmed positive alcohol
 13 test. If an employee does not remain employed for at
 14 least six months following the receipt of the
 15 confirmed positive test, the employer, however, shall
 16 reimburse the employee for one-sixth of the employer's
 17 share of the costs of rehabilitation for each month
 18 the employee remains employed with the employer
 19 following receipt of the positive test."
 20 2. By renumbering as necessary.

STEVE KING

S-3186

1 Amend Senate File 414 as follows:
 2 1. Page 1, by inserting after line 18 the
 3 following:
 4 "Sec. ____ Section 730.5, Code 1999, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 17. EMPLOYER REHABILITATION COST
 7 FUND.
 8 a. There is hereby created in the office of the
 9 treasurer of state a special fund, separate and apart
 10 from all other public moneys or funds of this state,
 11 to be known as the "Employer Rehabilitation Cost
 12 Fund", hereafter called the "fund". The fund shall
 13 consist of all moneys deposited in the fund pursuant
 14 to this subsection.
 15 b. The director of the department of workforce
 16 development is the trustee of the fund and shall
 17 administer the fund. Any loss to the fund shall be
 18 charged against the fund and the director shall not be
 19 personally liable for such loss. The director shall
 20 adopt rules to permit employers to apply to the fund
 21 for reimbursement of the costs of rehabilitation
 22 incurred by the employer pursuant to subsection 9,
 23 paragraph "g".
 24 c. Prior to each calendar year, the director of
 25 the department of workforce development shall file a
 26 report with the general assembly providing an estimate
 27 of the cost of reimbursing employers as provided in
 28 this subsection for the next calendar year.
 29 Notwithstanding the provisions of section 2.10 to the
 30 contrary, each year, the portion of the salary of each

31 member of the general assembly necessary to fund the
32 estimate of the cost shall be deducted from the salary
33 of each member of the general assembly and shall be
34 deposited in this fund.

35 d. Moneys in the fund are not subject to section
36 8.33. Notwithstanding section 12C.7, subsection 2,
37 interest or earnings on moneys in the fund shall be
38 credited to the fund."

39 2. By renumbering as necessary.

STEVE KING

S-3187

1 Amend Senate File 405 as follows:

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

4 "Sec. . NEW SECTION. 527A.2 LIMITATION ON
5 ACTIONS AGAINST PERSONS FOR ELECTRONIC FAILURE
6 ASSOCIATED WITH A YEAR 2000 PROBLEM.

7 1. A person who transacts business in this state
8 on matters directly or indirectly affecting real or
9 personal property, whether tangible or intangible,
10 mortgages, credit accounts, banking and financial
11 transactions, or property interests in this state
12 shall not initiate or cause to be initiated a
13 foreclosure proceeding, default, or other adverse
14 action against another person due to a failure of
15 payment or performance caused by a year 2000 problem.

16 2. A person shall not initiate or cause to be
17 initiated an adverse enforcement action, whether based
18 on contract or otherwise, against another person who
19 is unable to cause payment, or to act or forbear, or
20 to cause other financial transactions to occur in a
21 timely manner due to a year 2000 problem.

22 3. The prohibitions in subsections 1 and 2 apply
23 to transactions relating to and including, but not
24 limited to, mortgages, contracts, landlord and tenant
25 relations, consumer credit obligations, utilities, and
26 banking.

27 4. An enforcement action otherwise prohibited
28 under subsection 1 or 2, may be commenced at any time
29 after sixty days following the date the payment was
30 due or the act or omission was required to be
31 performed.

32 5. This section does not affect transactions upon
33 which a default occurred before any disruption of
34 financial or data transfer operations attributable to
35 a year 2000 problem.

36 6. This section does not eliminate, but only
37 suspends, the ability to enforce obligations to which
38 this section applies.

- 39 7. A person shall not report to a credit reporting
40 agency operating in this state negative credit
41 information resulting from a failure of payment or
42 performance due to a year 2000 problem."
43 2. Title page, line 1, by striking the words
44 "financial institutions" and inserting the following:
45 "certain persons".
46 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3188

- 1 Amend Senate File 192 as follows:
2 1. Page 2, by inserting after line 25 the
3 following:
4 "4. The department shall not include a conviction
5 for a violation of this section on the individual
6 driving record of the person committing the violation
7 and the conviction shall not be considered by the
8 department in any proceeding for suspension,
9 revocation, barring, or denying of the person's
10 driver's license or upon any application for renewal
11 of driving privileges."
12 2. By renumbering as necessary.

ANDY McKEAN

S-3189

- 1 Amend the amendment, S-3179, to Senate File 405 as
2 follows:
3 1. Page 4, by inserting after line 3 the
4 following:
5 "Sec. . NEW SECTION. 527A.2 LIMITATION ON
6 ACTIONS AGAINST PERSONS FOR ELECTRONIC FAILURE
7 ASSOCIATED WITH A YEAR 2000 PROBLEM.
8 1. A person who transacts business in this state
9 on matters directly or indirectly affecting real or
10 personal property, whether tangible or intangible,
11 mortgages, credit accounts, banking and financial
12 transactions, or property interests in this state
13 shall not initiate or cause to be initiated a
14 foreclosure proceeding, default, or other adverse
15 action against another person due to a failure of
16 payment or performance caused by a year 2000 problem.
17 2. A person shall not initiate or cause to be
18 initiated an adverse enforcement action, whether based
19 on contract or otherwise, against another person who
20 is unable to cause payment, or to act or forbear, or
21 to cause other financial transactions to occur in a
22 timely manner due to a year 2000 problem.

23 3. The prohibitions in subsections 1 and 2 apply
24 to transactions relating to and including, but not
25 limited to, mortgages, contracts, landlord and tenant
26 relations, consumer credit obligations, utilities, and
27 banking.

28 4. An enforcement action otherwise prohibited
29 under subsection 1 or 2, may be commenced at any time
30 after sixty days following the date the payment was
31 due or the act or omission was required to be
32 performed.

33 5. This section does not affect transactions upon
34 which a default occurred before any disruption of
35 financial or data transfer operations attributable to
36 a year 2000 problem.

37 6. This section does not eliminate, but only
38 suspends, the ability to enforce obligations to which
39 this section applies.

40 7. A person shall not report to a credit reporting
41 agency operating in this state negative credit
42 information resulting from a failure of payment or
43 performance due to a year 2000 problem."

44 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3190

1 Amend Senate File 414 as follows:

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

4 "Section 1. Section 730.5, subsection 9, paragraph
5 b, Code 1999, is amended to read as follows:

6 b. The employer's written policy shall provide
7 ~~uniform~~ consistent requirements for what disciplinary
8 or rehabilitative actions an employer shall take
9 against an employee or prospective employee upon
10 receipt of a confirmed positive drug or alcohol test
11 result or upon the refusal of the employee or
12 prospective employee to provide a testing sample. The
13 policy shall provide that any action taken against an
14 employee or prospective employee shall be based only
15 on the results of the drug or alcohol test. The
16 written policy shall also provide that if
17 rehabilitation is required pursuant to paragraph "g",
18 the employer shall not take adverse employment action
19 against the employee so long as the employee complies
20 with the requirements of rehabilitation and
21 successfully completes rehabilitation."

22 2. Title page, by striking line 1 and inserting

- 23 the following: "An Act relating to drug and".
 24 3. By renumbering as necessary.

STEVE KING

S-3191

- 1 Amend Senate File 414 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Sec. . Section 730.5, subsection 7, paragraph
 5 c, subparagraph (2), Code 1999, is amended to read as
 6 follows:
 7 (2) An employee or prospective employee shall be
 8 provided an opportunity to provide any information
 9 which may be considered relevant to the test,
 10 including identification of prescription or
 11 nonprescription drugs currently or recently used, or
 12 other relevant medical information. ~~To assist an~~
 13 ~~employee or prospective employee in providing the~~
 14 ~~information described in this subparagraph, the~~
 15 ~~employer shall provide an employee or prospective~~
 16 ~~employee with a list of the drugs to be tested."~~
 17 2. Title page, by striking line 1 and inserting
 18 the following: "An Act relating to drug and".
 19 3. By renumbering as necessary.

STEVE KING

S-3192

- 1 Amend Senate File 418 as follows:
 2 1. Page 1, by striking lines 16 through 19 and
 3 inserting the following: "other natural lakes. The
 4 commission shall adopt rules establishing criteria for
 5 the evaluation of glacial lakes."

DENNIS H. BLACK

S-3193

- 1 Amend Senate File 253 as follows:
 2 1. Page 1, line 12, by inserting after the figure
 3 "455B.190." the following: "When a well exists on the
 4 property, the seller shall provide a copy of the
 5 statement required under this section to the county
 6 sanitarian."

DENNIS H. BLACK

S-3194

- 1 Amend House File 531, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 10 through 12.
- 4 2. By renumbering as necessary.

JOHN P. KIBBIE

S-3195

- 1 Amend House File 624, as passed by the House, as
- 2 follows:
- 3 1. Page 2, line 12, by inserting after the word
- 4 "signature" the following: ", except as otherwise
- 5 provided by a rule of law".
- 6 2. Page 2, line 34, by striking the word "any"
- 7 and inserting the following: "the".
- 8 3. Page 2, line 35, by inserting after the word
- 9 "branch" the following: ", or an".

COMMITTEE ON COMMERCE
JOHN W. JENSEN, Chairperson

S-3196

- 1 Amend Senate file 445 as follows:
- 2 1. Page 4, line 23, by striking the figure "2002"
- 3 and inserting the following: "2005".

ANDY McKEAN

S-3197

- 1 Amend Senate File 445 as follows:
- 2 1. By striking page 2, line 32, through page 3,
- 3 line 22.
- 4 2. By renumbering as necessary.

JOHN REDWINE

S-3198

- 1 Amend House File 498, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "otherwise" the following: "knowingly".
- 5 2. Page 1, line 7, by inserting after the word
- 6 "person" the following: "engaged in the business of
- 7 retailing".

COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-3199

- 1 Amend House File 497, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, line 10, by striking the word "four"
- 4 and inserting the following: "five".
- 5 2. Page 6, line 12, by inserting after the word
- 6 "medicine," the following: "one podiatrist".

KEN VEENSTRA

S-3200

- 1 Amend Senate File 179 as follows:
- 2 1. Page 1, by striking lines 9 through 14 and
- 3 inserting the following: "data or of the findings of
- 4 the assessment report."
- 5 2. Page 1, lines 18 and 19, by striking the words
- 6 "in accordance with subparagraph (1)" and inserting
- 7 the following: "within forty-five calendar days of
- 8 receiving the request to correct the data or
- 9 findings".

ROBERT E. DVORSKY
STEVE KING
JOHNNIE HAMMOND

S-3201

- 1 Amend House File 714, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 595.5, Code 1999, is amended
- 6 to read as follows:
- 7 595.5 SURNAME NAME ADOPTED.
- 8 1. A party may request indicate on the application
- 9 for a marriage license the adoption of a name change
- 10 to that of the other party or to some other surname
- 11 mutually agreed upon by the parties. The names used
- 12 on the marriage license shall become the legal names
- 13 of the parties to the marriage. The marriage license
- 14 shall contain a statement that when a name change is
- 15 requested and affixed to the marriage license, the new
- 16 name is the legal name of the requesting party. If a
- 17 party requests a name change, other than a change of
- 18 surname to that of the other spouse or to a
- 19 combination of the surnames of both spouses, the party
- 20 shall request approval of the court pursuant to
- 21 chapter 674 and shall submit to the court the
- 22 information required by section 674.2. Upon approval
- 23 of the court and solemnization of the marriage, the

- 24 2. The county registrar shall send a certified
 25 copy of the return of marriage to the recorder's
 26 office in every county in this state where real
 27 property is owned by either of the parties. The judge
 28 ~~may approve the name change.~~ The new names and the
 29 immediate former names shall appear on the return of
 30 marriage, and the return of marriage shall be recorded
 31 in the miscellaneous records in the recorder's office.
 32 3. An individual shall have only one legal name at
 33 any one time."
 34 2. Title page, lines 1 and 2, by striking the
 35 words "alternative forms of identification to be
 36 attached to a petition in an action for seeking a".
 37 3. Title page, line 2, by striking the word
 38 "change" and inserting the following: "changes".
 39 4. By renumbering as necessary.

ANDY McKEAN

S-3202

- 1 Amend House File 521, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 22, by inserting after the word
 4 "agency" the following: "or other person or entity".

COMMITTEE ON BUSINESS AND
 LABOR RELATIONS
 LARRY McKIBBEN, Chairperson

S-3203

- 1 Amend House File 743 as follows:
 2 1. Page 1, by striking lines 7 and 8 and
 3 inserting the following: "instruction; provide
 4 direction and resources for early".
 5 2. Page 1, by striking lines 16 through 18 and
 6 inserting the following: "maintain, reduced class
 7 sizes in basic skills instruction for kindergarten
 8 through grade three."
 9 3. Page 2, by striking lines 21 and 22 and
 10 inserting the following: "to reduce class sizes and
 11 to achieve a higher level of student".

KITTY REHBERG
 JERRY BEHN
 STEVE KING
 LYLE E. ZIEMAN
 KEN VEENSTRA
 NEAL SCHUERER

S-3204

1 Amend House File 696, 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 137D.9, Code 1999, is amended
6 to read as follows:

7 137D.9 EXEMPTION.

8 This chapter shall not apply to a home food
9 establishment having gross annual sales of prepared
10 food including jams and jellies of one thousand
11 dollars or less, if the person who prepares the food
12 sells or offers to sell the food on or off the
13 premises of the home food establishment and if the
14 food is labeled to identify the name and address of
15 the person preparing the food and the common name of
16 the food, and to state that the food is prepared in a
17 kitchen that is not subject to state inspection,
18 regulation, or licensure.

19 Sec. . Section 137F.2, Code 1999, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 12. 3-201.16(B) shall be amended
22 to exclude wild morel mushrooms.

23 Sec. . Section 137F.2, Code 1999, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 13. 3-501.17 shall be amended to
26 provide that paragraphs (C) and (D) shall not apply to
27 aged cheese."

28 2. Page 1, by striking lines 5 through 7 and
29 inserting the following: "thousand board feet or
30 more, the board shall conduct a".

31 . Page 1, by inserting after line 11 the
32 following:

33 "Sec. . NEW SECTION. 455B.189 DISCHARGE POINT
34 SIGNS.

35 1. A person holding an Iowa national pollutant
36 discharge elimination system permit issued by the
37 department shall post or erect a conspicuous and
38 legible sign of not less than eighteen inches by
39 twenty-four inches at all discharge points to surface
40 waters, except for any site where the discharge is
41 composed exclusively of storm water runoff. The sign
42 shall include all of the following information:

43 a. A statement containing the words "Iowa state
44 permitted discharge point permit no. (insert permit
45 number). For information on this discharge you can
46 contact."

47 b. The Iowa national pollutant discharge
48 elimination system permit number issued by the
49 department.

50 c. The name and telephone number of the permit

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1 holder which shall be the business office repository
2 of the permit holder.

3 2. A permit holder shall provide for public review
4 at the business office repository of the permit holder
5 or at the off-premises location of the permit holder's
6 choice all discharge monitoring records prepared by
7 the permit holder to demonstrate compliance with the
8 Iowa national pollutant discharge elimination system
9 permit conditions. A copy of all discharge monitoring
10 records shall be placed on file at such location at
11 the same time the records are sent to the department.
12 This information shall be kept on file for the period
13 during which the permit is effective.

14 3. The department shall, as part of the terms and
15 conditions of a permit, establish the actual
16 appearance and location of the sign on the property of
17 the permit holder which shall be in as close proximity
18 to the point of discharge into the surface water as is
19 reasonably possible while ensuring the maximum
20 visibility from the surface water and shore.

21 4. The permit holder shall periodically and
22 reasonably maintain the sign to ensure that the sign
23 is still legible, visible, and factually correct. A
24 good faith documented effort by a permit holder to
25 maintain the sign is an affirmative defense in any
26 action relating to the unauthorized absence of a sign.

27 5. The department may waive all or part of the
28 requirements of this section if the department
29 determines any of the following circumstances exist:

30 a. The sign cannot be reasonably maintained.

31 b. The sign would be inconsistent with the
32 provisions of another statute.

33 c. The sign could not be located in a manner which
34 serves a public purpose.

35 d. The nature of the discharge is temporary and of
36 a relatively short duration.

37 e. The discharge is not a major, significant
38 discharge.

39 6. A person violating a provision of this section
40 is subject to a civil penalty of not more than one
41 hundred dollars per day for each day such violation
42 continues.

43 Sec. . Section 455B.191, subsection 1, Code
44 1999, is amended to read as follows:

45 1. Any person who violates any provision of part 1
46 of division III of this chapter or any permit, rule,
47 standard, or order issued under part 1 of division III
48 of this chapter shall be subject to a civil penalty
49 not to exceed five thousand dollars for each day of
50 such violation. This section shall not apply to

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1 violations of section 455B.189 or any permit, rule, or
2 standard issued under section 455B.189."

3 3. Page 1, by inserting after line 11 the
4 following:

5 "Sec. . Section 481A.32, unnumbered paragraph
6 1, Code 1999, is amended to read as follows:

7 Whoever shall take, catch, kill, injure, destroy,
8 have in possession, buy, sell, ship, or transport any
9 frogs, fish, mussels, birds, their nests, eggs, or
10 plumage, fowls, game, or animals or their fur or raw
11 pelt in violation of the provisions of this chapter or
12 of administrative rules of the commission or whoever
13 shall use any device, equipment, seine, trap, net,
14 tackle, firearm, drug, poison, explosive, or other
15 substance or means, the use of which is prohibited by
16 this chapter, or use the same at a time, place, or in
17 a manner or for a purpose prohibited, or do any other
18 act in violation of the provisions of this chapter or
19 of administrative rules of the commission for which no
20 other punishment is provided, is guilty of a simple
21 misdemeanor and shall be assessed a minimum fine of
22 ~~ten~~ fifty dollars for each offense.

23 Sec. . Section 481A.38, subsection 2, Code
24 1999, is amended to read as follows:

25 2. If the commission finds that the number of
26 hunters licensed or the type of license issued to take
27 deer or wild turkey should be limited or further
28 regulated, the commission shall ~~conduct a drawing to~~
29 ~~determine which applicants shall receive a license and~~
30 ~~the type of license~~ adopt rules governing the
31 issuances of the licenses. Applications for licenses
32 ~~shall be received during a period established by the~~
33 ~~commission. At the end of the period a drawing shall~~
34 ~~be conducted. The commission may establish rules to~~
35 ~~issue licenses after the established application~~
36 ~~period. If an applicant receives a deer license which~~
37 ~~is more restrictive than licenses issued to others for~~
38 ~~the same period and place, the applicant shall receive~~
39 ~~a certificate with the license entitling the applicant~~
40 ~~to priority in the drawing for the less restrictive~~
41 ~~deer licenses the following year. The certificate~~
42 ~~must accompany that person's application the following~~
43 ~~year, or the applicant will not receive this priority.~~
44 Persons purchasing a deer license for the gun season
45 under this section and under section 483A.1 are not
46 eligible for a gun deer hunting license under section
47 483A.24, except as authorized by rules of the
48 department. This subsection does not apply to the
49 hunting of wild turkey on a hunting preserve licensed
50 under chapter 484B.

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1 Sec. . Section 481A.57, Code 1999, is amended
2 to read as follows:

3 481A.57 POSSESSION AND STORAGE.

4 A person having lawful possession of game or fur-
5 bearing animals or their pelts, except deer venison,
6 may hold them for not to exceed thirty days after the
7 close of the open season for such game or furbearers.
8 A person having lawful possession of deer venison
9 which is taken with a valid deer hunting license, may
10 hold the deer venison from the date of taking until
11 the following September 1. From September 1 until the
12 first day of the next deer open season for which the
13 person holds a valid deer hunting license, the person
14 shall not possess more than twenty-five pounds of deer
15 venison per license. Any person may possess up to
16 twenty-five pounds of deer venison if the deer was
17 obtained from a lawful source. A permit to hold for a
18 longer period may be granted by the department.

19 Sec. . Section 483A.7, subsection 3, Code 1999,
20 is amended to read as follows:

21 3. A nonresident wild turkey hunter is required to
22 have only a nonresident wild turkey hunting license
23 and pay the wildlife habitat fee. ~~The commission~~
24 ~~shall annually limit to two thousand licenses the~~
25 ~~number of nonresidents allowed to have wild turkey~~
26 ~~hunting licenses. Upon application with proof of~~
27 ~~ownership of land in this state and payment of the~~
28 ~~applicable fees, the department shall issue a~~
29 ~~nonresident wild turkey license to the applicant to~~
30 ~~hunt on the applicant's land.~~ The number of
31 nonresident wild turkey hunting licenses shall be
32 determined as provided in section 481A.38. The
33 commission shall allocate the nonresident wild turkey
34 hunting licenses issued among the zones based on the
35 populations of wild turkey. A nonresident applying
36 for a wild turkey hunting license must exhibit proof
37 of having successfully completed a hunter safety and
38 ethics education program as provided in section
39 483A.27 or its equivalent as determined by the
40 department before the license is issued.

41 Sec. . Section 483A.8, subsection 3, Code 1999,
42 is amended to read as follows:

43 3. A nonresident hunting deer is required to have
44 a nonresident deer license and must pay the wildlife
45 habitat fee. ~~The commission shall annually limit to~~
46 ~~seven thousand five hundred licenses the number of~~
47 ~~nonresidents allowed to have deer hunting licenses.~~
48 ~~Of the first six thousand nonresident deer licenses~~
49 ~~issued, not more than thirty-five percent of the~~
50 ~~licenses shall be bow season licenses and, after the~~

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1 ~~first six thousand nonresident deer licenses have been~~
2 ~~issued, all additional licenses shall be issued for~~
3 ~~antlerless deer only. Upon application with proof of~~
4 ownership of land in this state and payment of the
5 applicable fees, the department shall issue a
6 nonresident deer hunting license to the applicant to
7 hunt on the applicant's land. The number of
8 nonresident deer hunting licenses shall be determined
9 as provided in section 481A.38. The commission shall
10 allocate the nonresident deer hunting licenses issued
11 among the zones based on the populations of deer.
12 However, a nonresident applicant may request one or
13 more hunting zones, in order of preference, in which
14 the applicant wishes to hunt. If the request cannot
15 be fulfilled, the applicable fees shall be returned to
16 the applicant. A nonresident applying for a deer
17 hunting license must exhibit proof of having
18 successfully completed a hunter safety and ethics
19 education program as provided in section 483A.27 or
20 its equivalent as determined by the department before
21 the license is issued.

22 Sec. . Section 484B.4, subsection 2, paragraph
23 c, Code 1999, is amended by striking the paragraph.

24 Sec. . Section 805.8, subsection 5, paragraph
25 e, Code 1999, is amended to read as follows:

26 e. For violations of sections 481A.57, 481A.85,
27 481A.93, 481A.95, 481A.120, 481A.137, 481B.5, 482.3,
28 and 482.9, the scheduled fine is one hundred dollars.

29 Sec. . Section 805.8, subsection 5, paragraph
30 g, subparagraph (3), Code 1999, is amended to read as
31 follows:

32 (3) For mussels, frogs, spawn, or fish, the
33 scheduled fine is ~~ten~~ fifty dollars.

34 Sec. . EFFECTIVE DATE. This Act, being deemed
35 of immediate importance, takes effect upon enactment."

36 4. Title page, by striking lines 1 and 2 and
37 inserting the following: "An Act relating to the
38 protection and regulation of natural resources by
39 exempting certain natural and processed food products
40 from food code regulation, providing for the sale of
41 timber, providing for the issuance and allocation of
42 limited hunting licenses, removing a location
43 requirement for licensed hunting preserves, regulating
44 the possession of deer venison, requiring Iowa
45 national pollutant discharge elimination system permit
46 holders to post signs, providing for other properly
47 related matters, increasing fines for violations of
48 certain natural resource laws, providing a penalty,
49 and providing an effective date."

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

S-3205

- 1 Amend Senate File 351 as follows:
- 2 1. Page 1, by striking lines 5 through 8 and
3 inserting the following:
4 "a. "Agricultural land" means real property owned
5 by a person in tracts of ten acres or more and not
6 laid off into lots of less than ten acres or divided
7 by streets and alleys into parcels of less than ten
8 acres, and that is used for the production of
9 agricultural commodities. Such use of".
- 10 2. Page 1, by inserting after line 21 the
11 following:
12 "b. "Century farm" means a farm in which at least
13 forty acres of such farm have been held in continuous
14 ownership by the same family for one hundred years or
15 more."
- 16 3. Page 1, line 22, by striking the letter "b."
17 and inserting the following: "c."
- 18 4. Page 1, line 27, by striking the letter "c."
19 and inserting the following: "d."
- 20 5. Page 1, line 34, by striking the words
21 "industrial enterprise" and inserting the following:
22 "industry".
- 23 6. Page 2, by inserting after line 10 the
24 following:
25 "Sec. . **NEW SECTION. 6A.22 CONDEMNATION OF**
26 **CENTURY FARMS PROHIBITED.**
27 The acquisition of a century farm by condemnation
28 is prohibited except for acquisition of a right of way
29 for existing roads and highways for the maintenance,
30 safety improvement, or upgrade of such existing roads
31 and highways."
- 32 7. Page 6, line 9, by inserting after the word
33 "filing." the following: "After filing and indexing,
34 the county recorder shall file a copy of the
35 application with the office of secretary of state.
36 **PARAGRAPH DIVIDED.**"
- 37 8. Page 7, line 3, by striking the word "regular"
38 and inserting the following: "ordinary".
- 39 9. Page 9, line 25, by inserting after the word
40 "owner's" the following: "or tenant's".
- 41 10. Page 11, by inserting after line 2 the
42 following:
43 "Sec. . Section 6B.38, Code 1999, is amended by
44 adding the following new unnumbered paragraph:
45 **NEW UNNUMBERED PARAGRAPH.** The county recorder
46 shall file a copy of the sheriff's statement required .

47 by section 6B.35, subsection 5, with the office of the
48 secretary of state."
49 11. Page 15, by inserting after line 13, the
50 following:

Page 2

1 "Sec. NEW SECTION. 6B.59 SALE OF ACQUIRED
2 PROPERTY -- REIMBURSEMENT TO LANDOWNER.

3 If an acquiring agency acquires property by
4 condemnation, or by otherwise exercising the power of
5 eminent domain, and that property is later sold by the
6 acquiring agency for more than the acquisition price
7 paid to the landowner, the acquiring agency shall pay
8 to the landowner from whom the property was acquired
9 the difference between the price at which it was
10 acquired and the price at which it was sold by the
11 acquiring agency less the cost of any improvements
12 made to the land by the acquiring agency.

13 Sec. NEW SECTION. 9.2A RECORDS RELATING TO
14 CONDEMNATION.

15 The secretary of state shall receive and preserve
16 in the secretary's office all papers transmitted to
17 the secretary in relation to condemnation and shall
18 keep an alphabetical list of acquiring agencies in a
19 book provided for that purpose, in which shall be
20 entered the name of the acquiring agency, the county
21 in which the real property is located, and the date
22 the condemnation application was filed."

23 12. Page 15, by striking lines 20 through 22 and
24 inserting the following: "industry in the community."

25 13. Page 15, line 25, by striking the words
26 "industrial enterprise" and inserting the following:
27 "industry".

28 14. Page 15, line 32, by striking the words
29 "industrial enterprise" and inserting the following:
30 "industry".

31 15. Page 15, by striking lines 33 and 34.

32 16. Page 15, line 35, by striking the letter "d."
33 and inserting the following: "c."

34 17. Page 16, line 2, by striking the letter "e."
35 and inserting the following: "d."

36 18. Page 16, line 2, by striking the words
37 "industrial enterprise" and inserting the following:
38 "industry".

39 19. Page 16, line 4, by striking the letter "f."
40 and inserting the following: "e."

41 20. Page 16, by striking lines 6 through 12 and
42 inserting the following:

43 "For purposes of this subsection, "industry" means
44 the same as defined in section 260E.2."

45 21. Page 20, by inserting after line 19 the

46 following:

47 "Sec. . Section 331.602, subsection 24, Code

48 1999, is amended to read as follows:

49 24. Record papers, statements, and certificates

50 relating to the condemnation of property as provided

Page 3

1 in section 6B.38, and carry out duties related to the
 2 filing of certain condemnation documents with the
 3 office of secretary of state."

4 22. Page 20, line 27, by striking the words

5 "industrial enterprise" and inserting the following:

6 "industry".

7 23. Page 21, line 9, by striking the words

8 "industrial enterprise" and inserting the following:

9 "industry".

10 24. Page 23, line 5, by striking the word and

11 figures "30, 31, and 32" and inserting the following:

12 "35, 36, and 37".

13 25. Page 23, line 11, by striking the figure "33"

14 and inserting the following: "38".

15 26. Page 23, line 13, by striking the figure "33"

16 and inserting the following: "38".

17 27. By renumbering and correcting internal

18 references as necessary.

JEFF ANGELO

S-3206

1 Amend House File 476, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 23 through 25.

4 2. Page 2, by striking lines 15 through 20.

5 3. Page 16, line 6, by inserting after the word

6 "agency." the following: "This section does not apply

7 to property acquired by the Iowa department of

8 transportation."

9 4. By renumbering as necessary.

JEFF ANGELO

S-3207

1 Amend House File 476, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 16, by striking line 9.

4 2. By striking page 22, line 32, through page 23,

5 line 1, and inserting the following:

6 "NEW SUBSECTION. 2A. "Agricultural land" means

7 real property owned by a person in tracts of ten acres

8 or more and not laid off into lots of less than ten
 9 acres or divided by streets and alleys into parcels of
 10 less than ten acres, and that is used for the
 11 production of agricultural commodities. Such use of
 12 property includes, but is not".

JEFF ANGELO

S-3208

1 Amend House File 476 as follows:
 2 1. Page 16, line 20, by inserting after the word
 3 "cities" the following: "or counties".
 4 2. Page 16, line 20, by inserting after the word
 5 "city" the following: "or county".
 6 3. Page 16, line 24, by inserting after the word
 7 "city" the following: "or county".

JEFF ANGELO

S-3209

1 Amend House File 714, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 595.5, Code 1999, is amended
 6 to read as follows:
 7 595.5 SURNAME NAME ADOPTED.
 8 1. A party may request indicate on the application
 9 for a marriage license the adoption of a name change
 10 ~~to that of the other party or to some other surname~~
 11 ~~mutually agreed upon by the parties.~~ The names used
 12 on the marriage license shall become the legal names
 13 of the parties to the marriage. The marriage license
 14 shall contain a statement that when a name change is
 15 requested and affixed to the marriage license, the new
 16 name is the legal name of the requesting party. ~~If a~~
 17 ~~party requests a name change, other than a change of~~
 18 ~~surname to that of the other spouse or to a~~
 19 ~~combination of the surnames of both spouses, the party~~
 20 ~~shall request approval of the court pursuant to~~
 21 ~~chapter 674 and shall submit to the court the~~
 22 ~~information required by section 674.2. Upon approval~~
 23 ~~of the court and solemnization of the marriage, the~~
 24 2. The county registrar shall send a certified
 25 copy of the return of marriage to the recorder's
 26 office in every county in this state where real
 27 property is owned by either of the parties. ~~The judge~~
 28 ~~may approve the name change.~~ The new names and the
 29 immediate former names shall appear on the return of
 30 marriage, and the return of marriage shall be recorded

- 31 in the miscellaneous records in the recorder's office.
32 3. An individual shall have only one legal name at
33 any one time."
34 2. Title page, lines 1 and 2, by striking the
35 words "alternative forms of identification to be
36 attached to a petition in an action for seeking a".
37 3. Title page, line 2, by striking the word
38 "change" and inserting the following: "changes".
39 4. By renumbering as necessary.

COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-3210

- 1 Amend House File 647, as passed by the House, as
2 follows:
3 1. Title page, line 1, by inserting after the
4 words "juvenile judges," the following: "and".
5 2. Title page, line 2, by striking the words "
6 and retired judges".

COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-3211

- 1 Amend House File 732, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 5, by inserting after the word
4 "used" the following: "only".

COMMITTEE ON HUMAN RESOURCES
NANCY J. BOETTGER, Chairperson

S-3212

- 1 Amend House File 218, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking lines 12 through 26 and
4 inserting the following:
5 "1. A loess hills alliance is created. The
6 alliance shall carry out its powers and duties under
7 the general direction of the loess hills development
8 and conservation authority. The alliance shall
9 encompass the geographic region including the counties
10 of Plymouth, Woodbury, Monona, Harrison,
11 Pottawattamie, Mills, and Fremont. Membership and
12 participation in projects of the alliance is not
13 required. The alliance shall be governed by a board
14 of directors including the following voting
15 membership:

16 a. Three members appointed by the board of
17 supervisors of each county participating in the
18 alliance with at least one of the appointees being a
19 member of the board of supervisors.

20 b. Seven additional voting members who shall be
21 persons with experience in the fields of environmental
22 affairs, conservation, finance, development, tourism,
23 or related fields. The seven members shall be
24 appointed by the members appointed pursuant to
25 paragraph "a" for a term of three years. However, of
26 the initial appointees, two directors shall be
27 appointed to a one-year term and two directors shall
28 be appointed to a two-year term. Thereafter, all
29 appointments shall be for a three-year term.

30 2. The administrator of the soil conservation
31 division of the department of agriculture and land
32 stewardship, a staff coordinator or director of the
33 councils of governments serving the counties
34 participating in the alliance, the director of the
35 department of economic development, the cooperative
36 extension administrator of the Iowa state university
37 extension service, the director of the department of
38 natural resources, the director of transportation, the
39 director of the department of cultural affairs, and a
40 staff coordinator of the golden hills resource
41 conservation and development agency or the Sioux river
42 resource conservation and development agency may
43 voluntarily serve as nonvoting members of the board of
44 directors. A director or administrator specifically
45 identified in this subsection may be represented by a
46 designee. The voting members of the board of
47 directors shall select the staff persons to represent
48 the councils of governments and the resource
49 conservation and development agencies.

50 3. Each voting member of the board of directors

Page 2

1 who is appointed by the board of supervisors of a
2 participating county shall be appointed to a three-
3 year term and shall hold office until a successor is
4 appointed. However, of the initial appointees, each
5 participating board of supervisors shall appoint one
6 director to a one-year term and one director to a two-
7 year term. Thereafter, all appointments shall be for
8 three years. A vacancy shall be filled by the
9 appointing authority for the unexpired portion of the
10 term. A member shall serve without compensation, but
11 a member may be reimbursed for actual expenses
12 incurred while performing the duties of office by the

13 governmental agency or private organization which the
14 member represents."

STEVEN D. HANSEN

S-3213

1 Amend House File 476, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 27, by striking the words
4 "recreational trails,".

ELAINE SZYMONIAK

S-3214

1 Amend House File 476, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 8, by striking the word "is" and
4 inserting the following: "has been".
5 2. Page 1, line 9, by inserting after the word
6 "commodities" the following: "during three out of the
7 past five years".

DENNIS H. BLACK

S-3215

1 Amend House File 476, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 2, by inserting after the figure
4 "403.17," the following: "to a recreational trail if
5 the state transportation commission has approved the
6 use of eminent domain under section 307A.2, subsection
7 16, or if the natural resource commission has approved
8 the use of eminent domain under section 455A.5,
9 subsection 7,".
10 2. Page 19, by inserting after line 24 the
11 following:
12 "Sec. ____ Section 307A.2, Code 1999, is amended
13 by adding the following new subsection:
14 NEW SUBSECTION. 16. Review all applications
15 submitted by acquiring agencies requesting approval
16 for an acquiring agency to exercise eminent domain
17 authority over agricultural land for routing a
18 recreational trail and determine whether the use of
19 such authority is necessary for the routing of a
20 recreational trail.
21 Approval of an application by an acquiring agency
22 to exercise the right of eminent domain to acquire
23 agricultural land for a recreational trail may be
24 granted for a specific land area upon a finding of

25 public necessity. When making a determination of
26 public necessity, the commission shall consider all of
27 the following:

28 a. The feasibility of acquiring the agricultural
29 land by methods other than condemnation.

30 b. The public cost and public benefit of locating
31 the trail where it is most feasible to maintain or
32 enhance public safety.

33 c. The existence of willing sellers at other
34 locations in the area which locations would provide
35 the same level of public safety.

36 d. The ability to adapt the recreational trail
37 plans to avoid the use of condemnation.

38 For purposes of this subsection, "acquiring agency"
39 means the same as in section 6B.58."

40 3. Page 24, by inserting after line 3 the
41 following:

42 "Sec. ____ Section 455A.5, Code 1999, is amended
43 by adding the following new subsection:

44 NEW SUBSECTION. 7. The commission shall review
45 all applications submitted by acquiring agencies
46 requesting approval for an acquiring agency to
47 exercise eminent domain authority over agricultural
48 land for routing a recreational trail and shall
49 determine whether the use of such authority is
50 necessary for the routing of a recreational trail.

Page 2

1 Approval of an application by an acquiring agency
2 to exercise the right of eminent domain to acquire
3 agricultural land for a recreational trail may be
4 granted for a specific land area upon a finding of
5 public necessity. When making a determination of
6 public necessity, the commission shall consider all of
7 the following:

8 a. The feasibility of acquiring the agricultural
9 land by methods other than condemnation.

10 b. The public cost and public benefit of locating
11 the trail where it is most feasible to maintain and
12 enhance public safety.

13 c. The existence of willing sellers at other
14 feasible locations in the area which locations would
15 provide the same level of public safety.

16 d. The ability to adapt the recreational trail
17 plans to avoid the use of condemnation.

18 For purposes of this subsection, "acquiring agency"
19 means the same as in section 6B.58."

20 4. By renumbering as necessary.

S-3216

- 1 Amend the Committee amendment, S-3204, to House
2 File 696, as amended, passed, and reprinted by the
3 House, as follows:
- 4 1. Page 1, by striking line 27 and inserting the
5 following: "aged cheese.
6 Sec. . Section 137F.2, Code 1999, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 14. 3-603.11 shall be amended so
9 that the rule shall not apply to whole muscle red
10 meats."
11 2. Page 1, lines 38 and 39, by striking the words
12 "of not less than eighteen inches by twenty-four
13 inches".
14 3. Page 1, line 41, by inserting after the word
15 "runoff." the following: "The department shall
16 determine, by rule, the size of the sign."
17 4. Page 2, by inserting after line 2 the
18 following:
19 ". A telephone number of the department."
20 5. Page 2, by striking lines 3 through 42 and
21 inserting the following:
22 "2. If a permit holder has not erected a sign as
23 provided in subsection 1 within thirty days after
24 notification by the department, the director may
25 assess a civil penalty of one hundred dollars. If a
26 permit holder fails to erect a sign as provided in
27 subsection 1 within thirty days of a second
28 notification by the department, the director shall
29 assess a civil penalty of two hundred dollars. For
30 each subsequent failure to erect the required sign
31 after notification by the department, the director
32 shall assess a civil penalty of five hundred dollars."
33 6. Page 4, by inserting after line 18 the
34 following:
35 "Sec. . Section 481A.130, subsection 1,
36 unnumbered paragraph 1, Code 1999, is amended to read
37 as follows:
38 In addition to the penalties for violations of this
39 chapter and chapters 350, 461A, 481B, and 482, and
40 rules adopted under the specified chapters, a person
41 convicted of unlawfully selling, taking, catching,
42 killing, injuring, destroying, or having in possession
43 any animal, shall reimburse the state for the value of
44 such as follows:"
45 7. Page 5, line 47, by inserting after the word
46 "matters," the following: "providing a civil penalty
47 for violating certain administrative rules,".

MERLIN E. BARTZ
JOE BOLKCOM

JoANN JOHNSON
DAVID MILLER

S-3217

1 Amend House File 664, 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 ADULT MH/MR/DD SERVICES FUNDING PILOT PROJECT".

7 2. Page 5, by striking line 24 and inserting the
8 following: "areas, designated by the governor."

9 3. Page 8, by inserting after line 21 the
10 following:

11 "DIVISION

12 MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

13 COMMISSION

14 Sec. . Section 225C.4, subsection 1, paragraph
15 p, Code 1999, is amended to read as follows:

16 p. Recommend and enforce to the commission minimum
17 accreditation standards for the maintenance and
18 operation of community mental health centers,
19 services, and programs under section 230A.16. The
20 administrator's review and evaluation of the centers,
21 services, and programs for compliance with the adopted
22 standards shall be as provided in section 230A.17.

23 Sec. . Section 225C.4, subsection 1, Code 1999,
24 is amended by adding the following new paragraph:
25 NEW PARAGRAPH. pp. Recommend to the commission
26 minimum standards for supported community living
27 services. The administrator shall review and evaluate
28 the services for compliance with the adopted
29 standards.

30 Sec. . Section 225C.6, subsection 1, paragraph
31 c, Code 1999, is amended to read as follows:

32 c. Adopt standards for community mental health
33 centers, services, and programs as recommended under
34 section 230A.16. The commission shall determine
35 whether to grant, deny, or revoke the accreditation of
36 the centers, services, and programs.

37 Sec. . Section 225C.6, subsection 1, paragraph
38 1, Code 1999, is amended to read as follows:

39 1. Establish standards for the provision under
40 medical assistance of individual case management
41 services. The commission shall determine whether to
42 grant, deny, or revoke the accreditation of the
43 services.

44 Sec. . Section 225C.21, subsection 2, Code
45 1999, is amended to read as follows:

46 2. The ~~department~~ commission shall adopt rules
47 pursuant to chapter 17A establishing minimum standards

48 for the programming of supported community living
49 services. The department commission shall approve all
50 determine whether to grant, deny, or revoke approval

Page 2

1 for any supported community living services which meet
2 the minimum standards service.

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DIVISION

4

STATE-COUNTY MANAGEMENT COMMITTEE

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Sec. . Section 331.438, subsection 4, paragraph
b, unnumbered paragraph 1, Code 1999, is amended to
read as follows:

The management committee shall consist of ~~not more
than twelve~~ thirteen voting members as follows:

Sec. . Section 331.438, subsection 4, paragraph
b, subparagraph (1), Code 1999, is amended to read as
follows:

(1) ~~An equal number of not more than nine~~ Four
members shall be appointed by the director of human
services and ~~Four members shall be appointed by the~~
Iowa state association of counties and one additional
member shall be jointly appointed by both entities.
Members appointed by the Iowa state association of
counties shall be selected from a pool nominated by
the county supervisor affiliate of the association
with four members from the affiliate. The affiliate
shall select the nominees through a secret ballot
process. In addition, two members shall be appointed
by the community services affiliate of the Iowa state
association of counties.

Sec. . Section 331.438, subsection 4, paragraph
b, subparagraph (4), Code 1999, is amended to read as
follows:

(4) A member who is not a legislator shall have
expenses and other costs paid by the state or the
county entity that the member represents. The
committee shall ~~establish terms for its members,~~ elect
officers, adopt operating procedures, and meet as
deemed necessary by the committee. Terms of office
for the appointed voting members of the committee are
three years and shall be staggered. A vacancy on the
committee shall be filled in the same manner as the
original appointment.

Sec. . SERVICE SYSTEM ISSUES. The state-county
management committee shall create a task force to
consider issues and options regarding statewide
eligibility standards, identification of core or basic
services to be made reasonably available statewide,
statewide equity and other considerations associated
with distributing state funding, implementation of
funding decategorization, changes in the membership

47 composition of the committee, legal settlement issues,
48 improved utilization of available funding streams, and
49 the allowed growth recommendation process. In
50 considering the allowed growth recommendation process,

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1 the task force shall review the divergence between
2 unmet needs in the service delivery system and county
3 expenditure trends and shall make specific
4 recommendations as to how allowed growth funding can
5 best be distributed to address services that are not
6 adequately funded and population groups that are not
7 served or are underserved. The committee shall
8 consider the task force report and incorporate the
9 committee's findings and recommendations on these
10 topics in the committee's annual report to the
11 governor and general assembly on January 1, 2000.
12 Sec. . STAGGERED TERMS. Effective July 1,
13 1999, the appointing authorities for the state-county
14 management committee shall provide by mutual agreement
15 for the staggering of the terms of voting members of
16 the committee so that the terms of at least four
17 members expire each year. Based on this mutual
18 agreement, the terms of individuals who are voting
19 members of the committee as of June 30, 1999, shall
20 either expire June 30, 1999, or be for one, two, or
21 three years beginning on July 1, 1999. The terms of
22 the two members appointed by the community services
23 affiliate of the Iowa state association of counties
24 shall commence July 1, 1999. This section takes
25 effect June 30, 1999.

DIVISION

COUNTY MANAGEMENT PLAN PROVISIONS

27 Sec. . Section 331.439, subsection 1, paragraph
28 b, Code 1999, is amended to read as follows:
29 b. The county developed and implemented a county
30 management plan for the county's mental health, mental
31 retardation, and developmental disabilities services
32 in accordance with the provisions of this paragraph
33 "b". The plan shall comply with the administrative
34 rules adopted for this purpose by the council on human
35 services and is subject to the approval of the
36 director of human services in consultation with the
37 state-county management committee created in section
38 331.438. The plan shall include a description of the
39 county's service management provision for mental
40 health, mental retardation, and developmental
41 disabilities services. For mental retardation and
42 developmental disabilities service management, the
43 plan shall describe the county's development and
44 implementation of a managed system of cost-effective
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46 individualized services and shall comply with the
47 provisions of paragraph "d". The goal of this part of
48 the plan shall be to assist the individuals served to
49 be as independent, productive, and integrated into the
50 community as possible. The service management

Page 4

1 provisions for mental health shall comply with the
2 provisions of paragraph "c". A county is subject to
3 all of the following provisions in regard to the
4 county's management plan and planning process:
5 (1) The county shall have in effect an approved
6 policies and procedures manual for the county's
7 services fund. The county management plan shall be
8 defined in the manual. The manual submitted by the
9 county as part of the county's management plan for the
10 fiscal year beginning July 1, 2000, as approved by the
11 director of human services, shall remain in effect,
12 subject to amendment. An amendment to the manual
13 shall be submitted to the department of human services
14 at least forty-five days prior to the date of
15 implementation. Prior to implementation of any
16 amendment to the manual, the amendment must be
17 approved by the director of human services in
18 consultation with the state-county management
19 committee.
20 (2) For informational purposes, the county shall
21 submit a management plan review to the department of
22 human services by April 1 of each year. The annual
23 review shall incorporate an analysis of the data
24 associated with the services managed during the
25 preceding fiscal year by the county or by a managed
26 care entity on behalf of the county.
27 (3) For informational purposes, every three years
28 the county shall submit to the department of human
29 services a three-year strategic plan. The strategic
30 plan shall describe how the county will proceed to
31 attain the goals and objectives contained in the
32 strategic plan for the duration of the plan. The
33 three-year strategic plan shall be submitted by April
34 1, 2000, and by April 1 of every third year
35 thereafter.
36 Sec. . Section 331.439, subsection 1, paragraph
37 c, subparagraph (1), Code 1999, is amended to read as
38 follows:
39 (1) For mental health service management, the
40 county may either directly implement a system of
41 service management and contract with service
42 providers, or contract with a private entity to manage
43 the system, provided all requirements of this lettered
44 paragraph are met by the private entity. The mental

45 health service management shall incorporate a single
 46 entry point and clinical assessment process developed
 47 in accordance with the provisions of section 331.440.
 48 ~~The county shall submit this part of the plan to the~~
 49 ~~department of human services for approval by April 1~~
 50 ~~for the succeeding year. Initially, this part of the~~

Page 5

1 ~~plan shall be submitted to the department by April 1,~~
 2 ~~1996, and the county shall implement the approved plan~~
 3 ~~by July 1, 1996.~~

4 Sec. . Section 331.439, subsection 1,
 5 paragraphs d and e, Code 1999, are amended to read as
 6 follows:

7 d. For mental retardation and developmental
 8 disabilities services management, the county must
 9 either develop and implement a managed system of care
 10 which addresses a full array of appropriate services
 11 and cost-effective delivery of services or contract
 12 with a state-approved managed care contractor or
 13 contractors. Any system or contract implemented under
 14 this paragraph shall incorporate a single entry point
 15 and clinical assessment process developed in
 16 accordance with the provisions of section 331.440.

17 The elements of the managed system of care and the
 18 state-approved managed care contract or contracts
 19 shall be specified in rules developed by the
 20 department of human services in consultation with the
 21 state-county management committee and adopted by the
 22 council on human services. ~~Initially, this part of~~
 23 ~~the plan shall be submitted to the department for~~
 24 ~~approval on or before October 1, 1996, and shall be~~
 25 ~~implemented on or before January 1, 1997. In fiscal~~
 26 ~~years succeeding the fiscal year of initial~~

27 ~~implementation, this part of the plan shall be~~
 28 ~~submitted to the department of human services for~~
 29 ~~approval by April 1 for the succeeding fiscal year.~~

30 e. ~~Changes to the approved plan are submitted at~~
 31 ~~least sixty days prior to the proposed change and are~~
 32 ~~not to be implemented prior to the director of human~~
 33 ~~services approval.~~

34 Sec. . EFFECTIVE DATE -- APPLICABILITY. This
 35 division of this Act takes effect July 1, 2000, except
 36 that the management plan and planning process
 37 provisions under section 331.439, as amended by this
 38 division of this Act, take effect upon enactment and
 39 are applicable for purposes of preparation and
 40 submission of the management plan by April 1, 2000,
 41 for the fiscal year beginning July 1, 2000.

42 DIVISION

43 RESIDENTIAL CARE FACILITIES FOR PERSONS WITH MENTAL

44 RETARDATION

45 Sec. ____ Section 135C.6, subsection 8, paragraphs
46 a and b, Code 1999, are amended to read as follows:
47 a. A residential program which provides care to
48 not more than four individuals and receives moneys
49 appropriated to the department of human services under
50 provisions of a federally approved home and community-

Page 6

1 based services waiver for persons with mental
2 retardation or other medical assistance program under
3 chapter 249A. In approving a residential program
4 under this paragraph, the department of human services
5 shall consider the geographic location of the program
6 so as to avoid an overconcentration of such programs
7 in an area. In order to be approved under this
8 paragraph, a residential program shall not be required
9 to involve the conversion of a licensed residential
10 care facility for persons with mental retardation.

11 b. A total of ~~twenty~~ forty residential care
12 facilities for persons with mental retardation which
13 are licensed to serve no more than five individuals
14 may be authorized by the department of human services
15 to convert to operation as a residential program under
16 the provisions of a medical assistance home and
17 community-based services waiver for persons with
18 mental retardation. A converted residential program
19 is subject to the conditions stated in paragraph "a"
20 except that the program shall not serve more than five
21 individuals. ~~The department of human services shall~~
22 ~~allocate conversion authorizations to provide for four~~
23 ~~conversions in each of the department's five service~~
24 ~~regions. If a conversion authorization allocated to a~~
25 ~~region is not used for conversion by January 1, 1998,~~
26 ~~the department of human services may reallocate the~~
27 ~~unused conversion authorization to another region.~~
28 ~~The department of human services shall study the cost~~
29 ~~effectiveness of the conversions and provide an~~
30 ~~initial report to the general assembly no later than~~
31 ~~January 2, 1998, and a final report no later than~~
32 ~~December 15, 1998."~~

33 4. Title page, by striking lines 1 through 3 and
34 inserting the following: "An Act relating to mental
35 health, mental retardation, and other developmental
36 disabilities and including effective date and
37 applicability provisions."

COMMITTEE ON HUMAN RESOURCES
NANCY J. BOETTGER, Chairperson

S-3218

- 1 Amend House File 675, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 1, through page 3,
- 4 line 1.
- 5 2. By striking page 5, line 25, through page 6,
- 6 line 15.
- 7 3. Title page, by striking lines 1 through 4 and
- 8 inserting the following: "An Act relating to school
- 9 breakfast programming."
- 10 4. By renumbering as necessary.

COMMITTEE ON EDUCATION
DONALD B. REDFERN, Chairperson

S-3219

- 1 Amend House File 472 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, lines 5 and 6, by striking the words
- 4 "and included at any time on the abstract of title".
- 5 2. Page 1, by striking lines 12 and 13, and
- 6 inserting the following: "person's ancestor on
- 7 property owned by another person,".

COMMITTEE ON LOCAL GOVERNMENT
JEFF ANGELO, Chairperson

S-3220

- 1 Amend House File 501, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 8.
- 4 2. Page 2, line 35, by striking the word "two"
- 5 and inserting the following: "one".
- 6 3. Page 3, lines 6 and 7, by striking the words
- 7 "five hundred one thousand" and inserting the
- 8 following: "five seven hundred fifty".

JEFF LAMBERTI

S-3121

- 1 Amend Senate File 399 as follows:
- 2 1. Page 1, by inserting after line 25 the
- 3 following:
- 4 "The exemption calculated for pollution control or
- 5 recycling property used for purposes related to the
- 6 care and feeding of livestock as defined in section
- 7 169C.1, and which is eligible for a family farm tax

- 8 credit as provided in chapter 425A, is limited to the
- 9 first one hundred thousand dollars in assessed value."

JOHN P. KIBBIE
 H. KAY HEDGE
 EUGENE S. FRAISE
 MERLIN E. BARTZ
 JoANN JOHNSON

S-3222

- 1 Amend Senate File 464 as follows:
- 2 1. Page 13, by striking line 26 and inserting the
- 3 following:
- 4 "..... \$ 1,235,518"

ROBERT E. DVORSKY
 JOE BOLKCOM
 WALLY E. HORN

S-3223

- 1 Amend Senate File 464 as follows:
- 2 1. Page 10, by inserting after line 2 the
- 3 following:
- 4 ". BEGINNING TEACHER INDUCTION PROGRAM
- 5 For purposes of the beginning teacher induction
- 6 program as provided in section 256E.2, if enacted:
- 7 \$ 250,000
- 8 Funds appropriated in this subsection are in
- 9 addition to funds appropriated in section 1 of 1999
- 10 Iowa Acts, Senate File 232, if enacted."
- 11 2. By renumbering, relettering, and redesignating
- 12 as necessary.

BILL FINK
 BETTY A. SOUKUP
 ROBERT E. DVORSKY
 WALLY E. HORN

S-3224

- 1 Amend Senate File 464 as follows:
- 2 1. Page 24, by inserting after line 12 the
- 3 following:
- 4 "DEPARTMENT OF HUMAN SERVICES
- 5 Sec. . There is appropriated from the general
- 6 fund of the state to the department of human services
- 7 for the fiscal year beginning July 1, 1999, and ending
- 8 June 30, 2000, the following amount, or so much
- 9 thereof as is necessary, to be used for the purpose
- 10 designated:

- 11 For child and family services:
 12 \$ 630,000
 13 Funds appropriated in this section shall be
 14 allocated to provide school-based supervision of
 15 children adjudicated under chapter 232, and are in
 16 addition to funds appropriated for this purpose by a
 17 provision in any Act of the Seventy-eighth General
 18 Assembly, 1999 Session."
 19 2. By renumbering, relettering, and redesignating
 20 as necessary.

JOHNIE HAMMOND
 ROBERT E. DVORSKY
 MARK SHEARER
 WALLY E. HORN

HOUSE AMENDMENT TO
 SENATE FILE 216

S-3225

- 1 Amend Senate File 216, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 5, by striking the words "is
 4 authorized," and inserting the following: "or
 5 attorney general is authorized upon the occurrence of
 6 a recent overt act, or upon receiving written notice
 7 pursuant to section 229A.3, or".
 8 2. Page 2, line 10, by inserting after the word
 9 "prosecuting attorney" the following: "or attorney
 10 general".
 11 3. Page 2, line 18, by inserting after the word
 12 "attorney" the following: "or attorney general".
 13 4. Page 2, line 24, by inserting after the word
 14 "attorney" the following: "or attorney general".
 15 5. Page 2, line 29, by inserting after the word
 16 "attorney" the following: "or attorney general".
 17 6. Page 6, by striking lines 9 through 15 and
 18 inserting the following:
 19 "b. Data sealed in accordance with this section
 20 shall be expunged eight years after the date the data
 21 was sealed. However, if the report data and the
 22 disposition data involve child abuse as defined in
 23 section 232.68, subsection 2, paragraphs "c" and "e",
 24 the data shall not be expunged for a period of thirty
 25 years. Sealed data shall be made available to the
 26 department of justice upon request if the prosecutor's
 27 review committee is reviewing records or if a
 28 prosecuting attorney has filed a petition to commit a
 29 sexually violent predator under chapter 229A.
 30 Sec. ____ EFFECTIVE DATE. This Act, being deemed
 31 of immediate importance, takes effect upon enactment."

- 32 7. Title page, line 8, by striking the words "and
33 providing" and inserting the following: "providing".
34 8. Title page, line 9, by inserting after the
35 word "reports" the following: "; and providing an
36 effective date".
37 9. By renumbering, relettering, or redesignating
38 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 149

S-3226

- 1 Amend Senate File 149 as follows:
2 1. Page 1, line 19, by inserting after the word
3 "vehicles" the following: ", except motor homes,".

HOUSE AMENDMENT TO
SENATE FILE 106

S-3227

- 1 Amend Senate File 106, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 18 and 19 and
4 inserting the following: "standards set forth in
5 section 104A.6. In every covered multiple-dwelling-
6 unit".
7 2. Page 1, line 21, by striking the words "shall
8 meet".
9 3. Page 1, line 22, by striking the words "~~shall~~
10 ~~be met~~" and inserting the following: "shall be met".
11 4. Page 1, by striking lines 23 through 26 and
12 inserting the following: "However, this chapter shall
13 not apply to a building, or to structures or
14 facilities within the building, if the primary use of
15 the building is to serve as a place of worship."
16 5. Title page, line 1, by striking the word
17 "elevators" and inserting the following: "church
18 buildings".

HOUSE AMENDMENT TO
SENATE FILE 338

S-3228

- 1 Amend Senate File 338, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, lines 2 and 3, by striking the words
4 "for the direct costs of providing repairs" and
5 inserting the following: "other than that provided
6 for under subsection 3".

S-3229

- 1 Amend Senate File 464 as follows:
 2 1. Page 24, by inserting after line 12 the
 3 following:
 4 "Sec. . Section 256.7, subsection 21, paragraph
 5 a, Code 1999, is amended to read as follows:
 6 a. Requirements that all school districts and
 7 accredited nonpublic schools develop, implement, and
 8 file with the department a comprehensive school
 9 improvement plan that includes, but is not limited to,
 10 demonstrated school, parental, and community
 11 involvement in assessing educational needs,
 12 establishing local education standards and student
 13 achievement levels, and, as applicable, the
 14 consolidation of federal and state planning, goal-
 15 setting, and reporting requirements. The state board
 16 shall also require that school districts and
 17 accredited nonpublic schools implement a policy which
 18 requires a student to be able to satisfactorily
 19 demonstrate that the student is able to adequately
 20 read, write, and perform basic mathematical
 21 computation skills prior to graduation."

STEVEN D. HANSEN
 WALLY E. HORN

S-3230

- 1 Amend Senate File 464 as follows:
 2 1. Page 1, by striking line 28 and inserting the
 3 following:
 4 "..... \$ 1,000,000"
 5 2. Page 1, by striking line 32 and inserting the
 6 following:
 7 "..... \$ 100,000"

JOHN P. KIBBIE
 STEVEN D. HANSEN
 DENNIS H. BLACK
 BILL FINK
 PATRICK J. DELUHERY
 WALLY E. HORN

S-3231

- 1 Amend Senate File 464 as follows:
 2 1. Page 5, by striking line 15 and inserting the
 3 following:
 4 "..... \$ 6,631,873"

ELAINE SZYMONIAK
ROBERT E. DVORSKY

S-3232

- 1 Amend Senate File 464 as follows:
- 2 1. Page 20, by striking lines 10 and 11 and
- 3 inserting the following:
- 4 "..... \$ 83,572,982
- 5 FTEs 1,406.86"
- 6 2. By renumbering as necessary.

PATRICIA M. HARPER
BETTY A. SOUKUP
ROBERT E. DVORSKY
WALLY E. HORN

S-3233

- 1 Amend Senate File 464 as follows:
- 2 1. Page 7, by striking line 6 and inserting the
- 3 following:
- 4 "..... \$ 3,303,168"
- 5 2. Page 7, by striking line 17 and inserting the
- 6 following:
- 7 "..... \$ 1,000,000"

MICHAEL W. CONNOLLY
PATRICK J. DELUHERY
TOM FLYNN
JOHN JUDGE
JOE BOLKCOM
MARK SHEARER
BETTY A. SOUKUP
BILL FINK
WALLY E. HORN

S-3234

- 1 Amend Senate File 464 as follows:
- 2 1. Page 5, by striking line 5 and inserting the
- 3 following:
- 4 "..... \$ 805,396"
- 5 2. Page 7, by striking line 6 and inserting the
- 6 following:
- 7 "..... \$ 3,303,168"
- 8 3. By striking page 11, line 31, through page 12,
- 9 line 23.
- 10 4. Page 31, by striking lines 16 through 18.
- 11 5. By renumbering, relettering, and redesignating
- 12 as necessary.

JOHN P. KIBBIE
 PATRICK J. DELUHERY
 JOE BOLKCOM
 ROBERT E. DVORSKY
 WALLY E. HORN

S-3235

- 1 Amend Senate File 464 as follows:
- 2 1. By striking page 12, line 24, through page 13,
- 3 line 15.
- 4 2. By renumbering as necessary.

JOHN P. KIBBIE
 DENNIS H. BLACK
 JOHNNIE HAMMOND
 WALLY E. HORN
 PATRICK J. DELUHERY
 JOE BOLKCOM
 ROBERT E. DVORSKY

S-3236

- 1 Amend Senate File 464 as follows:
- 2 1. Page 25, line 18, by striking the words "six
- 3 hundred sixty-four" and inserting the following: "~~six~~
- 4 nine hundred sixty-four fourteen".

MICHAEL W. CONNOLLY
 MATT McCOY
 PATRICK J. DELUHERY
 TOM FLYNN
 JOHN JUDGE
 MARK SHEARER
 BETTY A. SOUKUP
 ROBERT E. DVORSKY
 WALLY E. HORN

S-3237

- 1 Amend Senate File 464 as follows:
- 2 1. Page 2, by inserting after line 1 the
- 3 following:
- 4 " IOWA WORKER RETRAINING FORGIVABLE LOAN
- 5 PROGRAM
- 6 For the Iowa worker retraining forgivable loan
- 7 program, as established in section 261.114:
- 8 \$ 1,750,000"
- 9 2. Page 3, by inserting after line 6 the
- 10 following:
- 11 "Sec. . FISCAL YEAR 1999-2000 OCCUPATIONAL
- 12 SHORTAGE AREAS. Notwithstanding section 261.114,

13 subsection 2, for the fiscal year beginning July 1,
14 1999, and ending June 30, 2000, the Iowa workforce
15 development board, in consultation with the
16 departments of education and economic development and
17 the college student aid commission, shall designate
18 skill shortage areas for purposes of the Iowa worker
19 retraining forgivable loan program."

20 3. Page 28, by inserting after line 13 the
21 following:

22 "Sec. **NEW SECTION. 261.114 IOWA WORKER**
23 **RETRAINING FORGIVABLE LOAN PROGRAM.**

24 1. An Iowa worker retraining forgivable loan
25 program is established to be administered by the
26 college student aid commission. An individual is
27 eligible for the forgivable loan program if the
28 individual is a resident of this state who is enrolled
29 at a community college as established under chapter
30 260C, an institution of higher learning under the
31 control of the state board of regents, or an
32 accredited private institution as defined in section
33 261.9, in a designated skill area in which
34 occupational shortages are anticipated as determined
35 pursuant to subsection 2.

36 2. The governor's skills forecasting council shall
37 annually designate the skill areas in which
38 occupational shortages are anticipated. In
39 designating skills areas in which occupational
40 shortages are anticipated, the council shall consider
41 the quality of the jobs in the occupational shortage
42 area. In rating the quality of the jobs, the council
43 shall place greater emphasis on those jobs that have a
44 higher wage scale, have a lower turnover rate, are
45 full-time or career-type positions, provide
46 comprehensive health benefits, or have factors
47 associated with them that are indicative of jobs
48 higher in quality than jobs in other occupational
49 shortage areas.

50 3. Each applicant shall, in accordance with the

Page 2

1 rules of the commission, do the following:

2 a. Complete and file an application, on forms
3 provided by the commission, for an Iowa worker
4 retraining forgivable loan. The individual shall be
5 responsible for the submission of the financial
6 information required for evaluation of the applicant's
7 need for a forgivable loan, on forms determined by the
8 commission.

9 b. File a new application and financial
10 information annually on the basis of which the
11 applicant's eligibility for a renewed forgivable loan

12 will be evaluated and determined.

13 4. Forgivable loans to eligible students shall not
14 become due until after the student graduates or leaves
15 school. The individual's total loan amount, including
16 principal and interest, shall be reduced by twenty-
17 five percent for each year in which the individual
18 remains an Iowa resident and is employed in Iowa in
19 the skill shortage area for which the loan was
20 approved. If the commission determines that the
21 person does not meet the criteria for forgiveness of
22 the principal and interest payments, the commission
23 shall establish a plan for repayment of the principal
24 and interest over a five-year period. If a person
25 required to make the repayment does not make the
26 required payments, the commission shall provide for
27 payment collection.

28 5. The amount of an Iowa worker retraining
29 forgivable loan shall not exceed one thousand five
30 hundred dollars annually, or the amount of the
31 student's established financial need, whichever is
32 less. However, if the loan amount approved by the
33 commission exceeds the student's expenses for tuition,
34 room and board, and mandatory fees, the balance shall
35 be distributed to the student for whom the loan was
36 made. However, the commission may exceed the maximum
37 loan amount based upon the demand for loans or an
38 extraordinary demand for trained workers in a skill
39 shortage area.

40 6. The commission shall prescribe by rule the
41 interest rate for the forgivable loan.

42 7. An Iowa worker retraining forgivable loan fund
43 is created for deposit of payments made by forgivable
44 loan recipients who do not fulfill the conditions of
45 the forgivable loan program, or by businesses who wish
46 to contribute financial assistance on behalf of
47 current or former employees. Notwithstanding section
48 8.33, moneys deposited in the fund shall not revert to
49 the general fund of the state at the end of any fiscal
50 year but shall remain in the forgivable loan fund and

Page 3

1 be continuously available to make additional loans
2 under the program. Notwithstanding section 12C.7,
3 subsection 2, interest or earnings on moneys deposited
4 in the Iowa worker retraining forgivable loan fund
5 shall be credited to the fund.

6 8. The commission shall adopt rules for
7 determining financial need, defining tuition and
8 mandatory fees, defining residence for the purposes of
9 this section, processing and approving applications
10 for loan forgiveness, and determining priority of loan

11 forgiveness. The commission shall give priority to
 12 students who have the greatest demonstrated financial
 13 need, who wish to upgrade their skills, and who are
 14 earning not more than two dollars over the minimum
 15 wage as established in section 91D.1. The commission
 16 shall also give priority to a person whose present or
 17 former employer contributes financial assistance as
 18 provided in subsection 7 on behalf of the person, and
 19 the level of priority shall be based upon the amount
 20 of the present or former employer's contribution."
 21 4. By renumbering, relettering, and redesignating
 22 as necessary.

MICHAEL E. GRONSTAL
 JOHN P. KIBBIE
 DENNIS H. BLACK
 DICK L. DEARDEN
 WALLY E. HORN
 MARK SHEARER
 ROBERT E. DVORSKY

S-3238

1 Amend Senate File 464 as follows:
 2 1. Page 10, by inserting after line 2 the
 3 following:
 4 ". NATIONAL ASSESSMENT FOR EDUCATION PROGRESS
 5 For participation in the national assessment for
 6 education progress:
 7 \$ 50,000
 8 IMPROVING TEACHER STANDARDS
 9 For participation in a state collaborative
 10 assessment and in the interstate new teacher
 11 assessment and support consortium (INTASC):
 12 \$ 125,000"
 13 2. Page 29, by striking lines 6 through 10.
 14 3. By renumbering, relettering, and redesignating
 15 as necessary.

PATRICIA M. HARPER
 PATRICK J. DELUHERY
 WALLY E. HORN

S-3239

1 Amend Senate File 464 as follows:
 2 1. Page 10, by inserting after line 2 the
 3 following:
 4 ". NATIONAL BOARD CERTIFICATION AWARDS
 5 For the issuance of national board certification
 6 awards in accordance with section 256.44:
 7 \$ 1,000,000"

- 8 2. Page 29, by striking lines 1 through 5.
9 3. By renumbering, relettering, and redesignating as
10 necessary.

PATRICIA M. HARPER
PATRICK J. DELUHERY
ROBERT E. DVORSKY
BILL FINK
WALLY E. HORN

S-3240

1 Amend Senate File 464 as follows:

2 1. Page 24, by inserting after line 12 the
3 following:

4 "Section . NEW SECTION. 16.110 IOWA SCHOOL
5 DISTRICT REVOLVING LOAN FUND PROGRAM -- DEFINITIONS.

6 1. The Iowa school district revolving loan fund
7 program is established for the purpose of making loans
8 available to school districts to finance all or part
9 of the costs of a project. The purpose of the program
10 is to provide a means for Iowa schools to reduce their
11 long-term borrowing costs and thus reduce costs to
12 taxpayers.

13 2. The authority shall process, review, and
14 approve loan applications which satisfy the rules
15 adopted by the authority in implementing the Iowa
16 school district revolving loan fund program. The
17 school districts to which loans are to be made, the
18 purposes of the loan, the amount of each loan, the
19 interest rate of the loan, and the repayment terms of
20 the loan shall be determined by the authority in
21 accordance with its rules.

22 3. For purposes of this section and sections
23 16.111 through 16.114, "project" means any undertaking
24 by a school district for which financing is authorized
25 under chapter 296 or 298 to the extent the project
26 replaces, alters, or repairs a school building to
27 provide reasonable safety from fire and other hazards,
28 including all costs and expenses associated with
29 authorization for, and commencement of, a project.
30 "School district" means a public school district as
31 governed by chapter 274.

32 Sec. . NEW SECTION. 16.111 REVOLVING LOAN
33 FUND ESTABLISHED.

34 1. The Iowa school district revolving loan fund is
35 established in the state treasury under the control of
36 the authority. The revolving loan fund shall include
37 sums appropriated to the fund by the general assembly
38 and all receipts from loans made to school districts
39 by the authority, and any other sums designated for
40 deposit in the revolving loan fund from any public or

41 private source. All moneys appropriated to and
42 deposited in the revolving loan fund are appropriated
43 and shall be used for the sole purpose of making loans
44 to school districts to finance all or part of the cost
45 of projects. Moneys in the fund may also be used to
46 pay the costs and expenses associated with
47 administration of the Iowa school district revolving
48 loan fund program. A loan made to a school district
49 from the revolving loan fund is an indebtedness of the
50 school district within the meaning of any

Page 2

1 constitutional or statutory school district debt
2 limitation in effect at the time the loan agreement is
3 made.

4 2. The moneys in the revolving loan fund are not
5 considered part of the general fund of the state, are
6 not subject to appropriation for any other purpose by
7 the general assembly, and in determining a general
8 fund balance shall not be included in the general fund
9 of the state but shall remain in the revolving loan
10 fund to be used for its respective purposes. The Iowa
11 school district revolving loan fund is a separate
12 dedicated fund under the administration and control of
13 the authority and subject to section 16.31. Moneys on
14 deposit in the fund shall be invested by the treasurer
15 of state in cooperation with the authority, and the
16 income from the investments shall be credited to and
17 deposited in the fund.

18 3. The authority may establish and maintain other
19 funds or accounts determined to be necessary to carry
20 out the purposes of sections 16.110 through 16.114 and
21 shall provide for the funding, administration,
22 investment, restrictions, and disposition of the funds
23 and accounts.

24 Sec. NEW SECTION. 16.112 BONDS AND NOTES
25 ISSUED BY AUTHORITY.

26 1. The authority may issue its bonds and notes for
27 the purpose of funding the revolving loan fund
28 established in section 16.111. The authority may
29 enter into one or more lending agreements or purchase
30 agreements with one or more bondholders or noteholders
31 containing the terms and conditions of the repayment
32 of and the security for the bonds or notes. The
33 authority and the bondholders or noteholders or a
34 trustee agent designated by the authority may enter
35 into agreements to provide for any of the following:
36 a. That the proceeds of the bonds and notes and
37 the investments of the proceeds may be received, held,
38 and disbursed by the authority or by a trustee or
39 agent designated by the authority.

40 b. That the bondholders or noteholders or a
41 trustee or agent designated by the authority may
42 collect, invest, and apply the amount payable under
43 the loan agreements or any other instruments securing
44 the debt obligations under the loan agreements.
45 c. That the bondholders or noteholders may enforce
46 the remedies provided in the loan agreements or other
47 instruments on their own behalf without the
48 appointment or designation of a trustee. If there is
49 a default in the principal of or interest on the bonds
50 or notes or in the performance of any agreement

Page 3

1 contained in the loan agreements or other instruments,
2 the payment or performance may be enforced in
3 accordance with the loan agreement or other
4 instrument.

5 d. Other terms and conditions as deemed necessary
6 or appropriate by the authority.

7 2. The powers granted the authority under this
8 section are in addition to other powers contained in
9 this chapter. All other provisions of this chapter,
10 except section 16.28, subsection 4, apply to bonds or
11 notes issued and powers granted to the authority under
12 this section except to the extent they are
13 inconsistent with this section.

14 3. All bonds or notes issued by the authority in
15 connection with the program are exempt from taxation
16 by this state and the interest on the bonds or notes
17 is exempt from state income tax.

18 Sec. . NEW SECTION. 16.113 SECURITY --
19 RESERVE FUNDS -- PLEDGES -- NONLIABILITY --
20 IRREVOCABLE CONTRACTS.

21 1. The authority may provide in the resolution,
22 trust agreement, or other instrument authorizing the
23 issuance of its bonds or notes pursuant to section
24 16.112 that the principal of, premium, and interest on
25 the bonds or notes are payable from any of the
26 following and may pledge the same to its bonds and
27 notes:

28 a. The income and receipts or other moneys derived
29 from the projects financed with the proceeds of the
30 bonds or notes.

31 b. The income and receipts or other moneys derived
32 from designated projects whether or not the projects
33 are financed in whole or in part with the proceeds of
34 the bonds or notes.

35 c. The authority's income and receipts or other
36 assets generally, or a designated part or parts of
37 them.

38 2. The authority may establish reserve funds to

39 secure one or more issues of its bonds or notes. The
40 authority may deposit in a reserve fund established
41 under this subsection the proceeds of the sale of its
42 bonds or notes and other moneys which are made
43 available from any other source.

44 3. It is the intention of the general assembly
45 that a pledge made in respect of bonds or notes shall
46 be valid and binding from the time the pledge is made,
47 that the moneys or property so pledged and received
48 after the pledge by the authority shall immediately be
49 subject to the lien of the pledge without physical
50 delivery or further act, and that the lien of the

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1 pledge shall be valid and binding as against all
2 parties having claims of any kind in tort, contract,
3 or otherwise against the authority whether or not the
4 parties have notice of the lien. The resolution,
5 trust agreement, or any other instrument by which a
6 pledge is created does not need to be recorded or
7 filed under the Iowa uniform commercial code to be
8 valid, binding, or effective against the parties.

9 4. The members of the authority or persons
10 executing the bonds or notes are not personally liable
11 on the bonds or notes and are not subject to personal
12 liability or accountability by reason of the issuance
13 of the bonds or notes.

14 5. The bonds or notes issued by the authority are
15 not an indebtedness or other liability of the state or
16 of a political subdivision of the state within the
17 meaning of any constitutional or statutory debt
18 limitations but are special obligations of the
19 authority, and are payable solely from the income and
20 receipts or other funds or property of the authority,
21 and the amounts on deposit in the revolving loan fund,
22 and the amounts payable to the authority under its
23 loan agreements with a school district to the extent
24 that the amounts are designated in the resolution,
25 trust agreement, or other instrument of the authority
26 authorizing the issuance of the bonds or notes as
27 being available as security for such bonds or notes.
28 The authority shall not pledge the faith or credit of
29 the state or of a political subdivision of the state
30 to the payment of any bonds or notes. The issuance of
31 any bonds or notes by the authority does not directly,
32 indirectly, or contingently obligate the state or a
33 political subdivision of the state to apply moneys
34 from, or levy or pledge any form of taxation whatever
35 to, the payment of the bonds or notes.

36 6. The state pledges to and agrees with the
37 holders of bonds or notes issued under section 16.112

38 that the state will not limit or alter the rights and
 39 powers vested in the authority to fulfill the terms of
 40 a contract made by the authority with respect to the
 41 bonds or notes, or in any way impair the rights and
 42 remedies of the holders until the bonds or notes,
 43 together with the interest on them, including interest
 44 on unpaid installments of interest, and all costs and
 45 expenses in connection with an action or proceeding by
 46 or on behalf of the holders, are fully met and
 47 discharged. The authority is authorized to include
 48 this pledge and agreement of the state, as it refers
 49 to holders of bonds or notes of the authority, in a
 50 contract with the holders.

Page 5

1 Sec. . NEW SECTION. 16.114 ADOPTION OF RULES.
 2 The authority shall adopt rules pursuant to chapter
 3 17A to implement sections 16.110 through 16.113."
 4 2. Title page, line 4, by inserting after the
 5 word "regents," the following: "creating an Iowa
 6 school district revolving loan fund program and an
 7 exemption from state taxation,".

MICHAEL E. GRONSTAL
 MATT McCOY
 JOHN JUDGE
 PATRICIA M. HARPER
 JOE BOLKCOM
 ROBERT E. DVORSKY
 BILL FINK
 WALLY E. HORN

S-3241

1 Amend Senate File 464 as follows:
 2 1. Page 28, by inserting after line 13 the
 3 following:
 4 "Section . NEW SECTION. 261.130 DEFINITIONS.
 5 As used in this division, unless the context
 6 otherwise requires:
 7 1. "Commission" means the college student aid
 8 commission.
 9 2. "Education tax credit" means the federal hope
 10 scholarship credit or lifetime learning credit under
 11 section 25A of the Internal Revenue Code.
 12 3. "Eligible borrower" means a taxpayer who is
 13 reasonably expected to qualify for receiving the
 14 federal hope scholarship credit or lifetime learning
 15 credit under section 25A of the Internal Revenue Code.
 16 4. "Eligible institution" means any postsecondary
 17 educational institution described in section 418 of

18 the Higher Education Act of 1965 which is entitled to
19 participate in a program under Title IV of that Act.

20 5. "Higher Education Act of 1965" means the
21 federal Higher Education Act of 1965, as amended and
22 codified in 20 U.S.C. } 1071 et seq.

23 6. "Internal Revenue Code" means the same as
24 defined in section 422.3.

25 7. "Qualified tuition and related expenses" means
26 the same as defined in section 25A(f) of the Internal
27 Revenue Code.

28 Sec. NEW SECTION. 261.131 STUDENT BRIDGE
29 LOAN PROGRAM.

30 1. A student bridge loan program shall be
31 established by the commission to provide loans to an
32 eligible borrower to bridge the gap between the time
33 qualified tuition and related expenses for enrollment
34 or attendance at an eligible institution are incurred
35 and the time when the eligible borrower will receive
36 the benefit of an education tax credit.

37 2. An eligible borrower seeking a loan under the
38 student bridge loan program shall file an application
39 with the commission and demonstrate a need for a
40 short-term loan to pay for all or part of the
41 qualified tuition and related expenses for enrollment
42 or attendance at the eligible institution. The
43 demonstrated need for the loan shall be for not longer
44 than one school year.

45 3. The amount of the loan shall not exceed the
46 approximate amount of an educational tax credit which
47 will be claimed by the eligible borrower for the tax
48 year in which the qualified tuition and related
49 expenses will be paid.

50 4. A student bridge loan made under this program

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1 shall be used solely for payment of qualified tuition
2 and related expenses. The loan shall be repayable by
3 June 30 of the year following the tax year for which
4 the educational tax credit is claimed. Interest shall
5 not be charged on the loan until after the due date.
6 After the due date, interest shall be charged at a
7 rate equal to the rate being collected by an eligible
8 lender under the guaranteed loan payment program
9 established under section 261.44.

10 5. An eligible borrower is eligible to receive
11 student bridge loans under this program for more than
12 one school year or portion of a school year.

13 Sec. NEW SECTION. 261.132 APPROPRIATION --
14 REVOLVING FUND.

15 There is appropriated to the student bridge loan
16 program revolving fund created in the state treasury

17 and under the control of the commission the sum of
18 five million dollars for the fiscal year beginning
19 July 1, 1999.
20 Moneys appropriated to the revolving fund shall be
21 used by the commission for purposes of making student
22 bridge loans to eligible borrowers under the student
23 bridge loan program. Interest earned on moneys in the
24 revolving fund shall be credited to the revolving
25 fund, notwithstanding section 12C.7. All repayment of
26 loans made under the program shall be credited to the
27 revolving fund.
28 Notwithstanding section 8.33, all unencumbered or
29 unobligated moneys remaining at the close of any
30 fiscal year in the revolving fund shall not revert but
31 shall remain available to the commission for use of
32 the revolving fund."
33 2. Title page, line 4, by inserting after the
34 word "regents," the following: "providing for a
35 student bridge loan program,".

JOHNIE HAMMOND
EUGENE S. FRAISE
ELAINE SZYMONIAK
PATRICIA M. HARPER
ROBERT E. DVORSKY
WALLY E. HORN

S-3242

1 Amend Senate File 464 as follows:
2 1. Page 24, by inserting after line 23 the
3 following:
4 "Sec. . Section 257.8, Code 1999, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 2A. Notwithstanding the
7 calculation in subsection 2, the department of
8 management shall calculate the regular program
9 allowable growth for the budget year beginning July 1,
10 1999, by multiplying the state percent of growth for
11 the budget year by the regular program state cost per
12 pupil for the base year plus thirty-eight dollars.
13 Sec. . Section 257.10, subsection 5, Code 1999,
14 is amended to read as follows:
15 5. **COMBINED DISTRICT COST PER PUPIL.** The combined
16 district cost per pupil for a school district is the
17 sum of the regular program district cost per pupil and
18 the special education support services district cost
19 per pupil. Combined district cost per pupil does not
20 include additional allowable growth added for school
21 districts that have a negative balance of funds raised
22 for special education instruction programs, additional
23 allowable growth granted by the school budget review

24 committee for a single school year, or additional
25 allowable growth added for programs for dropout
26 prevention and for programs for gifted and talented
27 children.
28 Sec. . Section 257.42, unnumbered paragraphs 1,
29 4, and 5, Code 1999, are amended to read as follows:
30 Boards of school districts, individually or jointly
31 with the boards of other school districts, ~~requesting~~
32 ~~to use additional allowable growth for gifted and~~
33 ~~talented children programs, may shall~~ annually submit
34 program plans for gifted and talented children
35 programs and budget costs, ~~including requests for~~
36 ~~additional allowable growth for funding the programs,~~
37 to the department of education and to the applicable
38 gifted and talented children advisory council, if an
39 advisory council has been established, as provided in
40 this chapter.
41 The department of education shall adopt rules under
42 chapter 17A relating to the administration of sections
43 257.42 through 257.49. The rules shall prescribe the
44 format of program plans submitted under section 257.43
45 and shall require that programs fulfill specified
46 objectives. The department shall encourage and assist
47 school districts to provide programs for gifted and
48 talented children ~~whether or not additional allowable~~
49 ~~growth is requested under this chapter.~~
50 The department may request that the staff of the

Page 2

1 auditor of state conduct an independent program audit
2 to verify that the gifted and talented programs funded
3 ~~by additional allowable growth~~ conform to a district's
4 program plans.
5 Sec. . Section 257.43, Code 1999, is amended to
6 read as follows:
7 257.43 PROGRAM PLANS.
8 The program plans submitted by school districts
9 shall be part of the school improvement plan submitted
10 pursuant to section 256.7, subsection 21, paragraph
11 "a", and shall include all of the following:
12 1. Program goals, objectives, and activities to
13 meet the needs of gifted and talented children.
14 2. Student identification criteria and procedures.
15 3. Staff in-service education design.
16 4. Staff utilization plans.
17 5. Evaluation criteria and procedures and
18 performance measures.
19 6. Program budget.
20 7. Qualifications required of personnel
21 administering the program.
22 8. Other factors the department requires.

23 Sec. . Section 257.45, subsection 1, Code 1999,
24 is amended to read as follows:
25 1. The board of directors of a school district
26 ~~requesting to use additional allowable growth for~~
27 ~~gifted and talented children programs~~ shall submit
28 applications for approval for the programs to the
29 department not later than November 1 preceding the
30 fiscal year during which the program will be offered.
31 The board shall also submit a copy of the program
32 plans to the gifted and talented children advisory
33 council, if an advisory council has been established.
34 The department shall review the program plans and
35 shall prior to January 15 either grant approval for
36 the program or return the request for approval with
37 comments of the department included. Any unapproved
38 request for a program may be resubmitted with
39 modifications to the department not later than a date
40 established by the department. Not later than
41 February 15 the department shall notify the department
42 of management and the school budget review committee
43 of the names of the school districts for which gifted
44 and talented children programs ~~using additional~~
45 ~~allowable growth for funding~~ have been approved and
46 the approved budget of each program listed separately
47 for each school district having an approved program.
48 Sec. . Section 257.46, Code 1999, is amended to
49 read as follows:
50 257.46 FUNDING.

Page 3

1 The budget of an approved gifted and talented
2 children program for a school district, after
3 subtracting funds received from other sources for that
4 purpose, shall be funded annually on a basis of one-
5 fourth or more from the district cost of the school
6 district ~~and up to three fourths by an increase in~~
7 ~~allowable growth as defined in section 257.8. The~~
8 ~~approved budget for a gifted and talented children~~
9 ~~program shall not exceed an amount equal to one and~~
10 ~~twenty-four hundredths percent of the district cost~~
11 ~~per pupil of the district for the base year multiplied~~
12 ~~by the budget enrollment of the district for the~~
13 ~~budget year. Annually, the department of management~~
14 ~~shall establish a modified allowable growth for each~~
15 ~~such district equal to the difference between the~~
16 ~~approved budget for the gifted and talented children~~
17 ~~program for that district and the sum of the amount~~
18 ~~funded from the district cost of the school district~~
19 ~~plus funds received from other sources.~~
20 If any portion of the gifted and talented program
21 budget remains unexpended at the end of the budget

22 year, ~~the part of the remainder equal to the~~
 23 ~~proportion of the original budget which was funded by~~
 24 ~~an increase in allowable growth, as defined in section~~
 25 ~~257.8,~~ shall be carried over to the subsequent budget
 26 year and added to the gifted and talented program
 27 budget for that year."
 28 2. By renumbering as necessary.

ELAINE SZYMONIAK
 ROBERT E. DVORSKY
 BETTY A. SOUKUP
 MARK SHEARER
 WALLY E. HORN

S-3243

1 Amend Senate File 464 as follows:
 2 1. Page 26, line 9, by inserting after the word
 3 "society," the following: "Palmer college of
 4 chiropractic."

PATRICK J. DELUHERY

S-3244

1 Amend Senate File 464 as follows:
 2 1. Page 9, by striking line 6 and inserting the
 3 following:
 4 "..... \$ 7,885,410"
 5 2. Page 28, line 14, by striking the figures and
 6 word "6, 11, and 12" and inserting the following: "6
 7 and 11".
 8 3. Page 28, by striking lines 29 through 33.
 9 4. By renumbering as necessary.

DENNIS H. BLACK
 PATRICK J. DELUHERY
 BILL FINK
 ROBERT E. DVORSKY
 BETTY A. SOUKUP
 JOE BOLKCOM
 WALLY E. HORN

S-3245

1 Amend Senate File 464 as follows:
 2 1. Page 28, by inserting after line 13 the
 3 following:
 4 "Sec. 201. NEW SECTION. 285.7 TRANSPORTATION
 5 ASSISTANCE FUND.
 6 1. A transportation assistance fund is established
 7 in the office of the treasurer of state under the

8 authority of the department of education to provide
9 additional transportation funding assistance to school
10 districts incurring transportation costs which exceed
11 one hundred fifty percent of the statewide average
12 transportation cost as provided in subsection 2.
13 2. To be eligible for additional transportation
14 funding assistance pursuant to this section, a school
15 district's average transportation cost per pupil shall
16 exceed one hundred fifty percent of the state average
17 transportation cost per pupil. A school district
18 shall annually determine and certify the district's
19 average transportation cost per pupil to the school
20 budget review committee as provided in section 257.31,
21 subsection 17, paragraphs "b" and "c". The school
22 budget review committee shall certify to the
23 department of management a list of all school
24 districts exceeding one hundred fifty percent of the
25 state average transportation cost per pupil, as
26 determined by the school budget review committee
27 pursuant to section 257.31, subsection 17, paragraph
28 "c", and the amount by which each school district
29 exceeds one hundred fifty percent of the state average
30 transportation cost amount.

31 3. a. (1) There is appropriated for the fiscal
32 year beginning July 1, 1999, and ending June 30, 2000,
33 from the general fund of the state to the department
34 of education, two million five hundred thousand
35 dollars to be deposited in the transportation
36 assistance fund for distribution as additional
37 transportation funding assistance pursuant to this
38 section.

39 (2) There is appropriated annually for the fiscal
40 year beginning July 1, 2000, and succeeding fiscal
41 years, from the general fund of the state to the
42 department of education, an amount not exceeding four
43 million dollars, less the amounts in paragraph "b", to
44 be deposited in the transportation assistance fund for
45 distribution as additional transportation funding
46 assistance pursuant to this section.

47 b. Notwithstanding section 8.33, funds
48 appropriated in paragraph "a" for the prior fiscal
49 year which remain unexpended or unobligated on June 30
50 of the fiscal year for which the funds were

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1 appropriated shall not revert but shall remain
2 available for expenditure for the purposes of this
3 section in subsequent fiscal years. The amount
4 appropriated for a fiscal year in paragraph "a" shall
5 be reduced by that amount which, after taking into
6 account funds transferred to the school budget review

7 committee in accordance with section 321.34,
8 subsection 22, and any remaining balance of unexpended
9 funds appropriated under this subsection for the prior
10 fiscal year which did not revert.

11 4. Additional transportation funding assistance
12 shall be distributed, in an amount determined by the
13 department of management, to eligible school districts
14 in an amount up to, but not exceeding, a maximum of
15 fifty cents of transportation assistance for each
16 dollar by which a school district's average
17 transportation cost per pupil exceeds one hundred
18 fifty percent of the state average transportation cost
19 per pupil amount, as determined in subsection 2. If
20 the amount appropriated under this section is
21 insufficient to pay the amount of transportation
22 assistance to which all eligible school districts are
23 otherwise entitled, the department shall prorate the
24 amount of additional transportation funding assistance
25 provided to each eligible school district. A school
26 district receiving additional transportation funding
27 assistance pursuant to this section may apply to the
28 school budget review committee for transportation
29 assistance aid pursuant to section 257.31, subsection
30 17. The school budget review committee shall take
31 into account amounts received pursuant to this section
32 in determining whether, or by what amount, to grant a
33 request."

34 2. Page 31, by inserting after line 18 the
35 following:

36 " . Section 201 of this Act, relating to
37 transportation assistance, being deemed of immediate
38 importance, takes effect upon enactment for the
39 computation of state school aid for budget years
40 beginning on or after July 1, 1999."

TOM FLYNN
JOHN P. KIBBIE
JOHN JUDGE
BETTY A. SOUKUP
MARK SHEARER
WALLY E. HORN
BILL FINK
EUGENE S. FRAISE

S-3246

1 Amend Senate File 464 as follows:

2 1. Page 24, by inserting after line 12 the
3 following:

4 "Sec. NEW SECTION. 16.110 IOWA SCHOOL
5 DISTRICT REVOLVING LOAN FUND PROGRAM -- DEFINITIONS.

6 1. The Iowa school district revolving loan fund

7 program is established for the purpose of making loans
8 available to school districts to finance all or part
9 of the costs of a project. The purpose of the program
10 is to provide a means for Iowa schools to reduce their
11 long-term borrowing costs and thus reduce costs to
12 taxpayers.

13 2. The authority shall process, review, and
14 approve loan applications which satisfy the rules
15 adopted by the authority in implementing the Iowa
16 school district revolving loan fund program. The
17 school districts to which loans are to be made, the
18 purposes of the loan, the amount of each loan, the
19 interest rate of the loan, and the repayment terms of
20 the loan shall be determined by the authority in
21 accordance with its rules.

22 3. For purposes of this section and sections
23 16.111 through 16.114, "project" means any undertaking
24 by a school district for which financing is authorized
25 under chapter 296 or 298, including all costs and
26 expenses associated with authorization for, and
27 commencement of, a project. "School district" means a
28 public school district as governed by chapter 274.
29 Sec. NEW SECTION. 16.111 REVOLVING LOAN
30 FUND ESTABLISHED.

31 1. The Iowa school district revolving loan fund is
32 established in the state treasury under the control of
33 the authority. The revolving loan fund shall include
34 sums appropriated to the fund by the general assembly
35 and all receipts from loans made to school districts
36 by the authority, and any other sums designated for
37 deposit in the revolving loan fund from any public or
38 private source. All moneys appropriated to and
39 deposited in the revolving loan fund are appropriated
40 and shall be used for the sole purpose of making loans
41 to school districts to finance all or part of the cost
42 of projects. Moneys in the fund may also be used to
43 pay the costs and expenses associated with
44 administration of the Iowa school district revolving
45 loan fund program. A loan made to a school district
46 from the revolving loan fund is an indebtedness of the
47 school district within the meaning of any
48 constitutional or statutory school district debt
49 limitation in effect at the time the loan agreement is
50 made.

Page 2

1 2. The moneys in the revolving loan fund are not
2 considered part of the general fund of the state, are
3 not subject to appropriation for any other purpose by
4 the general assembly, and in determining a general
5 fund balance shall not be included in the general fund

6 of the state but shall remain in the revolving loan
7 fund to be used for its respective purposes. The Iowa
8 school district revolving loan fund is a separate
9 dedicated fund under the administration and control of
10 the authority and subject to section 16.31. Moneys on
11 deposit in the fund shall be invested by the treasurer
12 of state in cooperation with the authority, and the
13 income from the investments shall be credited to and
14 deposited in the fund.

15 3. The authority may establish and maintain other
16 funds or accounts determined to be necessary to carry
17 out the purposes of sections 16.110 through 16.114 and
18 shall provide for the funding, administration,
19 investment, restrictions, and disposition of the funds
20 and accounts.

21 Sec. NEW SECTION. 16.112 BONDS AND NOTES
22 ISSUED BY AUTHORITY.

23 1. The authority may issue its bonds and notes for
24 the purpose of funding the revolving loan fund
25 established in section 16.111. The authority may
26 enter into one or more lending agreements or purchase
27 agreements with one or more bondholders or noteholders
28 containing the terms and conditions of the repayment
29 of and the security for the bonds or notes. The
30 authority and the bondholders or noteholders or a
31 trustee agent designated by the authority may enter
32 into agreements to provide for any of the following:

33 a. That the proceeds of the bonds and notes and
34 the investments of the proceeds may be received, held,
35 and disbursed by the authority or by a trustee or
36 agent designated by the authority.

37 b. That the bondholders or noteholders or a
38 trustee or agent designated by the authority may
39 collect, invest, and apply the amount payable under
40 the loan agreements or any other instruments securing
41 the debt obligations under the loan agreements.

42 c. That the bondholders or noteholders may enforce
43 the remedies provided in the loan agreements or other
44 instruments on their own behalf without the
45 appointment or designation of a trustee. If there is
46 a default in the principal or interest on the bonds
47 or notes or in the performance of any agreement
48 contained in the loan agreements or other instruments,
49 the payment or performance may be enforced in
50 accordance with the loan agreement or other

Page 3

1 instrument.

2 d. Other terms and conditions as deemed necessary
3 or appropriate by the authority.

4 2. The powers granted the authority under this

5 section are in addition to other powers contained in
6 this chapter. All other provisions of this chapter,
7 except section 16.28, subsection 4, apply to bonds or
8 notes issued and powers granted to the authority under
9 this section except to the extent they are
10 inconsistent with this section.

11 3. All bonds or notes issued by the authority in
12 connection with the program are exempt from taxation
13 by this state and the interest on the bonds or notes
14 is exempt from state income tax.

15 Sec. . NEW SECTION. 16.113 SECURITY --
16 RESERVE FUNDS -- PLEDGES -- NONLIABILITY --
17 IRREVOCABLE CONTRACTS.

18 1. The authority may provide in the resolution,
19 trust agreement, or other instrument authorizing the
20 issuance of its bonds or notes pursuant to section
21 16.112 that the principal of, premium, and interest on
22 the bonds or notes are payable from any of the
23 following and may pledge the same to its bonds and
24 notes:

25 a. The income and receipts or other moneys derived
26 from the projects financed with the proceeds of the
27 bonds or notes.

28 b. The income and receipts or other moneys derived
29 from designated projects whether or not the projects
30 are financed in whole or in part with the proceeds of
31 the bonds or notes.

32 c. The authority's income and receipts or other
33 assets generally, or a designated part or parts of
34 them.

35 2. The authority may establish reserve funds to
36 secure one or more issues of its bonds or notes. The
37 authority may deposit in a reserve fund established
38 under this subsection the proceeds of the sale of its
39 bonds or notes and other moneys which are made
40 available from any other source.

41 3. It is the intention of the general assembly
42 that a pledge made in respect of bonds or notes shall
43 be valid and binding from the time the pledge is made,
44 that the moneys or property so pledged and received
45 after the pledge by the authority shall immediately be
46 subject to the lien of the pledge without physical
47 delivery or further act, and that the lien of the
48 pledge shall be valid and binding as against all
49 parties having claims of any kind in tort, contract,
50 or otherwise against the authority whether or not the

Page 4

1 parties have notice of the lien. The resolution,
2 trust agreement, or any other instrument by which a
3 pledge is created does not need to be recorded or

4 filed under the Iowa uniform commercial code to be
5 valid, binding, or effective against the parties.

6 4. The members of the authority or persons
7 executing the bonds or notes are not personally liable
8 on the bonds or notes and are not subject to personal
9 liability or accountability by reason of the issuance
10 of the bonds or notes.

11 5. The bonds or notes issued by the authority are
12 not an indebtedness or other liability of the state or
13 of a political subdivision of the state within the
14 meaning of any constitutional or statutory debt
15 limitations but are special obligations of the
16 authority, and are payable solely from the income and
17 receipts or other funds or property of the authority,
18 and the amounts on deposit in the revolving loan fund,
19 and the amounts payable to the authority under its
20 loan agreements with a school district to the extent
21 that the amounts are designated in the resolution,
22 trust agreement, or other instrument of the authority
23 authorizing the issuance of the bonds or notes as
24 being available as security for such bonds or notes.
25 The authority shall not pledge the faith or credit of
26 the state or of a political subdivision of the state
27 to the payment of any bonds or notes. The issuance of
28 any bonds or notes by the authority does not directly,
29 indirectly, or contingently obligate the state or a
30 political subdivision of the state to apply moneys
31 from, or levy or pledge any form of taxation whatever
32 to, the payment of the bonds or notes.

33 6. The state pledges to and agrees with the
34 holders of bonds or notes issued under section 16.112
35 that the state will not limit or alter the rights and
36 powers vested in the authority to fulfill the terms of
37 a contract made by the authority with respect to the
38 bonds or notes, or in any way impair the rights and
39 remedies of the holders until the bonds or notes,
40 together with the interest on them, including interest
41 on unpaid installments of interest, and all costs and
42 expenses in connection with an action or proceeding by
43 or on behalf of the holders, are fully met and
44 discharged. The authority is authorized to include
45 this pledge and agreement of the state, as it refers
46 to holders of bonds or notes of the authority, in a
47 contract with the holders.

48 Sec. NEW SECTION. 16.114 ADOPTION OF RULES.
49 The authority shall adopt rules pursuant to chapter
50 17A to implement sections 16.110 through 16.113."

Page 5

1 2. Title page, line 4, by inserting after the
2 word "regents," the following: "creating an Iowa

- 3 school district revolving loan fund program and an
4 exemption from state taxation,".

JOHN JUDGE
BETTY A. SOUKUP
MATT McCOY
MICHAEL E. GRONSTAL
JOE BOLKCOM
PATRICIA M. HARPER
ROBERT E. DVORSKY
BILL FINK
WALLY E. HORN

S-3247

- 1 Amend Senate File 464 as follows:
2 1. Page 24, by inserting after line 12 the
3 following:
4 "Sec. NEW SECTION. 16.110 IOWA SCHOOL
5 DISTRICT REVOLVING LOAN FUND PROGRAM -- DEFINITIONS.
6 1. The Iowa school district revolving loan fund
7 program is established for the purpose of making loans
8 available to school districts to finance all or part
9 of the costs of a project. The purpose of the program
10 is to provide a means for Iowa schools to reduce their
11 long-term borrowing costs and thus reduce costs to
12 taxpayers.
13 2. The authority shall process, review, and
14 approve loan applications which satisfy the rules
15 adopted by the authority in implementing the Iowa
16 school district revolving loan fund program. The
17 school districts to which loans are to be made, the
18 purposes of the loan, the amount of each loan, the
19 interest rate of the loan, and the repayment terms of
20 the loan shall be determined by the authority in
21 accordance with its rules.
22 3. For purposes of this section and sections
23 16.111 through 16.114, "project" means any undertaking
24 by a school district for which financing is authorized
25 under chapter 296 or 298 to the extent the project
26 replaces or repairs a school building that is a danger
27 to public health or safety, or is otherwise dangerous
28 to human life, including all costs and expenses
29 associated with authorization for, and commencement
30 of, a project. However, "school district" means a
31 public school district as governed by chapter 274.
32 Sec. NEW SECTION. 16.111 REVOLVING LOAN
33 FUND ESTABLISHED.
34 1. The Iowa school district revolving loan fund is
35 established in the state treasury under the control of
36 the authority. The revolving loan fund shall include
37 sums appropriated to the fund by the general assembly

38 and all receipts from loans made to school districts
39 by the authority, and any other sums designated for
40 deposit in the revolving loan fund from any public or
41 private source. All moneys appropriated to and
42 deposited in the revolving loan fund are appropriated
43 and shall be used for the sole purpose of making loans
44 to school districts to finance all or part of the cost
45 of projects. Moneys in the fund may also be used to
46 pay the costs and expenses associated with
47 administration of the Iowa school district revolving
48 loan fund program. A loan made to a school district
49 from the revolving loan fund is an indebtedness of the
50 school district within the meaning of any

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1 constitutional or statutory school district debt
2 limitation in effect at the time the loan agreement is
3 made.

4 2. The moneys in the revolving loan fund are not
5 considered part of the general fund of the state, are
6 not subject to appropriation for any other purpose by
7 the general assembly, and in determining a general
8 fund balance shall not be included in the general fund
9 of the state but shall remain in the revolving loan
10 fund to be used for its respective purposes. The Iowa
11 school district revolving loan fund is a separate
12 dedicated fund under the administration and control of
13 the authority and subject to section 16.31. Moneys on
14 deposit in the fund shall be invested by the treasurer
15 of state in cooperation with the authority, and the
16 income from the investments shall be credited to and
17 deposited in the fund.

18 3. The authority may establish and maintain other
19 funds or accounts determined to be necessary to carry
20 out the purposes of sections 16.110 through 16.114 and
21 shall provide for the funding, administration,
22 investment, restrictions, and disposition of the funds
23 and accounts.

24 Sec. **NEW SECTION. 16.112 BONDS AND NOTES**
25 **ISSUED BY AUTHORITY.**

26 1. The authority may issue its bonds and notes for
27 the purpose of funding the revolving loan fund
28 established in section 16.111. The authority may
29 enter into one or more lending agreements or purchase
30 agreements with one or more bondholders or noteholders
31 containing the terms and conditions of the repayment
32 of and the security for the bonds or notes. The
33 authority and the bondholders or noteholders or a
34 trustee agent designated by the authority may enter
35 into agreements to provide for any of the following:
36 a. That the proceeds of the bonds and notes and

37 the investments of the proceeds may be received, held,
38 and disbursed by the authority or by a trustee or
39 agent designated by the authority.

40 b. That the bondholders or noteholders or a
41 trustee or agent designated by the authority may
42 collect, invest, and apply the amount payable under
43 the loan agreements or any other instruments securing
44 the debt obligations under the loan agreements.

45 c. That the bondholders or noteholders may enforce
46 the remedies provided in the loan agreements or other
47 instruments on their own behalf without the
48 appointment or designation of a trustee. If there is
49 a default in the principal of or interest on the bonds
50 or notes or in the performance of any agreement

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1 contained in the loan agreements or other instruments,
2 the payment or performance may be enforced in
3 accordance with the loan agreement or other
4 instrument.

5 d. Other terms and conditions as deemed necessary
6 or appropriate by the authority.

7 2. The powers granted the authority under this
8 section are in addition to other powers contained in
9 this chapter. All other provisions of this chapter,
10 except section 16.28, subsection 4, apply to bonds or
11 notes issued and powers granted to the authority under
12 this section except to the extent they are
13 inconsistent with this section.

14 3. All bonds or notes issued by the authority in
15 connection with the program are exempt from taxation
16 by this state and the interest on the bonds or notes
17 is exempt from state income tax.

18 Sec. . NEW SECTION. 16.113 SECURITY --
19 RESERVE FUNDS -- PLEDGES -- NONLIABILITY --
20 IRREVOCABLE CONTRACTS.

21 1. The authority may provide in the resolution,
22 trust agreement, or other instrument authorizing the
23 issuance of its bonds or notes pursuant to section
24 16.112 that the principal of, premium, and interest on
25 the bonds or notes are payable from any of the
26 following and may pledge the same to its bonds and
27 notes:

28 a. The income and receipts or other moneys derived
29 from the projects financed with the proceeds of the
30 bonds or notes.

31 b. The income and receipts or other moneys derived
32 from designated projects whether or not the projects
33 are financed in whole or in part with the proceeds of
34 the bonds or notes.

35 c. The authority's income and receipts or other

36 assets generally, or a designated part or parts of
37 them.
38 2. The authority may establish reserve funds to
39 secure one or more issues of its bonds or notes. The
40 authority may deposit in a reserve fund established
41 under this subsection the proceeds of the sale of its
42 bonds or notes and other moneys which are made
43 available from any other source.
44 3. It is the intention of the general assembly
45 that a pledge made in respect of bonds or notes shall
46 be valid and binding from the time the pledge is made,
47 that the moneys or property so pledged and received
48 after the pledge by the authority shall immediately be
49 subject to the lien of the pledge without physical
50 delivery or further act, and that the lien of the

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1 pledge shall be valid and binding as against all
2 parties having claims of any kind in tort, contract,
3 or otherwise against the authority whether or not the
4 parties have notice of the lien. The resolution,
5 trust agreement, or any other instrument by which a
6 pledge is created does not need to be recorded or
7 filed under the Iowa uniform commercial code to be
8 valid, binding, or effective against the parties.
9 4. The members of the authority or persons
10 executing the bonds or notes are not personally liable
11 on the bonds or notes and are not subject to personal
12 liability or accountability by reason of the issuance
13 of the bonds or notes.
14 5. The bonds or notes issued by the authority are
15 not an indebtedness or other liability of the state or
16 of a political subdivision of the state within the
17 meaning of any constitutional or statutory debt
18 limitations but are special obligations of the
19 authority, and are payable solely from the income and
20 receipts or other funds or property of the authority,
21 and the amounts on deposit in the revolving loan fund,
22 and the amounts payable to the authority under its
23 loan agreements with a school district to the extent
24 that the amounts are designated in the resolution,
25 trust agreement, or other instrument of the authority
26 authorizing the issuance of the bonds or notes as
27 being available as security for such bonds or notes.
28 The authority shall not pledge the faith or credit of
29 the state or of a political subdivision of the state
30 to the payment of any bonds or notes. The issuance of
31 any bonds or notes by the authority does not directly,
32 indirectly, or contingently obligate the state or a
33 political subdivision of the state to apply moneys
34 from, or levy or pledge any form of taxation whatever

35 to, the payment of the bonds or notes.
 36 6. The state pledges to and agrees with the
 37 holders of bonds or notes issued under section 16.112
 38 that the state will not limit or alter the rights and
 39 powers vested in the authority to fulfill the terms of
 40 a contract made by the authority with respect to the
 41 bonds or notes, or in any way impair the rights and
 42 remedies of the holders until the bonds or notes,
 43 together with the interest on them, including interest
 44 on unpaid installments of interest, and all costs and
 45 expenses in connection with an action or proceeding by
 46 or on behalf of the holders, are fully met and
 47 discharged. The authority is authorized to include
 48 this pledge and agreement of the state, as it refers
 49 to holders of bonds or notes of the authority, in a
 50 contract with the holders.

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1 Sec. NEW SECTION. 16.114 ADOPTION OF RULES.
 2 The authority shall adopt rules pursuant to chapter
 3 17A to implement sections 16.110 through 16.113."
 4 2. Title page, line 4, by inserting after the
 5 word "regents," the following: "creating an Iowa
 6 school district revolving loan fund program and an
 7 exemption from state taxation,".

MICHAEL E. GRONSTAL
 MATT McCOY
 JOHN JUDGE
 PATRICIA M. HARPER
 JOE BOLKCOM
 ROBERT E. DVORSKY
 WALLY E. HORN

S-3248

1 Amend Senate File 464 as follows:
 2 1. Page 7, line 20, by inserting after the word
 3 "division" the following: "of libraries and
 4 information services".
 5 2. By striking page 8, line 34 through page 9,
 6 line 1 and inserting the following: "increase. The
 7 division of libraries and information services shall
 8 submit a list of current regional library employees
 9 and their salaries to the department of management by
 10 August 1, 1999. The list shall be used by the
 11 department for purposes of calculating the annual
 12 salary increase need, based on the salary increases
 13 negotiated by the American federation of state,
 14 county, and municipal employees. The amount
 15 calculated by the department for salary need shall be

- 16 included in the regional library budget request
 17 submitted to the governor for the fiscal year
 18 beginning July 1, 2000, and ending June 30, 2001."
 19 3. Page 12, line 9, by inserting after the word
 20 "graduates" the following: "at no charge to the
 21 graduates".
 22 4. Page 24, by inserting after line 23 the
 23 following:
 24 "Sec. NEW SECTION. 256.67A INSURANCE
 25 ELIGIBILITY.
 26 Personnel employed by a regional library shall be
 27 considered state employees for purposes of eligibility
 28 for receiving employee health and dental insurance as
 29 provided to state employees by the department of
 30 personnel."
 31 5. By renumbering as necessary.

KITTY REHBERG

S-3249

- 1 Amend House File 700, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 3 through 5 and
 4 inserting the following:
 5 "NEW PARAGRAPH d. If a delinquent amount is owed
 6 by an account holder for water service associated with
 7 a prior property or premises, a city utility, city
 8 enterprise, or".
 9 2. Page 1, line 32, by inserting after the word
 10 "directly" the following: "to the city utility or
 11 enterprise".
 12 3. Page 2, line 11, by striking the word "ten"
 13 and inserting the following: "five".
 14 4. Page 2, line 18, by striking the word "ten"
 15 and inserting the following: "five".

ELAINE SZYMONIAK

S-3250

- 1 Amend Senate File 464 as follows:
 2 1. Page 24, by inserting after line 23 the
 3 following:
 4 "Sec. . Section 257.20, subsection 2,
 5 paragraphs a and b, Code 1999, are amended by striking
 6 the paragraphs."
 7 2. By renumbering as necessary.

ROBERT E. DVORSKY
 JOE BOLKCOM

S-3251

- 1 Amend Senate File 464 as follows:
- 2 1. Page 14, by striking lines 1 through 9.
- 3 2. By renumbering as necessary.

MICHAEL W. CONNOLLY
 WALLY E. HORN
 ROBERT E. DVORSKY
 MARK SHEARER

S-3252

- 1 Amend Senate File 464 as follows:
- 2 1. Page 18, by striking lines 33 and 34 and
- 3 inserting the following:
- 4 "..... \$188,548,896
- 5 FTEs 3,618.84"
- 6 2. By striking page 19, line 34, through page 20,
- 7 line 4, and inserting the following:
- 8 "f. World food prize
- 9 \$ 250,000"
- 10 3. By renumbering, relettering, and redesignating
- 11 as necessary.

JOHNIE HAMMOND
 BILL FINK
 WALLY E. HORN
 ROBERT E. DVORSKY

S-3253

- 1 Amend Senate File 464 as follows:
- 2 1. Page 14, by striking lines 25 and 26 and
- 3 inserting the following:
- 4 "..... \$238,144,144
- 5 FTEs 4,049.62"

ROBERT E. DVORSKY
 WALLY E. HORN
 MARK SHEARER
 JOE BOLKCOM
 MICHAEL W. CONNOLLY

S-3254

- 1 Amend House File 656, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 23 and 24, and
- 4 inserting the following: "state shall be an eligible
- 5 elector. The official shall be a resident of the".
- 6 2. Page 1, line 27, by inserting after the word

7 "exercised" the following: "for a period of time
8 beginning with the date the candidate files an
9 affidavit of candidacy for the office to the date of
10 the election at which the office is to be filled".

MICHAEL W. CONNOLLY

S-3255

1 Amend House File 656, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 23 through 27 and
4 inserting the following: "state shall be an eligible
5 elector. An elected official shall be a resident of
6 the state, district, county, township, city, or ward
7 by or for which the person was elected, or in which
8 the duties of the office are to be exercised, for
9 sixty days before the date of the election at which
10 the office is to be filled. An elected official
11 shall".

MICHAEL W. CONNOLLY

S-3256

1 Amend House File 656, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 23 and 24 and
4 inserting the following: "state shall be an eligible
5 elector. The official shall be a resident of the".
6 2. Page 1, line 27, by striking the word
7 "exercised" and inserting the following: "exercised,
8 as of the date of the election at which the office is
9 to be filled".

MICHAEL W. CONNOLLY

S-3257

1 Amend House File 199, 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. 328.36A STATE AVIATION
6 FUND.
7 There is created a fund to be known as the state
8 aviation fund, which shall consist of all moneys
9 received by the department from the use tax collected
10 on aircraft subject to registration as provided in
11 section 423.7B, together with all moneys appropriated
12 to the fund by the state.
13 Unless otherwise provided, the fund is appropriated

14 for airport engineering studies and construction of or
15 improvements to public airports.

16 Notwithstanding section 12C.7, subsection 2,
17 interest or earnings on investments or time deposits
18 of the moneys in the state aviation fund shall be
19 credited to the state aviation fund."

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

22 "Sec. . NEW SECTION. 423.7B AIRCRAFT SUBJECT
23 TO REGISTRATION.

24 The tax imposed upon the use of aircraft subject to
25 registration shall be paid by the owner of the
26 aircraft to the state department of transportation,
27 from whom the registration receipt is obtained. A
28 registration receipt for an aircraft subject to
29 registration shall not be issued until the tax has
30 been paid. The state department of transportation
31 shall require every applicant for a registration
32 receipt for an aircraft subject to registration to
33 supply information as the director deems necessary as
34 to the time of purchase, the purchase price, and other
35 information relative to the purchase of the aircraft.
36 On or before the tenth day of each month the state
37 department of transportation shall remit to the
38 department the amount of the taxes collected during
39 the preceding month.

40 Sec. . Section 423.24, Code 1999, is amended by
41 adding the following new subsection:

42 NEW SUBSECTION. 2A. All revenues derived from the
43 use tax on aircraft subject to registration as
44 collected pursuant to section 423.7B shall be
45 deposited and credited to the state aviation fund
46 created in section 328.36A."

MICHAEL W. CONNOLLY

S-3258

1 Amend the amendment, S-3218, to House File 675, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1; line 4, by inserting after the word
5 and figure "line 1" the following: "and inserting the
6 following:

7 "Sec. . Section 272.31, subsection 1, Code
8 1999, is amended by adding the following new
9 paragraph:

10 NEW PARAGRAPH. f. Valid evidence that the
11 applicant holds a current course completion card as
12 described in section 279.19B, subsection 3.

13 Sec. . Section 279.19B, Code 1999, is amended
14 to read as follows:

15 279.19B COACHING ENDORSEMENT AND AUTHORIZATION.

16 1. The board of directors of a school district may
17 employ for head coach of any interscholastic athletic
18 activities or for assistant coach of any
19 interscholastic athletic activity, an individual who
20 possesses a coaching authorization issued by the board
21 of educational examiners or possesses a teaching
22 license with a coaching endorsement issued pursuant to
23 chapter 272. However, a board of directors of a
24 school district shall consider applicants with
25 qualifications described below, in the following order
26 of priority:

27 ~~1. a.~~ A qualified individual who possesses a valid
28 teaching license with a proper coaching endorsement.

29 ~~2. b.~~ A qualified individual who possesses a
30 coaching authorization issued by the board of
31 educational examiners.

32 2. Qualifications are to be determined by the
33 board of directors or their designee on a case-by-case
34 basis.

35 3. Prior to the start of each sports season, a
36 head coach or assistant coach shall provide to the
37 board valid evidence that the coach holds a current
38 course completion card in all of the following:

39 a. American red cross or American heart
40 association infant, child, and adult cardiopulmonary
41 resuscitation or equivalent certification approved by
42 the board of educational examiners. For purposes of
43 this paragraph, "cardiopulmonary resuscitation" means
44 training and successful course completion in one
45 rescuer and two rescuer cardiopulmonary resuscitation
46 and obstructed airway procedures.

47 b. American red cross infant, child, and adult
48 first aid or equivalent certification approved by the
49 board of educational examiners.

50 For purposes of this subsection, "current course

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1 completion card" means written recognition given for
2 training and successful course completion of
3 cardiopulmonary resuscitation or first aid with an
4 expiration date or a recommended renewal date that
5 exceeds the current date.

6 4. An individual who has been issued a coaching
7 authorization or who possesses a teaching license with
8 a coaching endorsement but is not issued a teaching
9 contract under section 279.13 and who is employed by
10 the board of directors of a school district serves at
11 the pleasure of the board of directors and is not
12 subject to sections 279.13 through 279.19, and 279.27.
13 Subsection 1 of section 279.19A applies to coaching

- 14 authorizations.""
 15 2. Page 1, line 8, by inserting after the word
 16 "school" the following: "districts by affecting
 17 coaching endorsement and authorization and school".
 18 3. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-3259

- 1 Amend Senate File 468 as follows:
 2 1. Page 2, by striking line 18 and inserting the
 3 following:
 4 "..... \$ 1,881,806"

MICHAEL W. CONNOLLY
 JOHNE HAMMOND

S-3260

- 1 Amend House File 458, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, lines 9 and 10, by striking the words
 4 "who will be present at the time of the auction."

JOHN W. JENSEN
 MATT McCOY

S-3261

- 1 Amend Senate File 464 as follows:
 2 1. Page 24, by inserting after line 23 the
 3 following:
 4 "Sec. NEW SECTION. 256.29 PHYSICAL PLANT
 5 AND EQUIPMENT LEVY STATE AID PROGRAM -- APPROPRIATION.
 6 1. There is appropriated from the general fund of
 7 the state to the department of education the following
 8 amounts for the following fiscal years for allocation
 9 to school districts under the physical plant and
 10 equipment levy state aid program:
 11 a. For the fiscal year beginning July 1, 1999, and
 12 ending June 30, 2000, the sum of ten million dollars.
 13 b. For the fiscal year beginning July 1, 2000, and
 14 ending June 30, 2001, the sum of twenty million
 15 dollars.
 16 c. For the fiscal year beginning July 1, 2001, and
 17 ending June 30, 2002, the sum of thirty million
 18 dollars.
 19 d. For the fiscal year beginning July 1, 2002, and
 20 ending June 30, 2003, the sum of forty million
 21 dollars.
 22 e. For the fiscal year beginning July 1, 2003, and

23 for each succeeding fiscal year, the sum of fifty
24 million dollars.

25 2. The purpose of the physical plant and equipment
26 levy state aid program is to provide a means for Iowa
27 schools to reduce their long-term borrowing costs and
28 thus reduce costs to taxpayers. A school district
29 shall expend funds received pursuant to this section
30 for a project as defined in subsection 3.

31 3. For purposes of this section, "project" means
32 any undertaking by a school district for which
33 financing is authorized under chapter 296 or 298,
34 including all costs and expenses associated with
35 authorization for, and commencement of, a project.
36 "School district" means a public school corporation
37 organized under chapter 274.

38 4. The department shall determine the physical
39 plant and equipment levy state aid per pupil by
40 multiplying the state cost per pupil by five percent
41 minus the district assessed valuation per pupil
42 multiplied by thirty-three cents. The total physical
43 plant and equipment levy state aid shall be determined
44 by multiplying the district's budget enrollment for
45 the budget year by the district's physical plant and
46 equipment levy state aid per pupil. However, if the
47 amount appropriated in subsection 1 for a given year
48 is insufficient to provide the full amount of physical
49 plant and equipment levy state aid, the amount of
50 physical plant and equipment levy state aid allocated

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1 to each district from the appropriation made in
2 subsection 1 shall be equal to the percentage that the
3 physical plant and equipment levy state aid for the
4 district bears to the total amount of physical plant
5 and equipment levy state aid of all districts in the
6 state.

7 5. For each year in which an appropriation is made
8 to the physical plant and equipment levy state aid
9 program, the allocation to each school district shall
10 be made in one payment on or about October 15 of the
11 fiscal year for which the appropriation is made,
12 taking into consideration the relative budget and cash
13 position of the state resources. Moneys received
14 under this section shall not be commingled with state
15 aid payments made under section 257.16 to a school
16 district and shall be accounted for by the local
17 school district separately from state aid payments.
18 Payments made to school districts under this section
19 are miscellaneous income for purposes of chapter 257."

- 20 2. By renumbering, relettering, and redesignating
21 as necessary.

MICHAEL E. GRONSTAL

S-3262

- 1 Amend Senate File 468 as follows:
2 1. Page 20, by inserting after line 16 the
3 following:
4 ". For costs associated with training by the
5 Iowa coalition chapters of the Alzheimer's association
6 of state and local law enforcement personnel
7 concerning the recognition of and response to persons
8 with Alzheimer's disease:
9 \$ 70,000
10 It is the intent of the general assembly that each
11 chapter of the Alzheimer's association receiving
12 moneys as provided in this subsection shall submit
13 quarterly reports to the academy concerning the number
14 and location of training programs conducted. The
15 academy shall include this information in the report
16 required to be submitted to the general assembly as
17 provided in subsection 1."
18 2. By renumbering as necessary.

ROBERT E. DVORSKY

HOUSE AMENDMENT TO
SENATE FILE 102

S-3263

- 1 Amend Senate File 102, as passed by the Senate, as
2 follows:
3 1. Page 9, by striking lines 1 through 4.
4 2. By renumbering as necessary.

S-3264

- 1 Amend House File 672, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 10, by striking the word and
4 figure "March 15" and inserting the following: "April
5 30".
6 2. Page 1, line 16, by striking the word and
7 figure "March 15" and inserting the following: "April
8 30".
9 3. Page 1, lines 18 and 19, by striking the word
10 and figure "March 15" and inserting the following:
11 "April 30".
12 4. Page 1, line 20, by striking the word and

13 figure "March 15" and inserting the following: "April
14 30".

15 5. By striking page 1, line 30, through page 2,
16 line 1, and inserting the following: "However, if
17 public employees represented by the employee
18 organization are teachers licensed under chapter 272,
19 and the public employer is a school district or area
20 education agency, the agreement shall provide for
21 implementation of impasse procedures not later than
22 one hundred twenty days prior to ~~May 31~~ April 30 of
23 the year when the collective bargaining agreement is
24 to become effective. If the public employer is a
25 community".

26 6. Page 2, by striking lines 15 through 20 and
27 inserting the following: "budget submission date, or
28 one hundred twenty days prior to ~~May 31~~ April 30 of
29 the year when the collective bargaining agreement is
30 to become effective if public employees represented by
31 the employee organization are teachers licensed under
32 chapter 272 and the public employer is a school
33 district or area education agency, the board shall,
34 upon the request of either party,".

35 7. Page 4, by inserting after line 33 the
36 following:

37 "Sec. . Section 275.29, Code 1999, is amended
38 to read as follows:

39 275.29 DIVISION OF ASSETS AND LIABILITIES AFTER
40 REORGANIZATION.

41 Between July 1 and July 20, the board of directors
42 of the newly formed school district shall meet with
43 the boards of the school districts affected by the
44 organization of the new school corporation, including
45 the boards of districts receiving territory of the
46 school districts affected, for the purpose of reaching
47 joint agreement on an equitable division of the assets
48 of the several school corporations or parts of school
49 corporations and an equitable distribution of the
50 liabilities of the affected corporations or parts of

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1 corporations. In addition, if outstanding bonds are
2 in existence in any district, the initial board of
3 directors of the newly formed school district shall
4 meet with the boards of all school districts affected
5 prior to ~~April~~ March 15 prior to the school year the
6 reorganization is effective to determine the
7 distribution of the bonded indebtedness between the
8 districts so that the newly formed district may
9 certify its budget under the procedures specified in
10 chapter 24. The boards shall consider the mandatory
11 levy required in section 76.2 and shall assure the

- 12 satisfaction of outstanding obligations of each
 13 affected school corporation. If the petition includes
 14 plans for the distribution of the bonded indebtedness,
 15 the exclusion of territory from the reorganized
 16 district does not require action pursuant to this
 17 section."
 18 8. By striking page 4, line 34, through page 5,
 19 line 23.
 20 9. Title page, line 4, by striking the words "and
 21 notice of teacher termination".
 22 10. By renumbering as necessary.

MICHAEL W. CONNOLLY

HOUSE AMENDMENT TO
 SENATE FILE 248

S-3265

- 1 Amend Senate File 248, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 11, by striking lines 31 through 34 and
 4 inserting the following:
 5 ". Prior to obtaining a sample for the purpose
 6 of performing an HIV-related test, the subject of the
 7 test shall be provided with preliminary counseling
 8 which includes but is not limited to an explanation of
 9 the test, an explanation of the nature of AIDS and
 10 AIDS-related conditions, an explanation of the
 11 procedures to be followed, and information regarding
 12 HIV infection and risk reduction. At any time that".

S-3266

- 1 Amend House File 737, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 12, by striking lines 3 through 5.
 4 2. Page 12, by striking lines 26 through 32 and
 5 inserting the following:
 6 "b. It is the intent of the general assembly to
 7 comply with the United States congress' intent to
 8 provide education that promotes abstinence from sexual
 9 activity outside of marriage and reduces pregnancies,
 10 by focusing efforts on those persons most likely to
 11 bear children out of wedlock."
 12 3. Page 18, by inserting after line 11 the
 13 following:
 14 "Sec. Section 216A.92A, subsection 2, Code
 15 1999, is amended to read as follows:
 16 2. Commission members shall serve three-year terms
 17 which shall begin and end pursuant to section 69.19,
 18 and shall serve the entire term even if the member

19 experiences a change in the status which resulted in
20 their appointment under subsection 1. Vacancies on
21 the commission shall be filled for the remainder of
22 the term of the original appointment. Members whose
23 terms expire may be reappointed. Members of the
24 commission shall receive actual expenses for their
25 services. Members may also be eligible to receive
26 compensation as provided in section 7E.6. Members as
27 specified under subsection 1, paragraph "c", however,
28 shall receive per diem compensation as provided in
29 section 7E.6 and actual expenses. The membership of
30 the commission shall also comply with the political
31 party affiliation and gender balance requirements of
32 sections 69.16 and 69.16A."

33 4. Page 18, by inserting after line 20 the
34 following:

35 ". Of the funds appropriated in subsection 1,
36 \$20,000 shall be transferred to the office of the
37 auditor of state to perform an audit of the gambling
38 treatment program. The results of the audit shall be
39 reported to the members of the general assembly by
40 January 1, 2000."

41 5. Page 18, by striking lines 21 and 22 and
42 inserting the following:

43 "3. Funds which remain after the allocations in
44 subsections 2 and 3, if any, shall be allocated for
45 funding of administrative costs and".

46 6. Page 18, by striking lines 33 through 35 and
47 inserting the following: "sum wagered by the pari-
48 mutuel method is appropriated to the Iowa department
49 of public health for the sole purpose of funding the
50 position of deputy state medical examiner, contingent

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- 1 upon the passage of 1999 Iowa Acts, Senate File 376.
- 2 The full-time equivalent position authorizations in
- 3 this Act for the Iowa department of public health
- 4 shall be increased by 1.00 FTE position if 1999 Iowa
- 5 Acts, Senate File 376, is enacted. Moneys
- 6 appropriated in this section that remain unencumbered
- 7 or unobligated at the close of the fiscal year shall
- 8 be credited to the general fund of the state."
- 9 7. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
DERRYL McLAREN, Chairperson

S-3267

- 1 Amend House File 476, as amended, passed, and
- 2 reprinted by the House, as follows:

- 3 1. Page 2, line 1, by inserting after the word
 4 "to" the following: "a county conservation board
 5 exercising the power of eminent domain, or to".

MATT McCOY

S-3268

- 1 Amend Senate File 458 as follows:
 2 1. Page 1, line 1, by striking the letters "e,
 3 h," and inserting the following: "h".
 4 2. Page 1, by striking lines 3 through 10.

LARRY McKIBBEN
 EUGENE S. FRAISE

S-3269

- 1 Amend Senate File 464 as follows:
 2 1. Page 24, by inserting after line 12 the
 3 following:
 4 "Sec. . NEW SECTION. 16.110 IOWA SCHOOL
 5 DISTRICT REVOLVING LOAN FUND PROGRAM -- DEFINITIONS.
 6 1. The Iowa school district revolving loan fund
 7 program is established for the purpose of making loans
 8 available to school districts to finance all or part
 9 of the costs of a project. The purpose of the program
 10 is to provide a means for Iowa schools to reduce their
 11 long-term borrowing costs and thus reduce costs to
 12 taxpayers.
 13 2. The authority shall process, review, and
 14 approve loan applications which satisfy the rules
 15 adopted by the authority in implementing the Iowa
 16 school district revolving loan fund program. The
 17 school districts to which loans are to be made, the
 18 purposes of the loan, the amount of each loan, the
 19 interest rate of the loan, and the repayment terms of
 20 the loan shall be determined by the authority in
 21 accordance with its rules.
 22 3. For purposes of this section and sections
 23 16.111 through 16.115, "project" means any undertaking
 24 by a school district for which financing is authorized
 25 under chapter 296 or 298, including all costs and
 26 expenses associated with authorization for, and
 27 commencement of, a project. "School district" means a
 28 public school district as governed by chapter 274.
 29 Sec. . NEW SECTION. 16.111 REVOLVING LOAN
 30 FUND ESTABLISHED.
 31 1. The Iowa school district revolving loan fund is
 32 established in the state treasury under the control of
 33 the authority. The revolving loan fund shall include
 34 sums appropriated to the fund by the general assembly

35 and all receipts from loans made to school districts
36 by the authority, and any other sums designated for
37 deposit in the revolving loan fund from any public or
38 private source. All moneys appropriated to and
39 deposited in the revolving loan fund are appropriated
40 and shall be used for the sole purpose of making loans
41 to school districts to finance all or part of the cost
42 of projects. Moneys in the fund may also be used to
43 pay the costs and expenses associated with
44 administration of the Iowa school district revolving
45 loan fund program. A loan made to a school district
46 from the revolving loan fund is an indebtedness of the
47 school district within the meaning of any
48 constitutional or statutory school district debt
49 limitation in effect at the time the loan agreement is
50 made.

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1 2. The moneys in the revolving loan fund are not
2 considered part of the general fund of the state, are
3 not subject to appropriation for any other purpose by
4 the general assembly, and in determining a general
5 fund balance shall not be included in the general fund
6 of the state but shall remain in the revolving loan
7 fund to be used for its respective purposes. The Iowa
8 school district revolving loan fund is a separate
9 dedicated fund under the administration and control of
10 the authority and subject to section 16.31. Moneys on
11 deposit in the fund shall be invested by the treasurer
12 of state in cooperation with the authority, and the
13 income from the investments shall be credited to and
14 deposited in the fund.

15 3. The authority may establish and maintain other
16 funds or accounts determined to be necessary to carry
17 out the purposes of sections 16.110 through 16.115 and
18 shall provide for the funding, administration,
19 investment, restrictions, and disposition of the funds
20 and accounts.

21 Sec. **NEW SECTION. 16.112 BONDS AND NOTES**
22 **ISSUED BY AUTHORITY.**

23 1. The authority may issue its bonds and notes for
24 the purpose of funding the revolving loan fund
25 established in section 16.111. The authority may
26 enter into one or more lending agreements or purchase
27 agreements with one or more bondholders or noteholders
28 containing the terms and conditions of the repayment
29 of and the security for the bonds or notes. The
30 authority and the bondholders or noteholders or a
31 trustee agent designated by the authority may enter
32 into agreements to provide for any of the following:
33 a. That the proceeds of the bonds and notes and

34 the investments of the proceeds may be received, held,
35 and disbursed by the authority or by a trustee or
36 agent designated by the authority.
37 b. That the bondholders or noteholders or a
38 trustee or agent designated by the authority may
39 collect, invest, and apply the amount payable under
40 the loan agreements or any other instruments securing
41 the debt obligations under the loan agreements.
42 c. That the bondholders or noteholders may enforce
43 the remedies provided in the loan agreements or other
44 instruments on their own behalf without the
45 appointment or designation of a trustee. If there is
46 a default in the principal of or interest on the bonds
47 or notes or in the performance of any agreement
48 contained in the loan agreements or other instruments,
49 the payment or performance may be enforced in
50 accordance with the loan agreement or other

Page 3

1 instrument.
2 d. Other terms and conditions as deemed necessary
3 or appropriate by the authority.
4 2. The powers granted the authority under this
5 section are in addition to other powers contained in
6 this chapter. All other provisions of this chapter,
7 except section 16.28, subsection 4, apply to bonds or
8 notes issued and powers granted to the authority under
9 this section except to the extent they are
10 inconsistent with this section.
11 3. All bonds or notes issued by the authority in
12 connection with the program are exempt from taxation
13 by this state and the interest on the bonds or notes
14 is exempt from state income tax.
15 Sec. NEW SECTION. 16.113 SECURITY --
16 RESERVE FUNDS -- PLEDGES -- NONLIABILITY --
17 IRREVOCABLE CONTRACTS.
18 1. The authority may provide in the resolution,
19 trust agreement, or other instrument authorizing the
20 issuance of its bonds or notes pursuant to section
21 16.112 that the principal of, premium, and interest on
22 the bonds or notes are payable from any of the
23 following and may pledge the same to its bonds and
24 notes:
25 a. The income and receipts or other moneys derived
26 from the projects financed with the proceeds of the
27 bonds or notes.
28 b. The income and receipts or other moneys derived
29 from designated projects whether or not the projects
30 are financed in whole or in part with the proceeds of
31 the bonds or notes.
32 c. The authority's income and receipts or other

33 assets generally, or a designated part or parts of
34 them.

35 2. The authority may establish reserve funds to
36 secure one or more issues of its bonds or notes. The
37 authority may deposit in a reserve fund established
38 under this subsection the proceeds of the sale of its
39 bonds or notes and other moneys which are made
40 available from any other source.

41 3. It is the intention of the general assembly
42 that a pledge made in respect of bonds or notes shall
43 be valid and binding from the time the pledge is made,
44 that the moneys or property so pledged and received
45 after the pledge by the authority shall immediately be
46 subject to the lien of the pledge without physical
47 delivery or further act, and that the lien of the
48 pledge shall be valid and binding as against all
49 parties having claims of any kind in tort, contract,
50 or otherwise against the authority whether or not the

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1 parties have notice of the lien. The resolution,
2 trust agreement, or any other instrument by which a
3 pledge is created does not need to be recorded or
4 filed under the Iowa uniform commercial code to be
5 valid, binding, or effective against the parties.

6 4. The members of the authority or persons
7 executing the bonds or notes are not personally liable
8 on the bonds or notes and are not subject to personal
9 liability or accountability by reason of the issuance
10 of the bonds or notes.

11 5. The bonds or notes issued by the authority are
12 not an indebtedness or other liability of the state or
13 of a political subdivision of the state within the
14 meaning of any constitutional or statutory debt
15 limitations but are special obligations of the
16 authority, and are payable solely from the income and
17 receipts or other funds or property of the authority,
18 and the amounts on deposit in the revolving loan fund,
19 and the amounts payable to the authority under its
20 loan agreements with a school district to the extent
21 that the amounts are designated in the resolution,
22 trust agreement, or other instrument of the authority
23 authorizing the issuance of the bonds or notes as
24 being available as security for such bonds or notes.
25 The authority shall not pledge the faith or credit of
26 the state or of a political subdivision of the state
27 to the payment of any bonds or notes. The issuance of
28 any bonds or notes by the authority does not directly,
29 indirectly, or contingently obligate the state or a
30 political subdivision of the state to apply moneys
31 from, or levy or pledge any form of taxation whatever

32 to, the payment of the bonds or notes.
33 6. The state pledges to and agrees with the
34 holders of bonds or notes issued under section 16.112
35 that the state will not limit or alter the rights and
36 powers vested in the authority to fulfill the terms of
37 a contract made by the authority with respect to the
38 bonds or notes, or in any way impair the rights and
39 remedies of the holders until the bonds or notes,
40 together with the interest on them, including interest
41 on unpaid installments of interest, and all costs and
42 expenses in connection with an action or proceeding by
43 or on behalf of the holders, are fully met and
44 discharged. The authority is authorized to include
45 this pledge and agreement of the state, as it refers
46 to holders of bonds or notes of the authority, in a
47 contract with the holders.
48 Sec. ____ NEW SECTION. 16.114 APPROPRIATION.
49 1. There is appropriated from the rebuild Iowa
50 infrastructure fund to the department of education for

Page 5

1 each fiscal year the sum of ten million dollars for
2 deposit in the revolving loan fund established in
3 section 16.111.
4 2. It is the intent of the general assembly to
5 increase by ten million dollars annually the amount
6 appropriated in subsection 1 until the total amount
7 appropriated annually for purposes of the Iowa school
8 district revolving loan fund program reaches fifty
9 million dollars.
10 Sec. NEW SECTION. 16.115 ADOPTION OF RULES.
11 The authority shall adopt rules pursuant to chapter
12 17A to implement sections 16.110 through 16.114."
13 2. Title page, line 4, by inserting after the
14 word "regents," the following: "creating an Iowa
15 school district revolving loan fund program and an
16 exemption from state taxation,".

JOHN JUDGE
WALLY E. HORN
BETTY A. SOUKUP
ROBERT E. DVORSKY
MATT McCOY
PATRICIA M. HARPER
MICHAEL E. GRONSTAL
BILL FINK
JOE BOLKCOM

S-3270

- 1 Amend Senate File 136 as follows:
- 2 1. Page 38, by striking lines 13 through 25.

LARRY McKIBBEN
JoANN JOHNSON

S-3271

- 1 Amend Senate File 464 as follows:
- 2 1. Page 9, by inserting after line 27 the
- 3 following:
- 4 ". . . FAMILY RESOURCE CENTERS
- 5 For support of the family resource center
- 6 demonstration program established under chapter 256C:
- 7 \$ 120,000"
- 8 2. Page 24, by inserting after line 23 the
- 9 following:
- 10 "Sec. . Section 256C.2, unnumbered paragraphs 1
- 11 and 2, Code 1999, are amended to read as follows:
- 12 The child development coordinating council shall
- 13 develop a ~~four-year~~ grant program and the criteria and
- 14 process to be used in selecting school district grant
- 15 recipients. Criteria for the selection shall include
- 16 the service requirements contained in section 256C.3
- 17 and a method for prioritizing grant applications based
- 18 on illustrated efforts to meet the critical social
- 19 welfare needs of the children and families in the
- 20 surrounding community. Criteria for the selection
- 21 shall also include a requirement that the program
- 22 administrator, whose primary responsibility is to
- 23 administer the family resource center, have at least
- 24 two years of experience in early childhood education
- 25 or development, demonstrated skills in community
- 26 development, and a master's degree in a related field
- 27 such as community service, health, human services,
- 28 child development, parent support, or home economics,
- 29 or at least five years of experience as an
- 30 administrator of a licensed early childhood education
- 31 or development program. Critical social welfare needs
- 32 that may entitle a grant application to priority, if
- 33 the application includes methods of amelioration of an
- 34 identified community problem, shall include, but are
- 35 not limited to, a significant infant mortality rate in
- 36 the community, a significant rate of incidence of
- 37 teenage pregnancy in the community, a significant
- 38 number of single-parent families in the community that
- 39 are living below the federal poverty guidelines, a
- 40 lack of available affordable child care within the
- 41 community, a significant number of children qualifying
- 42 for free or reduced price lunches within the district,

43 and a significant illiteracy rate within the
 44 community. The department shall assist the council in
 45 creating a grant application process and shall provide
 46 technical assistance to districts chosen to establish
 47 a family resource center.
 48 A district applying for a grant under this section
 49 shall agree, for each dollar of grant funds, to
 50 provide twenty cents in matching cash or in-kind

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1 resources. ~~Grants may be awarded for four years,~~
 2 ~~beginning July 1, 1994, and ending June 30, 1998.~~ Up
 3 to ten percent of the moneys appropriated for the
 4 grant program may be used by the council for staffing,
 5 technical assistance, and external evaluation
 6 development. Notwithstanding section 8.33,
 7 unencumbered or unobligated funds remaining on June 30
 8 of the fiscal year for which the funds were
 9 appropriated shall not revert but shall be available
 10 for expenditure for the following fiscal year for the
 11 purposes of this section."
 12 3. By renumbering, relettering, and redesignating
 13 as necessary.

ELAINE SZYMONIAK
 MICHAEL W. CONNOLLY

S-3272

1 Amend Senate File 464 as follows:
 2 1. Page 24, by inserting after line 12 the
 3 following:
 4 "Section . NEW SECTION. 16.110 IOWA SCHOOL
 5 DISTRICT REVOLVING LOAN FUND PROGRAM -- DEFINITIONS.
 6 1. The Iowa school district revolving loan fund
 7 program is established for the purpose of making loans
 8 available to school districts to finance all or part
 9 of the costs of a project. The purpose of the program
 10 is to provide a means for Iowa schools to reduce their
 11 long-term borrowing costs and thus reduce costs to
 12 taxpayers.
 13 2. The authority shall process, review, and
 14 approve loan applications which satisfy the rules
 15 adopted by the authority in implementing the Iowa
 16 school district revolving loan fund program. The
 17 school districts to which loans are to be made, the
 18 purposes of the loan, the amount of each loan, the
 19 interest rate of the loan, and the repayment terms of
 20 the loan shall be determined by the authority in
 21 accordance with its rules.
 22 3. For purposes of this section and sections

23 16.111 through 16.115, "project" means any undertaking
24 by a school district for which financing is authorized
25 under chapter 296 or 298 to the extent the project
26 replaces, alters, or repairs a school building to
27 provide reasonable safety from fire and other hazards,
28 including all costs and expenses associated with
29 authorization for, and commencement of, a project.
30 "School district" means a public school district as
31 governed by chapter 274.

32 Sec. NEW SECTION. 16.111 REVOLVING LOAN
33 FUND ESTABLISHED.

34 1. The Iowa school district revolving loan fund is
35 established in the state treasury under the control of
36 the authority. The revolving loan fund shall include
37 sums appropriated to the fund by the general assembly
38 and all receipts from loans made to school districts
39 by the authority, and any other sums designated for
40 deposit in the revolving loan fund from any public or
41 private source. All moneys appropriated to and
42 deposited in the revolving loan fund are appropriated
43 and shall be used for the sole purpose of making loans
44 to school districts to finance all or part of the cost
45 of projects. Moneys in the fund may also be used to
46 pay the costs and expenses associated with
47 administration of the Iowa school district revolving
48 loan fund program. A loan made to a school district
49 from the revolving loan fund is an indebtedness of the
50 school district within the meaning of any

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1 constitutional or statutory school district debt
2 limitation in effect at the time the loan agreement is
3 made.
4 2. The moneys in the revolving loan fund are not
5 considered part of the general fund of the state, are
6 not subject to appropriation for any other purpose by
7 the general assembly, and in determining a general
8 fund balance shall not be included in the general fund
9 of the state but shall remain in the revolving loan
10 fund to be used for its respective purposes. The Iowa
11 school district revolving loan fund is a separate
12 dedicated fund under the administration and control of
13 the authority and subject to section 16.31. Moneys on
14 deposit in the fund shall be invested by the treasurer
15 of state in cooperation with the authority, and the
16 income from the investments shall be credited to and
17 deposited in the fund.
18 3. The authority may establish and maintain other
19 funds or accounts determined to be necessary to carry
20 out the purposes of sections 16.110 through 16.115 and
21 shall provide for the funding, administration,

22 investment, restrictions, and disposition of the funds
23 and accounts.

24 Sec. NEW SECTION. 16.112 BONDS AND NOTES
25 ISSUED BY AUTHORITY.

26 1. The authority may issue its bonds and notes for
27 the purpose of funding the revolving loan fund
28 established in section 16.111. The authority may
29 enter into one or more lending agreements or purchase
30 agreements with one or more bondholders or noteholders
31 containing the terms and conditions of the repayment
32 of and the security for the bonds or notes. The
33 authority and the bondholders or noteholders or a
34 trustee agent designated by the authority may enter
35 into agreements to provide for any of the following:
36 a. That the proceeds of the bonds and notes and
37 the investments of the proceeds may be received, held,
38 and disbursed by the authority or by a trustee or
39 agent designated by the authority.

40 b. That the bondholders or noteholders or a
41 trustee or agent designated by the authority may
42 collect, invest, and apply the amount payable under
43 the loan agreements or any other instruments securing
44 the debt obligations under the loan agreements.

45 c. That the bondholders or noteholders may enforce
46 the remedies provided in the loan agreements or other
47 instruments on their own behalf without the
48 appointment or designation of a trustee. If there is
49 a default in the principal or interest on the bonds
50 or notes or in the performance of any agreement

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1 contained in the loan agreements or other instruments,
2 the payment or performance may be enforced in
3 accordance with the loan agreement or other
4 instrument.

5 d. Other terms and conditions as deemed necessary
6 or appropriate by the authority.

7 2. The powers granted the authority under this
8 section are in addition to other powers contained in
9 this chapter. All other provisions of this chapter,
10 except section 16.28, subsection 4, apply to bonds or
11 notes issued and powers granted to the authority under
12 this section except to the extent they are
13 inconsistent with this section.

14 3. All bonds or notes issued by the authority in
15 connection with the program are exempt from taxation
16 by this state and the interest on the bonds or notes
17 is exempt from state income tax.

18 Sec. NEW SECTION. 16.113 SECURITY --
19 RESERVE FUNDS -- PLEDGES -- NONLIABILITY --
20 IRREVOCABLE CONTRACTS.

21 1. The authority may provide in the resolution,
22 trust agreement, or other instrument authorizing the
23 issuance of its bonds or notes pursuant to section
24 16.112 that the principal of, premium, and interest on
25 the bonds or notes are payable from any of the
26 following and may pledge the same to its bonds and
27 notes:

28 a. The income and receipts or other moneys derived
29 from the projects financed with the proceeds of the
30 bonds or notes.

31 b. The income and receipts or other moneys derived
32 from designated projects whether or not the projects
33 are financed in whole or in part with the proceeds of
34 the bonds or notes.

35 c. The authority's income and receipts or other
36 assets generally, or a designated part or parts of
37 them.

38 2. The authority may establish reserve funds to
39 secure one or more issues of its bonds or notes. The
40 authority may deposit in a reserve fund established
41 under this subsection the proceeds of the sale of its
42 bonds or notes and other moneys which are made
43 available from any other source.

44 3. It is the intention of the general assembly
45 that a pledge made in respect of bonds or notes shall
46 be valid and binding from the time the pledge is made,
47 that the moneys or property so pledged and received
48 after the pledge by the authority shall immediately be
49 subject to the lien of the pledge without physical
50 delivery or further act, and that the lien of the

Page 4

1 pledge shall be valid and binding as against all
2 parties having claims of any kind in tort, contract,
3 or otherwise against the authority whether or not the
4 parties have notice of the lien. The resolution,
5 trust agreement, or any other instrument by which a
6 pledge is created does not need to be recorded or
7 filed under the Iowa uniform commercial code to be
8 valid, binding, or effective against the parties.

9 4. The members of the authority or persons
10 executing the bonds or notes are not personally liable
11 on the bonds or notes and are not subject to personal
12 liability or accountability by reason of the issuance
13 of the bonds or notes.

14 5. The bonds or notes issued by the authority are
15 not an indebtedness or other liability of the state or
16 of a political subdivision of the state within the
17 meaning of any constitutional or statutory debt
18 limitations but are special obligations of the
19 authority, and are payable solely from the income and

20 receipts or other funds or property of the authority,
21 and the amounts on deposit in the revolving loan fund,
22 and the amounts payable to the authority under its
23 loan agreements with a school district to the extent
24 that the amounts are designated in the resolution,
25 trust agreement, or other instrument of the authority
26 authorizing the issuance of the bonds or notes as
27 being available as security for such bonds or notes.
28 The authority shall not pledge the faith or credit of
29 the state or of a political subdivision of the state
30 to the payment of any bonds or notes. The issuance of
31 any bonds or notes by the authority does not directly,
32 indirectly, or contingently obligate the state or a
33 political subdivision of the state to apply moneys
34 from, or levy or pledge any form of taxation whatever
35 to, the payment of the bonds or notes.

36 6. The state pledges to and agrees with the
37 holders of bonds or notes issued under section 16.112
38 that the state will not limit or alter the rights and
39 powers vested in the authority to fulfill the terms of
40 a contract made by the authority with respect to the
41 bonds or notes, or in any way impair the rights and
42 remedies of the holders until the bonds or notes,
43 together with the interest on them, including interest
44 on unpaid installments of interest, and all costs and
45 expenses in connection with an action or proceeding by
46 or on behalf of the holders, are fully met and
47 discharged. The authority is authorized to include
48 this pledge and agreement of the state, as it refers
49 to holders of bonds or notes of the authority, in a
50 contract with the holders.

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1 Sec. . NEW SECTION. 16.114 APPROPRIATION.

2 1. There is appropriated from the rebuild Iowa
3 infrastructure fund to the department of education for
4 each fiscal year the sum of ten million dollars for
5 deposit in the revolving loan fund established in
6 section 16.111.

7 2. It is the intent of the general assembly to
8 increase by ten million dollars annually the amount
9 appropriated in subsection 1 until the total amount
10 appropriated annually for purposes of the Iowa school
11 district revolving loan fund program reaches fifty
12 million dollars.

13 Sec. . NEW SECTION. 16.115 ADOPTION OF RULES.

14 The authority shall adopt rules pursuant to chapter
15 17A to implement sections 16.110 through 16.114."

16 2. Title page, line 4, by inserting after the
17 word "regents," the following: "creating an Iowa

18 school district revolving loan fund program and an
 19 exemption from state taxation,".

MICHAEL E. GRONSTAL
 BILL FINK
 ROBERT E. DVORSKY
 MATT McCOY
 JOHN JUDGE
 PATRICIA M. HARPER
 WALLY E. HORN
 JOE BOLKCOM

S-3273

1 Amend Senate File 464 as follows:
 2 1. Page 24, by inserting after line 12 the
 3 following:
 4 "Sec. NEW SECTION. 16.110 IOWA SCHOOL
 5 DISTRICT REVOLVING LOAN FUND PROGRAM -- DEFINITIONS.
 6 1. The Iowa school district revolving loan fund
 7 program is established for the purpose of making loans
 8 available to school districts to finance all or part
 9 of the costs of a project. The purpose of the program
 10 is to provide a means for Iowa schools to reduce their
 11 long-term borrowing costs and thus reduce costs to
 12 taxpayers.
 13 2. The authority shall process, review, and
 14 approve loan applications which satisfy the rules
 15 adopted by the authority in implementing the Iowa
 16 school district revolving loan fund program. The
 17 school districts to which loans are to be made, the
 18 purposes of the loan, the amount of each loan, the
 19 interest rate of the loan, and the repayment terms of
 20 the loan shall be determined by the authority in
 21 accordance with its rules.
 22 3. For purposes of this section and sections
 23 16.111 through 16.115, "project" means any undertaking
 24 by a school district for which financing is authorized
 25 under chapter 296 or 298 to the extent the project
 26 replaces or repairs a school building that is a danger
 27 to public health or safety, or is otherwise dangerous
 28 to human life, including all costs and expenses
 29 associated with authorization for, and commencement
 30 of, a project. However, "school district" means a
 31 public school district as governed by chapter 274.
 32 Sec. NEW SECTION. 16.111 REVOLVING LOAN
 33 FUND ESTABLISHED.
 34 1. The Iowa school district revolving loan fund is
 35 established in the state treasury under the control of
 36 the authority. The revolving loan fund shall include
 37 sums appropriated to the fund by the general assembly
 38 and all receipts from loans made to school districts

39 by the authority, and any other sums designated for
40 deposit in the revolving loan fund from any public or
41 private source. All moneys appropriated to and
42 deposited in the revolving loan fund are appropriated
43 and shall be used for the sole purpose of making loans
44 to school districts to finance all or part of the cost
45 of projects. Moneys in the fund may also be used to
46 pay the costs and expenses associated with
47 administration of the Iowa school district revolving
48 loan fund program. A loan made to a school district
49 from the revolving loan fund is an indebtedness of the
50 school district within the meaning of any

Page 2

1 constitutional or statutory school district debt
2 limitation in effect at the time the loan agreement is
3 made.

4 2. The moneys in the revolving loan fund are not
5 considered part of the general fund of the state, are
6 not subject to appropriation for any other purpose by
7 the general assembly, and in determining a general
8 fund balance shall not be included in the general fund
9 of the state but shall remain in the revolving loan
10 fund to be used for its respective purposes. The Iowa
11 school district revolving loan fund is a separate
12 dedicated fund under the administration and control of
13 the authority and subject to section 16.31. Moneys on
14 deposit in the fund shall be invested by the treasurer
15 of state in cooperation with the authority, and the
16 income from the investments shall be credited to and
17 deposited in the fund.

18 3. The authority may establish and maintain other
19 funds or accounts determined to be necessary to carry
20 out the purposes of sections 16.110 through 16.115 and
21 shall provide for the funding, administration,
22 investment, restrictions, and disposition of the funds
23 and accounts.

24 Sec. . **NEW SECTION. 16.112 BONDS AND NOTES**
25 **ISSUED BY AUTHORITY.**

26 1. The authority may issue its bonds and notes for
27 the purpose of funding the revolving loan fund
28 established in section 16.111. The authority may
29 enter into one or more lending agreements or purchase
30 agreements with one or more bondholders or noteholders
31 containing the terms and conditions of the repayment
32 of and the security for the bonds or notes. The
33 authority and the bondholders or noteholders or a
34 trustee agent designated by the authority may enter
35 into agreements to provide for any of the following:

36 a. That the proceeds of the bonds and notes and
37 the investments of the proceeds may be received, held,

38 and disbursed by the authority or by a trustee or
39 agent designated by the authority.
40 b. That the bondholders or noteholders or a
41 trustee or agent designated by the authority may
42 collect, invest, and apply the amount payable under
43 the loan agreements or any other instruments securing
44 the debt obligations under the loan agreements.
45 c. That the bondholders or noteholders may enforce
46 the remedies provided in the loan agreements or other
47 instruments on their own behalf without the
48 appointment or designation of a trustee. If there is
49 a default in the principal of or interest on the bonds
50 or notes or in the performance of any agreement

Page 3

1 contained in the loan agreements or other instruments,
2 the payment or performance may be enforced in
3 accordance with the loan agreement or other
4 instrument.
5 d. Other terms and conditions as deemed necessary
6 or appropriate by the authority.
7 2. The powers granted the authority under this
8 section are in addition to other powers contained in
9 this chapter. All other provisions of this chapter,
10 except section 16.28, subsection 4, apply to bonds or
11 notes issued and powers granted to the authority under
12 this section except to the extent they are
13 inconsistent with this section.
14 3. All bonds or notes issued by the authority in
15 connection with the program are exempt from taxation
16 by this state and the interest on the bonds or notes
17 is exempt from state income tax.
18 Sec. . NEW SECTION. 16.113 SECURITY --
19 RESERVE FUNDS -- PLEDGES -- NONLIABILITY --
20 IRREVOCABLE CONTRACTS.
21 1. The authority may provide in the resolution,
22 trust agreement, or other instrument authorizing the
23 issuance of its bonds or notes pursuant to section
24 16.112 that the principal of, premium, and interest on
25 the bonds or notes are payable from any of the
26 following and may pledge the same to its bonds and
27 notes:
28 a. The income and receipts or other moneys derived
29 from the projects financed with the proceeds of the
30 bonds or notes.
31 b. The income and receipts or other moneys derived
32 from designated projects whether or not the projects
33 are financed in whole or in part with the proceeds of
34 the bonds or notes.
35 c. The authority's income and receipts or other
36 assets generally, or a designated part or parts of

37 them.

38 2. The authority may establish reserve funds to
39 secure one or more issues of its bonds or notes. The
40 authority may deposit in a reserve fund established
41 under this subsection the proceeds of the sale of its
42 bonds or notes and other moneys which are made
43 available from any other source.

44 3. It is the intention of the general assembly
45 that a pledge made in respect of bonds or notes shall
46 be valid and binding from the time the pledge is made,
47 that the moneys or property so pledged and received
48 after the pledge by the authority shall immediately be
49 subject to the lien of the pledge without physical
50 delivery or further act, and that the lien of the

Page 4

1 pledge shall be valid and binding as against all
2 parties having claims of any kind in tort, contract,
3 or otherwise against the authority whether or not the
4 parties have notice of the lien. The resolution,
5 trust agreement, or any other instrument by which a
6 pledge is created does not need to be recorded or
7 filed under the Iowa uniform commercial code to be
8 valid, binding, or effective against the parties.

9 4. The members of the authority or persons
10 executing the bonds or notes are not personally liable
11 on the bonds or notes and are not subject to personal
12 liability or accountability by reason of the issuance
13 of the bonds or notes.

14 5. The bonds or notes issued by the authority are
15 not an indebtedness or other liability of the state or
16 of a political subdivision of the state within the
17 meaning of any constitutional or statutory debt
18 limitations but are special obligations of the
19 authority, and are payable solely from the income and
20 receipts or other funds or property of the authority,
21 and the amounts on deposit in the revolving loan fund,
22 and the amounts payable to the authority under its
23 loan agreements with a school district to the extent
24 that the amounts are designated in the resolution,
25 trust agreement, or other instrument of the authority
26 authorizing the issuance of the bonds or notes as
27 being available as security for such bonds or notes.
28 The authority shall not pledge the faith or credit of
29 the state or of a political subdivision of the state
30 to the payment of any bonds or notes. The issuance of
31 any bonds or notes by the authority does not directly,
32 indirectly, or contingently obligate the state or a
33 political subdivision of the state to apply moneys
34 from, or levy or pledge any form of taxation whatever
35 to, the payment of the bonds or notes.

36 6. The state pledges to and agrees with the
 37 holders of bonds or notes issued under section 16.112
 38 that the state will not limit or alter the rights and
 39 powers vested in the authority to fulfill the terms of
 40 a contract made by the authority with respect to the
 41 bonds or notes, or in any way impair the rights and
 42 remedies of the holders until the bonds or notes,
 43 together with the interest on them, including interest
 44 on unpaid installments of interest, and all costs and
 45 expenses in connection with an action or proceeding by
 46 or on behalf of the holders, are fully met and
 47 discharged. The authority is authorized to include
 48 this pledge and agreement of the state, as it refers
 49 to holders of bonds or notes of the authority, in a
 50 contract with the holders.

Page 5

1 Sec. . NEW SECTION. 16.114 APPROPRIATION.

2 1. There is appropriated from the rebuild Iowa
 3 infrastructure fund to the department of education for
 4 each fiscal year the sum of ten million dollars for
 5 deposit in the revolving loan fund established in
 6 section 16.111.

7 2. It is the intent of the general assembly to
 8 increase by ten million dollars annually the amount
 9 appropriated in subsection 1 until the total amount
 10 appropriated annually for purposes of the Iowa school
 11 district revolving loan fund program reaches fifty
 12 million dollars.

13 Sec. . NEW SECTION. 16.115 ADOPTION OF RULES.

14 The authority shall adopt rules pursuant to chapter
 15 17A to implement sections 16.110 through 16.114."

16 2. Title page, line 4, by inserting after the
 17 word "regents," the following: "creating an Iowa
 18 school district revolving loan fund program and an
 19 exemption from state taxation,".

MICHAEL E. GRONSTAL
 BILL FINK
 ROBERT E. DVORSKY
 MATT McCOY
 JOHN JUDGE
 PATRICIA M. HARPER
 WALLY E. HORN
 JOE BOLKCOM

S-3274

1 Amend Senate File 464 as follows:
 2 1. Page 24, by inserting after line 23 the
 3 following:

4 "Sec. 301. Section 257.11, Code 1999, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 257.11 SUPPLEMENTARY WEIGHTING.

8 1. REGULAR CURRICULUM. Pupils in a regular
9 curriculum attending all their classes in the district
10 in which they reside, taught by teachers employed by
11 that district, and having administrators employed by
12 that district, are assigned a weighting of one.

13 2. DISTRICT TO DISTRICT SHARING.

14 a. In order to provide additional funds for school
15 districts which send their resident pupils to another
16 school district, which jointly employ and share the
17 services of teachers under section 280.15, or which
18 use the services of a teacher employed by another
19 school district, a supplementary weighting plan for
20 determining enrollment is adopted.

21 b. If the school budget review committee certifies
22 to the department of management that the shared
23 classes or teachers would otherwise not be implemented
24 without the assignment of additional weighting, pupils
25 attending classes in another school district,
26 attending classes taught by a teacher who is employed
27 jointly under section 280.15, or attending classes
28 taught by a teacher who is employed by another school
29 district, are assigned a weighting, in addition to the
30 weighting assigned in subsection 1, of forty-eight
31 hundredths of the percentage of the pupil's school day
32 during which the pupil attends classes in another
33 district, attends classes taught by a teacher who is
34 jointly employed under section 280.15, or attends
35 classes taught by a teacher who is employed by another
36 school district.

37 3. DISTRICT TO COMMUNITY COLLEGE SHARING.

38 a. In order to provide additional funds for school
39 districts which send their resident pupils to a
40 community college for classes, a supplementary
41 weighting plan for determining enrollment is adopted.

42 b. If the school budget review committee certifies
43 to the department of management that the class would
44 not otherwise be implemented without the assignment of
45 additional weighting, pupils attending a community
46 college-offered class or attending a class taught by a
47 community college-employed teacher are assigned a
48 weighting, in addition to the weighting assigned in
49 subsection 1, of forty-eight hundredths of the
50 percentage of the pupil's school day during which the

3 teacher. The following requirements shall be met for
4 the purposes of assigning an additional weighting for
5 classes offered through a sharing agreement between a
6 school district and community college. The class must
7 be:

8 (1) Supplementing high school classes and not
9 supplanting a class that was offered in the preceding
10 year or the second preceding year.

11 (2) Included in the community college catalog or
12 other official college literature describing class
13 offerings.

14 (3) Open to all registered community college
15 students, not just high school students.

16 (4) For college credit and the credit must apply
17 toward an associate of arts or associate of science
18 degree, or toward an associate of applied arts or
19 associate of applied science degree, or toward
20 completion of a diploma program.

21 (5) Taught by a teacher meeting requirements for
22 providing instruction at the community college level.

23 (6) Taught utilizing the class syllabus approved
24 by the community college.

25 (7) Of the same quality as a class offered on a
26 community college campus.

27 4. ALTERNATIVE HIGH SCHOOL PROGRAM. Pupils
28 attending a shared alternative high school program in
29 another school district, or attending an alternative
30 high school program offered by a community college,
31 are assigned a weighting, in addition to the weighting
32 assigned in subsection 1, of forty-eight hundredths of
33 the percentage of the pupil's school day during which
34 the pupil is attending the alternative high school
35 program.

36 5. SHARED CLASSES DELIVERED OVER THE IOWA
37 COMMUNICATIONS NETWORK. A pupil attending a class in
38 which students from one or more other school districts
39 are enrolled and which is taught via the Iowa
40 communications network is not deemed to be attending a
41 class in another school district or in a community
42 college for the purposes of this section and the
43 school district is not eligible for supplementary
44 weighting for that class under this section.

45 6. PUPILS INELIGIBLE. A pupil eligible for the
46 weighting plan provided in section 256B.9 is not
47 eligible for supplementary weighting pursuant to this
48 section."

49 2. Page 31, by inserting after line 4 the
50 following:

Page 3

1 "Sec. 302. Section 257.12, Code 1999, is
2 repealed."
3 3. Page 31, by inserting after line 18 the
4 following:
5 ". Sections 301 and 302 of this Act, relating
6 to supplementary weighting, being deemed of immediate
7 importance, take effect upon enactment."

ROBERT E. DVORSKY
BILL FINK

S-3275

1 Amend Senate File 464 as follows:
2 1. Page 7, line 20, by inserting after the word
3 "division" the following: "of libraries and
4 information services".
5 2. By striking page 8, line 31 through page 9,
6 line 1 and inserting the following:
7 "The division of libraries and information services
8 shall submit a list of current regional library
9 employees and their salaries to the department of
10 management by August 1, 1999. The list shall be used
11 by the department for purposes of calculating the
12 annual salary increase need, based on the salary
13 increases negotiated by the American federation of
14 state, county, and municipal employees. The amount
15 calculated by the department for salary need shall be
16 included in the regional library budget request
17 submitted to the governor for the fiscal year
18 beginning July 1, 2000, and ending June 30, 2001."
19 3. Page 12, line 9, by inserting after the word
20 "graduates" the following: "at no charge to the
21 graduates".
22 4. Page 24, by inserting after line 23 the
23 following:
24 "Sec. NEW SECTION. 256.67A INSURANCE
25 ELIGIBILITY.
26 Personnel employed by a regional library shall be
27 considered state employees for purposes of eligibility
28 for receiving employee health and dental insurance as
29 provided to state employees by the department of
30 personnel. If a regional library elects to
31 participate in a state employee health and dental
32 insurance program, the regional library shall continue
33 to pay the costs of employee participation in a
34 program from funds appropriated for purposes of the

35 regional libraries by the general assembly."

36 5. By renumbering as necessary.

KITTY REHBERG

S-3276

1 Amend House File 476, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. . Section 6B.21, Code 1999, is amended to
6 read as follows:

7 6B.21 APPEALS -- HOW DOCKETED AND TRIED.

8 The appeal shall be docketed in the name of the
9 person appealing and all other interested parties to
10 the action shall be defendants. In the event the
11 condemner and the condemnee appeal, the appeal shall
12 be docketed in the name of the appellant which filed
13 the application for condemnation and all other parties
14 to the action shall be defendants. The appeal shall
15 be tried as in an action by ordinary proceedings. The
16 ~~appraisalment of damages by the compensation commission~~
17 ~~is admissible in the action."~~

18 2. Page 24, by inserting after line 3 the
19 following:

20 "Sec. . Section 543D.3, unnumbered paragraph 2,
21 Code 1999, is amended to read as follows:

22 A person who is not a certified real estate
23 appraiser under this chapter may appraise real estate
24 for compensation if certification is not required by
25 this chapter or by federal or state law, rule, or
26 policy. However, an employee of the state department
27 of transportation whose duties include appraisals of
28 property pursuant to chapter 6B must be a certified
29 real estate appraiser under this chapter.

30 Sec. . Section 543D.5, subsection 2, paragraph
31 a, Code 1999, is amended to read as follows:

32 a. Require compliance with federal law and
33 appraisal standards adopted by federal authorities as
34 they apply to federally covered transactions. This
35 paragraph does not require that an appraiser invoke a
36 jurisdictional exception to the uniform standards of
37 professional appraisal practice in order to comply
38 with federal law and appraisal standards adopted by
39 federal authorities as they apply to federally covered
40 transactions, unless federal law requires that the
41 exception be invoked."

42 3. By renumbering as necessary.

JEFF LAMBERTI

HOUSE AMENDMENT TO
SENATE FILE 392

S-3277

- 1 Amend Senate File 392, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 5, by striking the words "systems
- 4 and services" and inserting the following: "that
- 5 portion of a system or service".

S-3278

- 1 Amend the amendment, S-3209, to House File 714, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 27, by inserting after the word
- 4 "parties" the following: "upon request of the
- 5 parties".

DAVID MILLER

S-3279

- 1 Amend Senate File 468 as follows:
- 2 1. Page 3, by striking line 35 and inserting the
- 3 following:
- 4 "..... \$ 950,000"

PATRICIA M. HARPER

S-3280

- 1 Amend Senate File 468 as follows:
- 2 1. Page 11, by inserting after line 15 the
- 3 following:
- 4 "___ The department of corrections shall submit a
- 5 report to the general assembly by January 10, 2000,
- 6 concerning the medical treatment of inmates at the
- 7 Fort Madison correctional facility. The study shall
- 8 examine the current method of providing medical
- 9 treatment and care to inmates through a contract with
- 10 a private entity and shall particularly study the
- 11 costs associated with providing care through the
- 12 private contract and the level of care provided to
- 13 inmates pursuant to that contract. The department
- 14 shall compare the costs and care provided at Fort
- 15 Madison with the costs and care provided at other
- 16 correctional facilities that do not provide the care
- 17 through a private contract. In addition, the
- 18 department shall solicit input from medical care
- 19 professionals, including those professionals within
- 20 the department and others, if applicable, concerning

- 21 the level of care provided to inmates at Fort Madison
 22 and to solicit suggestions for providing a high level
 23 of care at the facility at reasonable cost. The study
 24 shall include a report of the findings and
 25 recommendations of the department."
 26 2. By renumbering as necessary.

ROBERT E. DVORSKY
 EUGENE S. FRAISE

S-3281

- 1 Amend Senate File 468 as follows:
 2 1. Page 15, by striking line 19 and inserting the
 3 following:
 4 "..... \$ 33,879,652"
 5 2. Page 15, by striking lines 25 and 26 and
 6 inserting the following:
 7 "..... \$ 13,478,276
 8 FTEs 201.00"
 9 3. Page 15, by striking line 30 and inserting the
 10 following:
 11 "..... \$ 20,401,376"

ELAINE SZYMONIAK

S-3282

- 1 Amend Senate File 468 as follows:
 2 1. Page 1, by striking lines 10 and 11 and
 3 inserting the following:
 4 "..... \$ 8,381,457
 5 FTEs 192.50"

JOE BOLKCOM

S-3283

- 1 Amend Senate File 468 as follows:
 2 1. Page 20, by inserting after line 16 the
 3 following:
 4 ". For salaries, support, maintenance, and
 5 miscellaneous purposes to provide statewide
 6 coordination of the drug abuse resistance education
 7 (D.A.R.E.) program:
 8 \$ 80,000"
 9 2. By renumbering as necessary.

DENNIS H. BLACK
 EUGENE S. FRAISE
 TOM FLYNN
 MICHAEL E. GRONSTAL

JOHN P. KIBBIE
 MICHAEL W. CONNOLLY
 BILL FINK
 STEVEN D. HANSEN
 MARK SHEARER
 BETTY A. SOUKUP
 PATRICK J. DELUHERY
 JOHN JUDGE

S-3284

- 1 Amend Senate File 468 as follows:
- 2 1. Page 12, by striking line 7 and inserting the
- 3 following:
- 4 "..... \$ 8,593,596"
- 5 2. Page 12, by striking line 13 and inserting the
- 6 following:
- 7 "..... \$ 6,961,192"
- 8 3. Page 12, by striking line 19 and inserting the
- 9 following:
- 10 "..... \$ 4,252,830"
- 11 4. Page 12, by striking line 25 and inserting the
- 12 following:
- 13 "..... \$ 3,188,898"
- 14 5. Page 12, by striking line 31 and inserting the
- 15 following:
- 16 "..... \$ 11,975,954"
- 17 6. Page 13, by striking line 2 and inserting the
- 18 following:
- 19 "..... \$ 8,917,919"
- 20 7. Page 13, by striking line 8 and inserting the
- 21 following:
- 22 "..... \$ 5,177,904"
- 23 8. Page 13, by striking line 14 and inserting the
- 24 following:
- 25 "..... \$ 5,174,014"

MICHAEL E. GRONSTAL
 TOM FLYNN
 EUGENE S. FRAISE
 ROBERT E. DVORSKY
 ELAINE SZYMONIAK
 DENNIS H. BLACK
 PATRICIA M. HARPER
 JOHN P. KIBBIE
 MICHAEL W. CONNOLLY
 BETTY A. SOUKUP
 MATT McCOY
 WALLY E. HORN
 BILL FINK
 STEVEN D. HANSEN
 MARK SHEARER

JOE BOLKCOM
 DICK L. DEARDEN
 PATRICK J. DELUHERY
 JOHNIE HAMMOND
 JOHN JUDGE

S-3285

- 1 Amend Senate File 468 as follows:
 2 1. Page 26, by inserting after line 5 the
 3 following:
 4 "Sec. 101. 1998 Iowa Acts, chapter 1222, section
 5 25, subsection 3, is amended to read as follows:
 6 3. For the installation of perimeter fencing and
 7 physical plant improvements at the Mt. Pleasant
 8 correctional facility:
 9 \$ 300,000"
 10 2. Page 26, by inserting after line 10 the
 11 following:
 12 "Section 101 of this Act, amending 1998 Iowa Acts,
 13 chapter 1222, being deemed of immediate importance,
 14 takes effect upon enactment."
 15 3. By renumbering as necessary.

GENE MADDIX

S-3286

- 1 Amend Senate File 468 as follows:
 2 1. Page 20, by striking line 7 and inserting the
 3 following:
 4 "..... \$ 1,329,629"
 5 2. Page 21, by striking line 24 and inserting the
 6 following:
 7 "..... \$ 4,696,387"
 8 3. Page 21, by striking line 35 and inserting the
 9 following:
 10 "..... \$ 898,541"
 11 4. Page 22, by striking line 18 and inserting the
 12 following:
 13 "..... \$ 2,474,051"
 14 5. Page 22, by striking lines 27 and 28 and
 15 inserting the following:
 16 "..... \$ 11,759,610
 17 FTEs 227.50"
 18 6. Page 23, by striking line 18 and inserting the
 19 following:
 20 "..... \$ 2,845,587"
 21 7. Page 23, by striking line 22 and inserting the
 22 following:
 23 "..... \$ 139,202"
 24 8. Page 23, by striking line 29 and inserting the

- 25 following:
- 26 "..... \$ 1,629,621"
- 27 9. Page 24, by striking line 2 and inserting the
- 28 following:
- 29 "..... \$ 1,307,615"
- 30 10. Page 24, by striking line 12 and inserting
- 31 the following:
- 32 "..... \$ 37,344,284"
- 33 11. Page 24, by striking line 16 and inserting
- 34 the following:
- 35 "..... \$ 269,425"
- 36 12. By renumbering, relettering, or redesignating
- 37 and correcting internal references as necessary.

JOHN JUDGE

S-3287

- 1 Amend Senate File 468 as follows:
- 2 1. Page 6, by striking lines 26 and 27 and
- 3 inserting the following:
- 4 "..... \$ 17,455,368
- 5 FTEs 292.75"
- 6 2. Page 7, by striking line 2 and inserting the
- 7 following:
- 8 "..... \$ 11,347,025"
- 9 3. Page 11, by striking lines 16 through 29.
- 10 4. By renumbering and relettering as necessary.

PATRICK J. DELUHERY
 MICHAEL W. CONNOLLY
 JOHN JUDGE
 JOE BOLKCOM
 EUGENE S. FRAISE
 BETTY A. SOUKUP
 MICHAEL E. GRONSTAL
 BILL FINK
 DENNIS H. BLACK
 ROBERT E. DVORSKY
 JOHNNIE HAMMOND
 WALLY E. HORN
 JOHN P. KIBBIE
 MATT McCOY
 TOM FLYNN
 MARK SHEARER
 ELAINE SZYMONIAK
 PATRICIA M. HARPER
 DICK L. DEARDEN
 STEVEN D. HANSEN

S-3288

- 1 Amend Senate File 468 as follows:
 2 1. Page 5, by striking line 25 and inserting the
 3 following:
 4 "..... \$ 29,459,808"
 5 2. Page 5, by striking line 31 and inserting the
 6 following:
 7 "..... \$ 23,133,514"
 8 3. Page 6, by striking line 2 and inserting the
 9 following:
 10 "..... \$ 20,054,367"
 11 4. Page 6, by striking line 8 and inserting the
 12 following:
 13 "..... \$ 22,188,698"
 14 5. Page 6, by striking line 14 and inserting the
 15 following:
 16 "..... \$ 20,149,111"
 17 6. Page 6, by striking line 20 and inserting the
 18 following:
 19 "..... \$ 6,934,936"
 20 7. Page 7, by striking line 8 and inserting the
 21 following:
 22 "..... \$ 23,907,753"
 23 8. Page 8, by striking lines 9 and 10 and
 24 inserting the following:
 25 "..... \$ 4,496,916
 26 FTEs 38.18"
 27 9. Page 9, by striking lines 29 and 30 and
 28 inserting the following:
 29 "..... \$ 590,847
 30 FTEs 10.07"
 31 10. Page 10, by striking line 3 and inserting the
 32 following:
 33 "..... \$ 3,282,775"

EUGENE S. FRAISE
 MICHAEL W. CONNOLLY
 JOHN JUDGE
 JOE BOLKCOM
 BETTY A. SOUKUP
 MICHAEL E. GRONSTAL
 WALLY E. HORN
 STEVEN D. HANSEN
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 ROBERT E. DVORSKY
 ELAINE SZYMONIAK
 JOHNIE HAMMOND
 PATRICK J. DELUHERY

JOHN P. KIBBIE
TOM FLYNN
MATT McCOY •
MARK SHEARER

S-3289

1 Amend Senate File 464 as follows:

2 1. Page 11, by inserting after line 17 the
3 following:
4 "Sec. 501. ENROLLMENT ADJUSTMENT. For the school
5 budget year beginning July 1, 1999, a school district
6 participating in an alternative high school program
7 offered by a community college, which undercounted its
8 weighted enrollment attributable to participation in
9 the alternative high school program by 55 or more
10 students when determining enrollment pursuant to
11 section 257.6 on September 18, 1998, shall be
12 authorized to adjust the enrollment count to reflect
13 the revised weighted enrollment count in a report
14 which shall be submitted to the department within 30
15 days after the effective date of this section. The
16 department shall forward the report to the department
17 of management, which shall adjust the budget
18 enrollment for the school district accordingly."

19 2. Page 31, by inserting after line 12 the
20 following:

21 "___ Section 501 of this Act, relating to
22 enrollment adjustment, being deemed of immediate
23 importance, takes effect upon enactment."

24 3. By renumbering, relettering, and redesignating
25 as necessary.

BILL FINK

S-3290

1 Amend Senate File 468 as follows:

2 1. Page 16, by striking line 13 and inserting the
3 following:

4 "..... \$106,111,858"

5 2. Page 18, line 3, by striking the figure
6 "1,132,119" and inserting the following: "2,003,819".

7 3. Page 18, by striking lines 4 and 5 and
8 inserting the following: "additional 6 district court
9 judges, 4 district associate judges, 10 court
10 reporters, 3 legal assistants, 1 case coordinator, and
11 7.5 court attendants. The".

12 4. Page 26, line 2, by striking the word
13 "fifteen" and inserting the following: "eighteen".

MATT McCOY

S-3291

1 Amend Senate File 136 as follows:

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

4 "Sec. . Section 422.45, subsection 2, Code
5 1999, is amended to read as follows:

6 2. The gross receipts from the sales, furnishing,
7 or service of transportation service except the rental
8 of recreational vehicles or recreational boats, except
9 the rental of motor vehicles subject to registration
10 which are registered for a gross weight of thirteen
11 tons or less for a period of sixty days or less, and
12 except the rental of aircraft for a period of sixty
13 days or less. This exemption does not apply to the
14 transportation of electric energy.

15 Sec. 150. Section 422.45, subsection 2, Code 1999,
16 is amended to read as follows:

17 2. The gross receipts from the sales, furnishing,
18 or service of transportation service except the rental
19 of recreational vehicles or recreational boats, except
20 the rental of motor vehicles subject to registration
21 which are registered for a gross weight of thirteen
22 tons or less for a period of sixty days or less, and
23 except the rental of aircraft for a period of sixty
24 days or less. This exemption does not apply to the
25 transportation of natural gas."

26 2. Page 13, by inserting after line 35 the
27 following:

28 Sec. . Section 422B.8, unnumbered paragraph 1,
29 Code 1999, is amended to read as follows:

30 A local sales and services tax at the rate of not
31 more than one percent may be imposed by a county on
32 the gross receipts taxed by the state under chapter
33 422, division IV. A local sales and services tax
34 shall be imposed on the same basis as the state sales
35 and services tax and ~~may~~ shall not be imposed on the
36 sale of any property or on any service not taxed by
37 the state, except the tax shall not be imposed on the
38 gross receipts from the sale of motor fuel or special
39 fuel as defined in chapter 452A, on the gross receipts
40 from the rental of rooms, apartments, or sleeping
41 quarters which are taxed under chapter 422A during the
42 period the hotel and motel tax is imposed, on the
43 gross receipts from the sale of natural gas or
44 electric energy in a city or county where the gross
45 receipts are subject to a franchise fee or user fee
46 during the period the franchise or user fee is
47 imposed, on the gross receipts from the sale of
48 equipment by the state department of transportation,
49 on the gross receipts from the sale of self-propelled
50 building equipment, pile drivers, motorized

Page 2

1 scaffolding, or attachments customarily drawn or
2 attached to self-propelled building equipment, pile
3 drivers, and motorized scaffolding, including
4 auxiliary attachments which improve the performance,
5 safety, operation, or efficiency of the equipment and
6 replacement parts and are directly and primarily used
7 by contractors, subcontractors, and builders for new
8 construction, reconstruction, alterations, expansion,
9 or remodeling of real property or structures, and on
10 the gross receipts from the sale of a lottery ticket
11 or share in a lottery game conducted pursuant to
12 chapter 99E. A local sales and services tax is
13 applicable to transactions within those incorporated
14 and unincorporated areas of the county where it is
15 imposed and shall be collected by all persons required
16 to collect state gross receipts taxes. All cities
17 contiguous to each other shall be treated as part of
18 one incorporated area and the tax would be imposed in
19 each of those contiguous cities only if the majority
20 of those voting in the total area covered by the
21 contiguous cities favor its imposition.
22 Sec. 200. Section 422B.8, unnumbered paragraphs 1
23 and 3, Code 1999, are amended to read as follows:
24 A local sales and services tax at the rate of not
25 more than one percent may be imposed by a county on
26 the gross receipts taxed by the state under chapter
27 422, division IV. A local sales and services tax
28 shall be imposed on the same basis as the state sales
29 and services tax or in the case of the use of natural
30 gas, natural gas service, electricity, or electric
31 service on the same basis as the state use tax and may
32 not be imposed on the sale of any property or on any
33 service not taxed by the state, except the tax shall
34 not be imposed on the gross receipts from the sale of
35 motor fuel or special fuel as defined in chapter 452A,
36 on the gross receipts from the rental of rooms,
37 apartments, or sleeping quarters which are taxed under
38 chapter 422A during the period the hotel and motel tax
39 is imposed, ~~on the gross receipts from the sale of~~
40 ~~natural gas or electric energy in a city or county~~
41 ~~where the gross receipts are subject to a franchise~~
42 ~~fee or user fee during the period the franchise or~~
43 ~~user fee is imposed, on the gross receipts from the~~
44 ~~sale of equipment by the state department of~~
45 ~~transportation, and on the gross receipts from the~~
46 ~~sale of a lottery ticket or share in a lottery game~~
47 ~~conducted pursuant to chapter 99E and except the tax~~
48 ~~shall not be imposed on the gross receipts from the~~
49 ~~sale or use of natural gas, natural gas service,~~
50 ~~electricity, or electric service in a city or county~~

Page 3

1 where the gross receipts from the sale of natural gas
2 or electric energy are subject to a franchise fee or
3 user fee during the period the franchise or user fee
4 is imposed. A local sales and services tax is
5 applicable to transactions within those incorporated
6 and unincorporated areas of the county where it is
7 imposed and shall be collected by all persons required
8 to collect state gross receipts taxes. All cities
9 contiguous to each other shall be treated as part of
10 one incorporated area and the tax would be imposed in
11 each of those contiguous cities only if the majority
12 of those voting in the total area covered by the
13 contiguous cities favor its imposition.

14 A tax permit other than the state tax permit
15 required under section 422.53 or 423.10 shall not be
16 required by local authorities.

17 Sec. 201. Section 422B.8, Code 1999, is amended by
18 adding the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. If a local sales and
20 services tax is imposed by a county pursuant to this
21 chapter, a local excise tax at the same rate shall be
22 imposed by the county on the purchase price of natural
23 gas, natural gas service, electricity, or electric
24 service subject to tax under chapter 423 and not
25 exempted from tax by any provision of chapter 423.
26 The local excise tax is applicable only to the use of
27 natural gas, natural gas service, electricity, or
28 electric service within those incorporated and
29 unincorporated areas of the county where it is imposed
30 and, except as otherwise provided in this chapter,
31 shall be collected and administered in the same manner
32 as the local sales and services tax. For purposes of
33 this chapter, "local sales and services tax" shall
34 also include the local excise tax.

35 Sec. 202. Section 422B.9, subsection 2, paragraph
36 b, Code 1999, is amended to read as follows:

37 b. The ordinance of a county board of supervisors
38 imposing a local sales and services tax shall adopt by
39 reference the applicable provisions of the appropriate
40 sections of chapter 422, division IV and chapter 423.
41 All powers and requirements of the director to
42 administer the state gross receipts tax law and use
43 tax law are applicable to the administration of a
44 local sales and services tax law and the local excise
45 tax, including but not limited to, the provisions of
46 section 422.25, subsection 4, sections 422.30, 422.48
47 to 422.52, 422.54 to 422.58, 422.67, 422.68, 422.69,
48 subsection 1, and sections 422.70 to 422.75, 423.6,
49 subsections 2 to 4, and sections 423.11 to 423.18, and
50 423.21. Local officials shall confer with the

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1 director of revenue and finance for assistance in
2 drafting the ordinance imposing a local sales and
3 services tax. A certified copy of the ordinance shall
4 be filed with the director as soon as possible after
5 passage."

6 3. Page 14, by inserting after line 24 the
7 following:

8 "Sec. 203. Section 422E.1, subsection 1, Code
9 1999, is amended by adding the following new
10 unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. If a local sales and
12 services tax for school infrastructure is imposed by a
13 county pursuant to this chapter, a local excise tax
14 for school infrastructure at the same rate shall be
15 imposed by the county on the purchase price of natural
16 gas, natural gas service, electricity, or electric
17 service subject to tax under chapter 423 and not
18 exempted from tax by any provision of chapter 423.
19 The local excise tax for school infrastructure is
20 applicable only to the use of natural gas, natural gas
21 service, electricity, or electric service within those
22 incorporated and unincorporated areas of the county
23 where it is imposed and, except as otherwise provided
24 in this chapter, shall be collected and administered
25 in the same manner as the local sales and services tax
26 for school infrastructure. For purposes of this
27 chapter, "local sales and services tax for school
28 infrastructure" shall also include the local excise
29 tax for school infrastructure.

30 Sec. 204. Section 422E.3, subsection 2, Code 1999,
31 is amended to read as follows:

32 2. The tax shall be imposed on the same basis as
33 the state sales and services tax or in the case of the
34 use of natural gas, natural gas service, electricity,
35 or electric service on the same basis as the state use
36 tax and shall not be imposed on the sale of any
37 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 equipment by the state
45 department of transportation, and on the gross
46 receipts from the sale of a lottery ticket or share in
47 a lottery game conducted pursuant to chapter 99E and
48 except the tax shall not be imposed on the gross
49 receipts from the sale or use of natural gas, natural
50 gas service, electricity, or electric service in a

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1 city or county where the gross receipts from the sale
2 of natural gas or electric energy are subject to a
3 franchise fee or user fee during the period the
4 franchise or user fee is imposed.

5 Sec. . Section 422E.3, subsection 2, Code 1999,
6 is amended to read as follows:

7 2. The tax shall be imposed on the same basis as
8 the state sales and services tax and shall not be
9 imposed on the sale of any property or on any service
10 not taxed by the state, except the tax shall not be
11 imposed on the gross receipts from the sale of motor
12 fuel or special fuel as defined in chapter 452A, on
13 the gross receipts from the rental of rooms,
14 apartments, or sleeping quarters which are taxed under
15 chapter 422A during the period the hotel and motel tax
16 is imposed, on the gross receipts from the sale of
17 equipment by the state department of transportation,
18 on the gross receipts from the sale of self-propelled
19 building equipment, pile drivers, motorized
20 scaffolding, or attachments customarily drawn or
21 attached to self-propelled building equipment, pile
22 drivers, and motorized scaffolding, including
23 auxiliary attachments which improve the performance,
24 safety, operation, or efficiency of the equipment, and
25 replacement parts and are directly and primarily used
26 by contractors, subcontractors, and builders for new
27 construction, reconstruction, alterations, expansion,
28 or remodeling of real property or structures, and on
29 the gross receipts from the sale of a lottery ticket
30 or share in a lottery game conducted pursuant to
31 chapter 99E.

32 Sec. 205. Section 422E.3, subsection 3, Code 1999,
33 is amended to read as follows:

34 3. The tax is applicable to transactions within
35 the county where it is imposed and shall be collected
36 by all persons required to collect state gross
37 receipts or local excise taxes. The amount of the
38 sale, for purposes of determining the amount of the
39 tax, does not include the amount of any state gross
40 receipts or excise taxes or other local option sales
41 or excise taxes. A tax permit other than the state
42 tax permit required under section 422.53 or 423.10
43 shall not be required by local authorities."

44 4. Page 39, by inserting after line 8 the
45 following:

46 ". Section 150 of this Act, amending section
47 422.45, subsection 2, as it relates to the
48 transportation of natural gas, takes effect April 1,
49 2000."

50 5. Page 39, by inserting after line 11 the

Page 6

- 1 following:
 2 ". Sections 200, 201, 202, 203, 204, and 205 of
 3 this Act, amending chapters 422B and 422E, take effect
 4 May 1, 1999."

LARRY McKIBBEN
 PATRICIA M. HARPER
 JoANN JOHNSON
 MICHAEL E. GRONSTAL

S-3292

- 1 Amend Senate File 468 as follows:
 2 1. Page 1, by striking line 10 and inserting the
 3 following:
 4 "..... \$ 8,241,673"
 5 2. Page 1, by striking line 16 and inserting the
 6 following:
 7 "..... \$ 295,870"
 8 3. Page 2, by striking line 31 and inserting the
 9 following:
 10 "..... \$ 127,248"
 11 4. Page 5, by striking line 11 and inserting the
 12 following:
 13 "..... \$ 2,612,929"
 14 5. Page 5, by striking line 25 and inserting the
 15 following:
 16 "..... \$ 28,432,849"
 17 6. Page 5, by striking line 31 and inserting the
 18 following:
 19 "..... \$ 23,082,242"
 20 7. Page 6, by striking line 2 and inserting the
 21 following:
 22 "..... \$ 19,736,871"
 23 8. Page 6, by striking line 8 and inserting the
 24 following:
 25 "..... \$ 21,992,464"
 26 9. Page 6, by striking line 14 and inserting the
 27 following:
 28 "..... \$ 19,441,112"
 29 10. Page 6, by striking line 20 and inserting the
 30 following:
 31 "..... \$ 6,695,114"
 32 11. Page 6, by striking line 26 and inserting the
 33 following:
 34 "..... \$ 17,271,670"
 35 12. Page 7, by striking line 8 and inserting the
 36 following:
 37 "..... \$ 22,164,204"
 38 13. Page 8, by striking line 9 and inserting the

39 following:
 40 "..... \$ 4,413,568"
 41 14. Page 9, by striking line 29 and inserting the
 42 following:
 43 "..... \$ 537,798"
 44 15. Page 10, by striking line 3 and inserting the
 45 following:
 46 "..... \$ 3,275,561"
 47 16. Page 10, by inserting after line 15 the
 48 following:
 49 ". For increased inmate costs at correctional
 50 facilities:

Page 2

1 \$ 741,644"
 2 17. Page 12, by striking line 7 and inserting the
 3 following:
 4 "..... \$ 8,475,041"
 5 18. Page 12, by striking line 13 and inserting
 6 the following:
 7 "..... \$ 6,717,985"
 8 19. Page 12, by striking line 19 and inserting
 9 the following:
 10 "..... \$ 4,145,154"
 11 20. Page 12, by striking line 25 and inserting
 12 the following:
 13 "..... \$ 3,080,712"
 14 21. Page 12, by striking line 31 and inserting
 15 the following:
 16 "..... \$ 11,591,891"
 17 22. Page 13, by striking line 2 and inserting the
 18 following:
 19 "..... \$ 8,780,186"
 20 23. Page 13, by striking line 8 and inserting the
 21 following:
 22 "..... \$ 5,117,411"
 23 24. Page 13, by striking line 14 and inserting
 24 the following:
 25 "..... \$ 5,008,241"
 26 25. Page 13, by striking line 19 and inserting
 27 the following:
 28 "..... \$ 83,498"
 29 26. Page 16, by striking line 13 and inserting
 30 the following:
 31 "..... \$104,196,941"
 32 27. Page 18, by striking line 11 and inserting
 33 the following:
 34 "..... \$ 209,719"
 35 28. Page 20, by striking line 7 and inserting the
 36 following:
 37 "..... \$ 1,315,747"

- 38 29. Page 21, by striking line 7 and inserting the
 39 following:
 40 "..... \$ 1,010,274"
 41 30. Page 21, by striking line 24 and inserting
 42 the following:
 43 "..... \$ 4,689,799"
 44 31. Page 21, by striking line 35 and inserting
 45 the following:
 46 "..... \$ 891,469"
 47 32. Page 22, by striking line 18 and inserting
 48 the following:
 49 "..... \$ 2,459,984"
 50 33. Page 22, by striking line 27 and inserting

Page 3

- 1 the following:
 2 "..... \$ 11,747,922"
 3 34. Page 23, by striking line 18 and inserting
 4 the following:
 5 "..... \$ 2,838,429"
 6 35. Page 23, by striking line 29 and inserting
 7 the following:
 8 "..... \$ 1,622,591"
 9 36. Page 24, by striking line 2 and inserting the
 10 following:
 11 "..... \$ 1,306,107"
 12 37. Page 24, by striking line 12 and inserting
 13 the following:
 14 "..... \$ 37,025,708"
 15 38. Page 24, by striking line 32 and inserting
 16 the following:
 17 "..... \$ 708,812"
 18 39. Page 25, by striking line 6 and inserting the
 19 following:
 20 "..... \$ 355,541"
 21 40. By renumbering as necessary.

GENE MADDIX

S-3293

- 1 Amend Senate File 468 as follows:
 2 1. Page 2, by striking line 18 and inserting the
 3 following:
 4 "..... \$ 2,000,000"
 5 2. Page 3, by striking line 35 and inserting the
 6 following:
 7 "..... \$ 950,000"
 8 3. Page 7, by striking line 2 and inserting the
 9 following:
 10 "..... \$ 10,818,173"

- 11 4. Page 10, by inserting after line 15 the
 12 following:
 13 ". For upgrading and expanding computer
 14 technology at correctional facilities:
 15 \$ 37,503"
 16 5. Page 13, by inserting after line 19 the
 17 following:
 18 "j. For additional probation and parole officers
 19 at such judicial district departments of correctional
 20 services as determined by the department of
 21 corrections:
 22 \$ 58,497
 23 k. For increased residential staffing at such
 24 judicial district departments of correctional services
 25 as determined by the department of corrections:
 26 \$ 172,845"
 27 6. Page 15, by striking line 19 and inserting the
 28 following:
 29 "..... \$ 32,754,872"
 30 7. Page 15, by striking line 25 and inserting the
 31 following:
 32 "..... \$ 13,342,583"
 33 8. Page 15, by striking line 26 and inserting the
 34 following:
 35 "..... FTEs 201.00"
 36 9. Page 15, by striking line 30 and inserting the
 37 following:
 38 "..... \$ 19,412,289
 39 In addition to moneys appropriated in this
 40 subsection, the executive council is authorized,
 41 notwithstanding any provision to the contrary in
 42 section 668A.1, to disburse from the civil reparations
 43 trust fund created in section 668A.1 an amount, not to
 44 exceed \$1,500,000, to the office of the state public
 45 defender to be used for the purposes described in this
 46 subsection."
 47 10. By renumbering as necessary.

GENE MADDOX
 DERRYL McLAREN

S-3294

- 1 Amend House File 656 as follows:
 2 1. Page 26, by inserting after line 8, the
 3 following:
 4 "Sec. 100. Section 69.12, unnumbered paragraph 1,
 5 Code 1999, is amended to read as follows:
 6 When a vacancy occurs in any nonpartisan elective
 7 office of a political subdivision of this state, and
 8 the statutes governing the office in which the vacancy

9 occurs require that it be filled by election or are
 10 silent as to the method of filling the vacancy, it
 11 shall be filled pursuant to this section. As used in
 12 this section, "pending election" means any election at
 13 which there will be on the ballot either the office in
 14 which the vacancy exists, or any other office to be
 15 filled or any public question to be decided by the
 16 voters of the same political subdivision in which the
 17 vacancy exists."

18 2. Page 43, by inserting after line 21 the
 19 following:

20 "Sec. . Section 100 of this Act, being deemed
 21 of immediate importance, takes effect upon enactment."

22 3. Title page, line 4, by inserting after the
 23 word "laws" the following: ", and providing an
 24 immediate effective date".

25 4. By renumbering as necessary.

SHELDON RITTMER

S-3295

1 Amend House File 656, as passed by the House, as
 2 follows:

3 1. Page 34, by striking lines 30 and 31, and
 4 inserting the following: "by the voters or when a
 5 district becomes wholly or in part within includes all
 6 of a city of fifteen thousand population or more in
 7 the".

SHELDON RITTMER

S-3296

1 Amend Senate File 468 as follows:

2 1. Page 1, by striking lines 10 and 11 and
 3 inserting the following:

4 "..... \$ 8,356.153
 5 FTEs 192.50"

6 2. Page 15, by striking line 19 and inserting the
 7 following:

8 "..... \$ 34,390,565"

9 3. Page 15, by striking lines 25 and 26 and
 10 inserting the following:

11 "..... \$ 13,478,276
 12 FTEs 201.00"

ROBERT E. DVORSKY
PATRICK J. DELUHERY

S-3297

- 1 Amend House File 461, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 15 by inserting after the words
- 4 "the mortgage" the following: "and a copy of a
- 5 certified letter to the mortgagor postmarked at least
- 6 thirty days prior to the transfer of the mortgage
- 7 notifying the mortgagor of the impending transfer of
- 8 such mortgage and the identity of the transferee".
- 9 2. Page 1, line 28, by inserting after the word
- 10 "assignment" the following: "or a copy of the
- 11 certified letter notifying the mortgagor of the
- 12 transfer".
- 13 3. By renumbering or relettering as necessary.

MATT McCOY
STEVEN D. HANSEN

HOUSE AMENDMENT TO
SENATE FILE 115

S-3298

- 1 Amend Senate File 115, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by inserting after line 5 the
- 4 following:
- 5 "Sec. . Section 730.5, subsection 9, paragraph
- 6 c, subparagraph (2), Code 1999, is amended to read as
- 7 follows:
- 8 (2) If an employer does not have an employee
- 9 assistance program, the employer must maintain a
- 10 resource file of ~~employee-assistance-services~~
- 11 ~~providers~~, alcohol and other drug abuse programs
- 12 certified by the Iowa department of public health,
- 13 mental health providers, and other persons, entities,
- 14 or organizations available to assist employees with
- 15 personal or behavioral problems. The employer shall
- 16 provide all employees information about the existence
- 17 of the resource file and a summary of the information
- 18 contained within the resource file. The summary
- 19 should contain, but need not be limited to, all
- 20 information necessary to access the services listed in
- 21 the resource file. ~~In addition, the employer shall~~
- 22 ~~post in conspicuous places a listing of multiple~~
- 23 ~~employee-assistance-providers in the area.~~
- 24 Sec. . Section 730.5, subsection 9, paragraph
- 25 g, unnumbered paragraph 1, Code 1999, is amended to
- 26 read as follows:
- 27 Upon receipt of a confirmed positive alcohol test
- 28 which indicates an alcohol concentration greater than

29 the concentration level established by the employer
30 pursuant to this section ~~but less than the~~
31 ~~concentration level in section 321J-2 for operating~~
32 ~~while under the influence of alcohol~~, and if the
33 employer has at least fifty employees, and if the
34 employee has been employed by the employer for at
35 least twelve of the preceding eighteen months, and if
36 rehabilitation is agreed upon by the employee, and if
37 the employee has not previously violated the
38 employer's substance abuse prevention policy pursuant
39 to this section, the written policy shall provide for
40 the rehabilitation of the employee pursuant to
41 subsection 10, paragraph "a", subparagraph (1), and
42 the apportionment of the costs of rehabilitation as
43 provided by this paragraph.

44 Sec. . Section 730.5, subsection 9, paragraph
45 h, Code 1999, is amended to read as follows:
46 h. 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 maintained by the employer pursuant to paragraph "c",
11 subparagraph (2)."
12 2. By renumbering as necessary.

S-3299

1 Amend House File 737, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, line 27, by inserting after the word
4 "services." the following: "The department shall
5 expend no less than three percent of its gambling
6 treatment program advertising budget, for the fiscal
7 year beginning July 1, 1999, and ending June 30, 2000,
8 for advertisements specifically targeted at ethnic and
9 minority groups."

PATRICIA M. HARPER

S-3300

- 1 Amend the amendment, S-3266, to House File 737, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, line 1, by inserting after the figure
- 5 "376" the following: "or similar legislation
- 6 transferring the office of the state medical examiner
- 7 from the department of public safety to the Iowa
- 8 department of public health".

JOE BOLKCOM

S-3301

- 1 Amend the amendment, S-3212, to House File 218, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 30 through 32 and
- 5 inserting the following:
- 6 "2. The secretary of agriculture, a staff
- 7 coordinator or director of the".

MERLIN E. BARTZ

HOUSE AMENDMENT TO
SENATE FILE 230

S-3302

- 1 Amend Senate File 230, as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, by inserting after line 10 the
- 4 following:
- 5 "Sec. . Section 422.33, Code 1999, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 9. The taxes imposed under this
- 8 division shall be reduced by a franchise tax credit.
- 9 A taxpayer who is a shareholder in a financial
- 10 institution, as defined in section 581 of the Internal
- 11 Revenue Code, which has in effect for the tax year an
- 12 election under subchapter S of the Internal Revenue
- 13 Code shall compute the amount of the tax credit by
- 14 recomputing the amount of tax under this division by
- 15 reducing the taxable income of the taxpayer by the
- 16 taxpayer's pro rata share of the items of income and
- 17 expense of the financial institution. This recomputed
- 18 tax shall be subtracted from the tax computed under
- 19 this division and the resulting amount, which shall
- 20 not exceed the taxpayer's pro rata share of franchise
- 21 tax paid by the financial institution, is the amount
- 22 of the franchise tax credit allowed."

23 2. Title page, line 4, by inserting after the
24 word "trusts," the following: "providing a franchise
25 tax credit to certain taxpayers,".

S-3303

1 Amend Senate File 465 as follows:
2 1. Page 3, by inserting after line 25 the
3 following:
4 "4A. An agreement shall provide that the community
5 college shall provide postsecondary credit to
6 participants."
7 2. Page 4, line 2, by striking the words "twenty-
8 five" and inserting the following: "thirty-five".
9 3. Page 4, by inserting after line 23 the
10 following:
11 "12. An agreement shall provide that an employee
12 of a corporate employer shall receive a stock option
13 plan as part of the employee compensation package."

MICHAEL W. CONNOLLY

S-3304

1 Amend House File 737, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 14, line 28, by striking the figure
4 "1,108,972" and inserting the following: "500,000".

JOE BOLKCOM

S-3305

1 Amend House File 737, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 8, by inserting after line 14 the
4 following:
5 "d. Of the funds appropriated in this subsection,
6 \$250,000 shall be used to develop core capacities for
7 local boards of health to advance and promote health
8 care for women who are over the age of 50."

JOE BOLKCOM
ROBERT E. DVORSKY
MATT McCOY
JOHNIE HAMMOND
PATRICK J. DELUHERY
EUGENE S. FRAISE
BILL FINK
DENNIS H. BLACK
TOM FLYNN
STEVEN D. HANSEN

MICHAEL W. CONNOLLY
ELAINE SZYMONIAK
BETTY A. SOUKUP
PATRICIA M. HARPER
MICHAEL E. GRONSTAL
JOHN P. KIBBIE
MARK SHEARER
WALLY E. HORN
DICK L. DEARDEN

S-3306

1 Amend House File 737, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 15, by inserting after line 17 the
4 following:
5 "10. STATUS OF ASIAN PACIFIC ISLANDERS STUDY. The
6 department of human rights shall conduct a study of
7 the status of persons of Asian Pacific Islander
8 descent in the state of Iowa. The study shall focus
9 on the areas of education, language development,
10 employment, human rights, health, housing, and social
11 welfare. The director of the department of human
12 rights shall submit a report of findings and
13 recommendations based on the study to the general
14 assembly by January 1, 2000."

JOE BOLKCOM
JACK RIFE

S-3307

1 Amend House File 737, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by inserting before line 12 the
4 following:
5 "Sec. . NEW SECTION. 231.61 PHARMACEUTICAL
6 ASSISTANCE PROGRAM ESTABLISHED.
7 1. For the purposes of this section, unless the
8 context otherwise requires:
9 a. "Eligible person" means a person, sixty-five
10 years of age or older with an annual net income of not
11 more than one hundred fifty percent of the federal
12 poverty level, as defined by the most recent poverty
13 income guidelines published by the United States
14 department of health and human services, or a person
15 sixty-five years of age or older, who with the
16 person's spouse has an annual net income of not more
17 than one hundred fifty percent of the federal poverty
18 level, as defined by the most recent poverty income
19 guidelines published by the United States department
20 of health and human services. "Eligible person" does

21 not include a person who is eligible for financial
22 assistance for the purchase of prescription drugs
23 under another local, state, or federal program to the
24 extent that the other program provides financial
25 assistance for the purchase of prescription drugs.

26 b. "Prescription drug" means a prescription drug
27 as defined in section 155A.3.

28 c. "Program" means the pharmaceutical assistance
29 program established in this section.

30 d. "Reasonable cost" means a charge which is equal
31 to the average wholesale cost of the prescription drug
32 and the additional dispensing pharmacy's usual fee,
33 not to exceed the seventy-fifth percentile of usual
34 and customary fees in this state, as determined by the
35 Iowa department of public health.

36 2. A pharmaceutical assistance program is created
37 within the department to provide for subsidization of
38 the prescription drug costs of eligible persons in
39 rural and urban areas throughout the state.

40 3. The director shall appoint an advisory
41 committee to make recommendations regarding the
42 creation of the program and in adoption of rules to
43 implement the program. These recommendations shall be
44 submitted to the commission, which shall forward the
45 recommendations to the general assembly with a target
46 date for implementation of July 1, 2001. The Iowa
47 pharmacy association shall assist the commission in
48 the creation and implementation of the program.

49 4. The commission shall adopt rules to implement
50 this section. The rules shall provide for all of the

Page 2

1 following:

2 a. A means to determine the eligibility of a
3 person, including proof of the person's actual and
4 anticipated annual net income, evidence of complete or
5 partial payment for the costs of prescription drugs
6 from a provider other than the program, and other
7 provisions consistent with this section.

8 b. Issuance by the department of a participation
9 card upon approval of an application. The annual fee
10 for participation in the program is eighty dollars.
11 An initial application shall be accompanied by proof
12 of the date of birth of the person.

13 c. A prescription copayment of twenty percent of
14 the reasonable cost of the prescription which shall be
15 collected from the person participating in the program
16 by the dispensing pharmacy not to exceed eight hundred
17 dollars in prescription costs for each calendar year.
18 Thereafter, a copayment of forty percent of the
19 reasonable cost of prescriptions in excess of eight

20 hundred dollars for the remainder of any calendar year
 21 shall be collected. The balance of the reasonable
 22 costs shall be paid by the department to the
 23 dispensing pharmacy after submission of a claim to the
 24 department.

25 d. A provision that if the cost of the
 26 prescription drug exceeds the reasonable cost and the
 27 prescription drug is available under a generic name,
 28 the eligible person may obtain the trade name drug
 29 rather than the generic drug by paying the difference
 30 in the amounts of the trade name drug and generic name
 31 drug. However, if the prescribing practitioner
 32 indicates on the prescription that a substitution of
 33 the trade name drug is prohibited, the eligible person
 34 is subject only to payment of the copayment amount.

35 e. A reimbursement system which includes on-line
 36 point of service claims transmission and adjudication,
 37 with utilization review.

38 f. A form of identification for persons to use in
 39 proving eligibility. The form of identification shall
 40 include a conspicuous notation of the penalties for
 41 violation of this section.

42 g. A requirement that prescriptions contain the
 43 name, address, and identification number of the
 44 eligible person.

45 h. A provision to ensure choice of pharmaceutical
 46 services by the eligible person.

47 5. A person who supplies false information to
 48 establish eligibility for the program or to obtain
 49 reimbursement is guilty of a serious misdemeanor."
 50 2. By renumbering as necessary.

PATRICIA M. HARPER

S-3308

1 Amend House File 745, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 11, by striking line 22 and inserting the
 4 following:
 5 "..... FTEs 9.00"
 6 2. Page 16, by inserting after line 27 the
 7 following:
 8 "Sec. . The department of workforce
 9 development, in cooperation with the legislative
 10 fiscal bureau, shall submit to the joint
 11 appropriations subcommittee on economic development
 12 during the 2000 regular session of the general
 13 assembly a budget request that provides revenues,
 14 expenditures, and balances for each program within all
 15 appropriations and funds controlled by the department.
 16 This section does not alter any requirements provided

17 under chapter 8."
18 3. By renumbering and correcting internal
19 references as necessary.

COMMITTEE ON APPROPRIATIONS
DERRYL McLAREN, Chairperson

S-3309

1 Amend House File 476, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 10, by inserting after line 2 the
4 following:
5 "Sec. . Section 6B.17, Code 1999, is amended to
6 read as follows:
7 6B.17 WHEN APPRAISEMENT FINAL.
8 The appraisalment of damages returned by the
9 commissioners shall be final unless appealed ~~from~~ by
10 the condemnee.
11 Sec. . Section 6B.18, Code 1999, is amended to
12 read as follows:
13 6B.18 NOTICE OF APPRAISEMENT -- APPEAL OF AWARD.
14 After the appraisalment of damages has been
15 delivered to the sheriff by the compensation
16 commission, the sheriff shall give written notice, by
17 ordinary mail, to the condemner and the condemnee of
18 the date on which the appraisalment of damages was
19 made, the amount of the appraisalment, and that ~~any~~
20 ~~interested party~~ the condemnee only may, within thirty
21 days from the date of mailing the notice of the
22 appraisalment of damages, appeal to the district court.
23 The sheriff shall endorse the date of mailing of
24 notice upon the original appraisalment of damages. At
25 the time of appeal, the appellant shall give written
26 notice that the appeal has been taken to the adverse
27 party, or the adverse party's agent or attorney,
28 lienholders, and the sheriff.
29 Sec. . Section 6B.21, Code 1999, is amended to
30 read as follows:
31 6B.21 APPEALS -- HOW DOCKETED AND TRIED.
32 The appeal shall be docketed in the name of the
33 person appealing and all other interested parties to
34 the action shall be defendants. ~~In the event the~~
35 ~~condemner and the condemnee appeal, the appeal shall~~
36 ~~be docketed in the name of the appellant which filed~~
37 ~~the application for condemnation and all other parties~~
38 ~~to the action shall be defendants.~~ The appeal shall
39 be tried as in an action by ordinary proceedings. The
40 appraisalment of damages by the compensation commission
41 is admissible in the action."

MAGGIE TINSMAN

S-3310

- 1 Amend House File 734, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 33 the
- 4 following:
- 5 "f. One pharmacist employed at a store with four
- 6 or more locations in the state, designated by the
- 7 retail pharmacy council of the Iowa retail
- 8 federation."

MICHAEL E. GRONSTAL

S-3311

- 1 Amend House File 737, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 8, line 17, by striking the figure
- 4 "10,932,737" and inserting the following:
- 5 "11,479,374".
- 6 2. Page 8, by inserting after line 17 the
- 7 following:
- 8 "Of the funds appropriated in this subsection,
- 9 \$546,637 shall be used for expansion of the public
- 10 health nursing and homemaker services programs."

JOHNIE HAMMOND
PATRICIA M. HARPER
JOE BOLKCOM

S-3112

- 1 Amend Senate File 76 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "appropriated." the following: "The department shall
- 4 not encumber an amount in excess of five hundred
- 5 thousand dollars under this section in any fiscal
- 6 year."

DERRYL McLAREN
JOHN W. JENSEN

S-3313

- 1 Amend the amendment, S-3266, to House File 737, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking line 3 and inserting the
- 5 following:
- 6 ". Page 12, by striking lines 3 through 5 and
- 7 inserting the following:
- 8 "12. Of the funds appropriated in this section, an

9 amount not exceeding 10 percent may be used by the
10 state university of Iowa hospitals and clinics for
11 administrative expenses."

JACK RIFE
JOHNIE HAMMOND

S-3314

1 Amend House File 476, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 6, by inserting after the figure
4 "306," the following: "or to the establishment of a
5 railway under the supervision of the department of
6 transportation as provided in section 327C.2,".

JEFF ANGELO

S-3315

1 Amend House File 745, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, by striking lines 33 and 34 and
4 inserting the following:
5 "..... \$ 3,113,983
6 FTEs 98.00"

BETTY A. SOUKUP

S-3316

1 Amend House File 734, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking line 3 through 15 and
4 inserting the following:
5 "1. The department shall establish an Iowa drug
6 utilization review commission. The commission is
7 subject to chapter 21 and chapter 68B."
8 2. Page 1, line 20, by striking the word
9 "designated" and inserting the following:
10 "recommended".
11 3. Page 1, line 21, by striking the word
12 "designated" and inserting the following:
13 "recommended".
14 4. Page 1, line 26, by striking the word
15 "designated" and inserting the following:
16 "recommended".
17 5. Page 1, line 28, by striking the word
18 "designated" and inserting the following:
19 "recommended".
20 6. Page 1, line 30, by striking the word
21 "designated" and inserting the following:

- 22 "recommended".
- 23 7. Page 1, line 32, by striking the word
- 24 "designated" and inserting the following:
- 25 "recommended".
- 26 8. Page 2, by striking lines 9 through 18, and
- 27 inserting the following:
- 28 "4. The members of the commission shall be
- 29 appointed by the governor. The members shall serve
- 30 three-year, staggered terms and shall not serve more
- 31 than two consecutive terms. The membership of the
- 32 commission shall meet the requirements of section
- 33 69.16. The membership of the commission shall also
- 34 meet the requirements of section 69.16A to the maximum
- 35 extent possible. Members of the commission shall
- 36 receive compensation as provided under the contract
- 37 entered into by the department to implement this
- 38 section."
- 39 9. Page 2, line 19, by inserting after the word
- 40 "make" the following: "recommendations to the
- 41 department and the department shall forward these".
- 42 10. Page 2, by striking lines 27 through 31, and
- 43 inserting the following: "the commission shall attach
- 44 to its recommendation a statement of the rationale for
- 45 placing the drug on the listing. Drugs recommended
- 46 by".
- 47 11. Page 3, by striking lines 19 through 29, and
- 48 inserting the following:
- 49 "8. The drug utilization review commission shall
- 50 conduct an initial review of all drugs for which prior

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- 1 authorization is required to determine if the drugs
- 2 should remain on the listing and shall report its
- 3 findings to the department by December 1, 1999. The
- 4 department shall report the findings to the general
- 5 assembly by January 1, 2000. Following the initial
- 6 review, the drug utilization review commission shall
- 7 conduct an annual review of all drugs for which prior
- 8 authorization is required to determine if the drugs
- 9 should remain on the listing and shall submit its
- 10 findings to the department by December 1 annually.
- 11 The department shall report the findings to the
- 12 general assembly, annually, by January 1."
- 13 12. Page 4, by striking lines 3 and 4.
- 14 13. Title page, lines 1 and 2, by striking the
- 15 words "and providing an effective date".

JOHN REDWINE
JOHNIE HAMMOND
ELAINE SZYMONIAK

NANCY J. BOETTGER
MAGGIE TINSMAN

S-3317

- 1 Amend House File 737, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 14, line 28, by striking the figure
- 4 "1,108,972" and inserting the following: "funding".

JOE BOLKCOM

S-3318

- 1 Amend the amendment, S-3217, to House File 664, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, by striking lines 7 through 11 and
- 5 inserting the following: "served or are underserved.
- 6 The committee shall consider the task force report and
- 7 recommendations in making the committee's report on
- 8 these topics to the governor and general assembly,
- 9 which shall be submitted on or before November 15,
- 10 1999. The legislative council is requested to
- 11 designate a legislative interim committee to meet for
- 12 two or more days to consider the report on behalf of
- 13 the general assembly."
- 14 2. Page 6, by striking lines 21 through 24 and
- 15 inserting the following: "individuals. The
- 16 department of human services shall allocate conversion
- 17 authorizations to provide for ~~four~~ eight conversions
- 18 in each of the department's five service regions. If
- 19 ~~a conversion authorization allocated to a~~".

ELAINE SZYMONIAK

S-3319

- 1 Amend House File 476, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 24, by inserting after line 3 the
- 4 following:
- 5 "Sec. . Section 465B.2, subsection 1, paragraph
- 6 d, Code 1999, is amended to read as follows:
- 7 d. Management activities including maintenance,
- 8 enforcement of rules, and replacement needs. For
- 9 purposes of this paragraph, maintenance includes the
- 10 clearing of brush, trees, and other debris that may
- 11 interfere with the operation of machinery and

- 12 equipment on an adjacent landowner's property."
13 2. By renumbering as necessary.

JOHN W. JENSEN

S-3320

- 1 Amend the amendment, S-3309, to House File 476, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 39 through 41, and
5 inserting the following: "be tried as in an action by
6 ordinary proceedings. ~~The appraisalment of damages by~~
7 ~~the compensation commission is admissible in the~~
8 ~~action."~~"

JEFF LAMBERTI

S-3321

- 1 Amend the amendment, S-3266, to House File 737, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking line 3 and inserting the
5 following:
6 ". Page 12, by striking lines 3 through 5 and
7 inserting the following:
8 "12. Of the funds appropriated in this section, an
9 amount not exceeding 5 percent may be used by the
10 state university of Iowa hospitals and clinics for
11 administrative expenses."

JACK RIFE
TOM FLYNN

S-3322

- 1 Amend House File 476, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 15, line 31, by striking the word
4 "PROPERTY" and inserting the following: "AGRICULTURAL
5 LAND".
6 2. Page 15, line 33, by striking the word
7 "property" and inserting the following: "agricultural
8 land".
9 3. Page 15, line 35, by striking the word
10 "property" and inserting the following: "agricultural
11 land".
12 4. Page 16, line 3, by striking the word
13 "property" and inserting the following: "agricultural
14 land".

MATT McCOY
GENE MADDOX

S-3323

- 1 Amend House File 476, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 24, line 21, by striking the figure
- 4 "1999" and inserting the following: "2000".
- 5 2. Page 24, line 24, by striking the figure
- 6 "1999" and inserting the following: "2000".

MATT McCOY
MICHAEL E. GRONSTAL
GENE MADDOX

S-3324

- 1 Amend House File 476, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, by striking line 15, and inserting the
- 4 following:
- 5 "g. A showing of the amount of land reasonably
- 6 necessary to".
- 7 2. By renumbering as necessary.

ROBERT E. DVORSKY
GENE MADDOX

S-3325

- 1 Amend House File 476, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 2 through 4, and
- 4 inserting the following: "or blighted area as defined
- 5 in section 403.17, or to land acquired for industry as
- 6 that term is defined in section 260E.2, or".
- 7 2. By striking page 16, line 17, through page 17,
- 8 line 5.
- 9 3. Page 21, by striking lines 24 through 26 and
- 10 inserting the following: "condemnation or unless the
- 11 land is to be acquired for industry as that term is
- 12 defined in section 260E.2. This paragraph".
- 13 4. Page 22, by striking lines 6 through 8, and
- 14 inserting the following: "the land is to be acquired
- 15 for industry as that term is defined in section
- 16 260E.2. A municipality may exercise".
- 17 5. By renumbering as necessary.

MATT McCOY
MICHAEL E. GRONSTAL
GENE MADDOX

S-3326

1 Amend House File 476, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 21, by inserting after line 18 the
4 following:

5 "Sec. 101. Section 368.19, unnumbered paragraph 1,
6 Code 1999, is amended to read as follows:

7 The committee shall approve or disapprove the
8 petition or plan as amended, within ninety days of the
9 final hearing, and shall file its decision for record
10 and promptly notify the parties to the proceeding of
11 its decision. If a petition or plan is approved, the
12 board shall set a date not less than thirty days nor
13 more than ninety days after approval for a special
14 election on the proposal and the county commissioner
15 of elections shall conduct the election. In a case of
16 incorporation or discontinuance, registered voters of
17 the territory or city may vote, and the proposal is
18 authorized if a majority of those voting approves it.
19 In a case of annexation ~~or severance~~, registered
20 voters of the territory and of the city may vote, and
21 the proposal is authorized if a majority of the total
22 number of persons residing in the territory and voting
23 approves it and if a majority of the total number of
24 persons residing in the city and voting approves it.
25 In case of severance, registered voters of that area
26 of the city to be severed and of the remainder of the
27 city may vote, and the proposal is authorized if a
28 majority of the total number of persons residing in
29 the area to be severed and voting approves it and if a
30 majority of the total number of persons residing in
31 the remainder of the city and voting approves it.
32 However, if there are no registered voters in the
33 territory to be severed or annexed, a special election
34 on the proposal shall not be conducted and the
35 proposal shall be implemented as if the proposal was
36 approved at a special election. In a case of
37 consolidation, registered voters of each city to be
38 consolidated may vote, and the proposal is authorized
39 only if it receives a favorable majority vote in each
40 city. The county commissioner of elections shall
41 publish notice of the election as provided in section
42 49.53 and shall conduct the election in the same
43 manner as other special city elections."

44 2. Page 24, by inserting after line 24 the
45 following: "This section and section 101 of this Act,
46 amending section 368.19, being deemed of immediate
47 importance, take effect upon enactment and section 101
48 applies to any special election conducted pursuant to
49 section 368.19 after the effective date of this
50 section of this Act to approve or disapprove a

Page 2

- 1 petition pending before the city development board
2 before, on, or after the effective date of this
3 section of this Act."
4 3. Title page, by striking lines 2 and 3, and
5 inserting the following: "and to condemnation
6 proceedings, and relating to voter approval of
7 annexation and severance of territory to or from a
8 city, and including effective date and applicability
9 provisions."
10 4. By renumbering as necessary.

BILL FINK

S-3327

- 1 Amend Senate File 136 as follows:
2 1. Page 17, by inserting after line 14 the
3 following:
4 "Sec. . Section 450.7, subsection 1, unnumbered
5 paragraph 2, Code 1999, is amended to read as follows:
6 Inheritance taxes owing with respect to a passing
7 of property of a deceased person are no longer a lien
8 against the property ten years from the date of death
9 of the decedent owner regardless of whether the
10 decedent owner died prior to or subsequent to July 1,
11 1995, except to the extent taxes are attributable to
12 remainder or deferred interests and are deferred in
13 accordance with the provisions of this chapter."

LARRY McKIBBEN

S-3328

- 1 Amend House File 476, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 7, by inserting after the figure
4 "328.1," the following: "or to land acquired for a
5 project under the new jobs and income act pursuant to
6 chapter 15, part 13, or to land located in an economic
7 development enterprise zone designated pursuant to
8 section 15E.192, excluding projects that qualify under
9 section 15E.193B,".

MARY E. KRAMER

HOUSE AMENDMENT TO
SENATE FILE 249

S-3329

- 1 Amend Senate File 249, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by striking lines 7 through 26.
- 4 2. By renumbering as necessary.

S-3330

- 1 Amend House File 476, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 2, by inserting after the figure
- 4 "403.17," the following: "or to recreational trails
- 5 located in a city with a population over one hundred
- 6 thousand,".

MATT McCOY
JoANN JOHNSON

S-3331

- 1 Amend Senate File 445 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 99D.8, unnumbered paragraph 1,
- 5 Code 1999, 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 2. Page 4, by inserting after line 6 the
32 following:

33 "Sec. . NEW SECTION. 99F.4C DIVESTITURE.

34 1. If, on the effective date of this Act, a county
35 owns or has a leasehold interest in any real estate or
36 other property which is used in the operation of slot
37 machines licensed pursuant to this chapter or of a
38 pari-mutuel horse racetrack licensed pursuant to
39 chapter 99D, the county shall divest itself not later
40 than July 1, 2000, of any interest in the real estate
41 or other property which is used in the operation of
42 slot machines or pari-mutuel horse racing.

43 2. A county which owns or has a leasehold interest
44 in real property as provided in subsection 1 shall
45 divest itself of the real property by sale at a fair
46 market price to a corporation organized pursuant to
47 chapter 490 with the following restrictions and
48 requirements:

49 a. All shares of the corporation shall be sold to
50 residents of this state.

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1 b. All officers and directors of the corporation
2 shall be residents of this state.

3 c. The transfer of all shares shall be subject to
4 the approval of the corporation and the transfer shall
5 be to the corporation or to other residents of this
6 state."

7 3. Title page, line 3, by inserting after the
8 word "machines," the following: "providing for the
9 divestiture of gambling facilities held by counties,".

JACK RIFE
DERRYL McLAREN

S-3332

1 Amend House File 476, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 2, by inserting after the figure
4 "403.17," the following: "or to recreational trails
5 located in a standard metropolitan area with a
6 population over one hundred thousand,".

MATT McCOY
JoANN JOHNSON
DON REDFERN

S-3333

- 1 Amend the amendment, S-3332, to House File 476, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 6, by striking the word "one" and
- 5 inserting the following: "eight".

MERLIN E. BARTZ

S-3334

- 1 Amend House File 476, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 2, by inserting after the figure
- 4 "403.17," the following: "or to recreational trails
- 5 located in a standard metropolitan statistical area as
- 6 determined by the United States census bureau".

MATT McCOY
JoANN JOHNSON
DON REDFERN

S-3335

- 1 Amend the amendment, S-3334, to House File 476, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 5, by inserting after the word
- 5 "area" the following: ", which exceeds eight hundred
- 6 thousand population,".

MERLIN E. BARTZ

S-3336

- 1 Amend House File 711, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. NEW SECTION. 80E.4 DRUG ABUSE
- 6 PREVENTION, EDUCATION, AND TREATMENT FUND.
- 7 1. A drug abuse prevention, education, and
- 8 treatment fund is created in the office of the
- 9 treasurer of state under the authority of the drug
- 10 enforcement and abuse prevention coordinator which
- 11 shall consist of moneys credited to or deposited in
- 12 the fund.
- 13 2. Moneys in the fund shall be used for drug abuse
- 14 prevention, education, and treatment programs,
- 15 pursuant to criteria adopted by the coordinator.
- 16 3. Moneys in the fund are not subject to section

17 8.33. Notwithstanding section 12C.7, subsection 2,
18 interest or earnings on moneys in the fund shall be
19 credited to the fund.

20 Sec. . Section 602.8102, subsection 135A, Code
21 1999, is amended to read as follows:

22 135A. Assess the drug abuse resistance prevention,
23 education, and treatment surcharge as provided by
24 section 911.2.

25 Sec. . Section 602.8108, subsection 3,
26 paragraph c, Code 1999, is amended to read as follows:

27 c. Notwithstanding provisions of this subsection
28 to the contrary, all moneys collected from the drug
29 abuse resistance prevention, education, and treatment
30 surcharge provided in section 911.2 shall be remitted
31 to the treasurer of state for deposit in the general
32 fund of the state and the amount deposited is
33 appropriated to the Iowa law enforcement academy for
34 use by the drug abuse resistance prevention, education
35 program, and treatment fund established in section
36 80E.4."

37 2. Page 1, by striking line 9 and inserting the
38 following: "additional drug abuse resistance
39 prevention, education, and treatment surcharge of
40 five".

41 3. Title page, by striking line 1 and inserting
42 the following: "An Act establishing a drug abuse
43 prevention, education, and treatment fund, providing
44 moneys for the fund through a surcharge for that
45 purpose, and by imposing the".

46 4. Title page, line 2, by striking the word
47 "education".

48 5. By renumbering as necessary.

LARRY McKIBBEN
ANDY McKEAN
GENE MADDOX
JOHNIE HAMMOND
ROBERT E. DVORSKY

S-3337

1 Amend Senate File 436 as follows:

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

4 "Section 1. Section 22.7, Code 1999, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 38. Information revealing the
7 identity of a packer or a person who sells livestock
8 to a packer as reported to the department of
9 agriculture and land stewardship pursuant to section
10 172C.2."

11 2. Page 1, by inserting after line 1 the

12 following:

13 "___ "Department" means the department of
14 agriculture and land stewardship."

15 3. By striking page 1, line 13, through page 3,
16 line 14, and inserting the following:

17 "Sec. ___ NEW SECTION. 172C.2 PURCHASE REPORTS

18 -- FILING.

19 1. A packer shall file purchase reports with the
20 department which include information relating to the
21 purchase of livestock as required by the department.
22 The purchase reports shall be completed in a manner
23 prescribed by the department. The department may
24 require that purchase reports be filed in an
25 electronic format. A packer shall file purchase
26 reports at times determined practicable by the
27 department, but not later than two business days
28 following the event being reported.

29 2. a. The information required to be reported may
30 include but is not limited to livestock purchased,
31 committed for delivery, or slaughtered. The
32 information may include the volume of daily purchases
33 and the weight, grade, and price paid for livestock,
34 including all premiums, discounts, or adjustments. If
35 livestock is purchased pursuant to contract, the
36 department may require that information in the
37 purchase report be categorized by the type of
38 contract. The purchase reports shall allow the
39 department to compare prices paid under contract with
40 cash market prices.

41 b. This section does not require that information
42 reported include future plans, events, or
43 transactions, unless provided for by contract.

44 3. The department may provide for the public
45 dissemination of information contained in purchase
46 reports.

47 a. The department may enter into an agreement with
48 the United States department of agriculture or any
49 private marketing service in order to disseminate
50 information contained in purchase reports.

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1 b. The department, in consultation with the office
2 of attorney general, shall designate information in
3 purchase reports that reveals the identity of a packer
4 or livestock seller as confidential pursuant to
5 section 22.7.

6 Sec. NEW SECTION. 172C.3 PURCHASE NOTICE --
7 POSTING.

8 1. a. A packer shall post a purchase notice which
9 includes information relating to the purchase of
10 livestock as required by the department. The

11 information contained in the purchase notice shall
 12 include a summary of information required to be filed
 13 in purchase reports as provided in section 172C.2.

14 b. This section does not require that information
 15 contained in a purchase notice include future plans,
 16 events, or transactions unless provided for by
 17 contract.

18 2. The information contained in the purchase
 19 notice shall appear in a format that can be understood
 20 by a reasonable person familiar with selling
 21 livestock. The notice shall be posted in a
 22 conspicuous place at the point of delivery in a manner
 23 prescribed by the department.

24 Sec. NEW SECTION. 172C.4 CONFIDENTIALITY
 25 PROVISIONS IN CONTRACTS PROHIBITED.

26 1. A packer shall not include a provision in a
 27 contract executed on or after the effective date of
 28 this section for the purchase of livestock providing
 29 that information contained in the contract is
 30 confidential.

31 2. A provision which is part of a contract for the
 32 purchase of livestock executed on and after the
 33 effective date of this section for the purchase of
 34 livestock is void, if the provision states that
 35 information contained in the contract is confidential.
 36 The provision is void regardless of whether the
 37 confidentiality provision is express or implied; oral
 38 or written; required or conditional; contained in the
 39 contract, another contract, or in a related document,
 40 policy, or agreement. This section does not affect
 41 other provisions of a contract or a related document,
 42 policy, or agreement which can be given effect without
 43 the voided provision. This section does not require
 44 either party to the contract to divulge the
 45 information in the contract to another person.

46 Sec. NEW SECTION. 172C.5 RULES.

47 1. The department, in consultation with the office
 48 of attorney general, shall adopt rules necessary in
 49 order to administer this chapter.

50 2. The department may establish different rules

Page 3

1 according to the species of livestock governing all of
 2 the following:

3 a. Purchase reporting requirements pursuant to
 4 section 172C.2.

5 b. Purchase notice posting requirements pursuant
 6 to section 172C.3.

7 Sec. NEW SECTION. 172C.6 ENFORCEMENT.

8 1. a. The attorney general's office is the
 9 primary agency responsible for enforcing this chapter.

- 10 b. The department shall notify the attorney
11 general's office if the department has reason to
12 believe that a violation of section 172C.2 has
13 occurred.
- 14 2. In enforcing the provisions of this chapter,
15 the attorney general may do all of the following:
- 16 a. Apply to the district court for an injunction
17 to do any of the following:
- 18 (1) Restrain a packer from engaging in conduct or
19 practices in violation of this chapter.
- 20 (2) Require a packer to comply with a provision of
21 this chapter.
- 22 b. Apply to district court for the issuance of a
23 subpoena to obtain contracts, documents, or other
24 records for purposes of enforcing this chapter.
- 25 c. Bring an action in district court to enforce
26 penalties provided in this chapter, including the
27 imposition, assessment, and collection of monetary
28 penalties.
- 29 3. The attorney general shall have access to all
30 information reported by packers pursuant to section
31 172C.2, regardless of whether the information is
32 confidential. The attorney general may use the
33 information in order to enforce this chapter or may
34 submit the information to a federal agency.
- 35 Sec. NEW SECTION. 172C.7 PENALTIES.
- 36 1. A packer who fails to file a timely, accurate,
37 or complete purchase report as required pursuant to
38 section 172C.2 is subject to a civil penalty of not
39 more than five thousand dollars. Each failure by a
40 packer to file a timely, accurate, or complete
41 purchase report constitutes a separate violation.
- 42 2. A packer who fails to post a timely, accurate,
43 or complete purchase notice as required pursuant to
44 section 172C.3 is subject to a civil penalty of not
45 more than one thousand dollars. Each failure by a
46 packer to post a timely, accurate, or complete
47 purchase notice constitutes a separate violation.
- 48 3. A packer who includes a confidentiality
49 provision in a contract with a livestock seller in
50 violation of section 172C.4 is guilty of a fraudulent

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- 1 practice as provided in section 714.8.
- 2 Sec. . Section 714.8, Code 1999, is amended by
3 adding the following new subsection:
- 4 NEW SUBSECTION. 17. A packer who includes a
5 confidentiality provision in a contract with a
6 livestock seller in violation of section 172C.4.
- 7 Sec. . APPLICABILITY. A packer shall provide
8 purchase reports to the department of agriculture and

9 land stewardship as required in section 172C.2 and
10 shall post a purchase notice as provided in section
11 172C.3, as enacted in this Act, for each species of
12 livestock as defined in section 172C.1, as enacted in
13 this Act, in accordance with rules adopted by the
14 department governing that species.

15 Sec. ____ FUTURE REPEAL OF SECTIONS AND
16 ELIMINATION OF PROVISIONS -- IMPLEMENTATION OF FEDERAL
17 STATUTES AND REGULATIONS.

18 1. Subject to subsection 2, all of the following
19 shall apply:

20 a. If the federal government implements a statute
21 or regulation that is substantially similar to or more
22 stringent than purchase reporting requirements
23 provided in section 172C.2 and penalties provided in
24 section 172C.7, subsection 1, as enacted by this Act,
25 all of the following shall apply:

26 (1) Section 172C.2 is repealed.

27 (2) All of the following sections are amended as
28 follows:

29 (a) Section 22.7, subsection 38, by striking the
30 subsection.

31 (b) Section 172C.5, subsection 2, paragraph "a",
32 by striking the paragraph.

33 (c) Section 172C.6, subsection 1, paragraph "b",
34 by striking the paragraph.

35 (d) Section 172C.6, subsection 3, by striking the
36 subsection.

37 (e) Section 172C.7, subsection 1, by striking the
38 subsection.

39 b. If the federal government implements a statute
40 or regulation that is substantially similar to or more
41 stringent than purchase notice requirements provided
42 in section 172C.3 and penalties provided in section
43 172C.7, subsection 2, as enacted by this Act, all of
44 the following shall apply:

45 (1) Section 172C.3 is repealed.

46 (2) All of the following sections are amended as
47 follows:

48 (a) Section 172C.5, subsection 2, paragraph "b",
49 by striking the paragraph.

50 (b) Section 172C.7, subsection 2, by striking the

Page 5

1 subsection.

2 c. If the federal government implements a statute
3 or regulation that is substantially similar to or more
4 stringent than purchase reporting requirements and
5 penalties as described in paragraph "a" and purchase
6 notice requirements and penalties as described in
7 paragraph "b", section 172C.5, subsection 2, is

8 amended by striking the subsection.

9 2. Paragraph "a", "b", or "c", as provided in
10 subsection 1, shall become applicable only upon a
11 finding by the secretary of agriculture that the
12 federal government has implemented a statute or
13 regulation as provided in that specific paragraph in
14 accordance with an order issued by the secretary of
15 agriculture and filed with the secretary of state.
16 The secretary of agriculture shall issue an order only
17 after consulting with the attorney general.

18 3. The secretary of agriculture shall forward a
19 copy of an order issued under this section to all of
20 the following:

21 a. The governor.

22 b. The secretary of the senate and the chief clerk
23 of the house of representatives.

24 c. The attorney general.

25 d. The Code editor and the administrative code
26 editor.

27 4. The Code editor may recommend that any
28 provision of chapter 172C, as enacted in this Act, be
29 amended or eliminated in a Code editor's bill as
30 necessary in order to conform the provisions of the
31 chapter as provided in this section.

32 Sec. . EFFECTIVE DATES.

33 1. Except as provided in subsection 2, this Act
34 takes effect on July 1, 2000.

35 2. Section 172C.4, section 172C.6, subsection 2,
36 section 172C.7, subsection 3, section 714.8,
37 subsection 17, and this section as enacted by this
38 Act, being deemed of immediate importance, take effect
39 upon enactment."

40 4. Title page, by striking lines 2 through 4 and
41 inserting the following: "concerning packers, by
42 providing for the regulation of certain purchase
43 information and contracting, and providing penalties
44 and effective dates."

JEFF ANGELO

S-3338

1 Amend Senate File 136 as follows:

2 1. Page 38, by inserting after line 27 the
3 following:

4 "Sec. . MACHINE, EQUIPMENT, AND COMPUTERS
5 PROPERTY TAX.

6 1. By January 15, 2000, the department of economic
7 development shall prepare and submit a report to the
8 general assembly regarding the phase out of the
9 machine, equipment, and computers property tax
10 including at least the following:

- 11 a. The estimated impact on Iowa taxing
 12 jurisdictions.
 13 b. Recommendations for the modification or
 14 extension of the reimbursement formula.
 15 2. The department may convene an advisory
 16 committee of local and state officials and technical
 17 experts to assist in the review of the phase out of
 18 the machine, equipment, and computers property tax."
 19 2. By renumbering as necessary.

RICHARD F. DRAKE
 JoANN JOHNSON

S-3339

- 1 Amend Senate File 286 as follows:
 2 1. Page 1, line 34, by inserting after the word
 3 "unusable" the following: "all or a part of".
 4 2. Page 2, line 2, by inserting after the word
 5 "which" the following: "all or a part of".

TOM FLYNN

S-3340

- 1 Amend Senate File 136 as follows:
 2 1. Page 13, by inserting after line 35 the
 3 following:
 4 "Sec. . Section 422B.1, subsections 3, 5, 6,
 5 and 10, Code 1999, are amended to read as follows:
 6 3. A local option tax shall be imposed only after
 7 an election at which a majority of those voting on the
 8 question favors imposition and shall then be imposed
 9 until repealed as provided in subsection 6, ~~paragraph~~
 10 "a". If the tax is a local vehicle tax imposed by a
 11 county, it shall apply to all incorporated and
 12 unincorporated areas of the county. If the tax is a
 13 local sales and services tax imposed by a county, it
 14 shall only apply to those incorporated areas and the
 15 unincorporated area of that county in which a majority
 16 of those voting in the area on the tax favors its
 17 imposition. For purposes of the local sales and
 18 services tax, all cities contiguous to each other
 19 shall be treated as part of one incorporated area and
 20 the tax would be imposed in each of those contiguous
 21 cities only if the majority of those voting in the
 22 total area covered by the contiguous cities favors its
 23 imposition. For purposes of the local sales and
 24 services tax, a city is not contiguous to another city
 25 if the only road access between the two cities is
 26 through another state.
 27 5. The county commissioner of elections shall

28 submit the question of imposition of a local option
29 tax at a state general election or at a special
30 election held at any time other than the time of a
31 city regular election. The election shall not be held
32 sooner than sixty days after publication of notice of
33 the ballot proposition. The ballot proposition shall
34 specify the type and rate of tax and in the case of a
35 vehicle tax the classes that will be exempt and in the
36 case of a local sales and services tax the date it
37 will be imposed. The ballot proposition shall also
38 specify the approximate amount of local option tax
39 revenues that will be used for property tax relief and
40 shall contain a statement as to the specific purpose
41 or purposes for which the revenues shall otherwise be
42 expended. If The ballot proposition shall also
43 specify that the local sales and services tax shall
44 automatically be repealed after ten years. However,
45 if the county board of supervisors decides under
46 subsection 6 to specify a an earlier date on which the
47 local option sales and services tax shall
48 automatically be repealed, the that date of the repeal
49 shall also be specified on the ballot. The rate of
50 the vehicle tax shall be in increments of one dollar

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1 per vehicle as set by the petition seeking to impose
2 the tax. The rate of a local sales and services tax
3 shall not be more than one percent as set by the
4 governing body. The state commissioner of elections
5 shall establish by rule the form for the ballot
6 proposition which form shall be uniform throughout the
7 state.
8 6. a. If a majority of those voting on the
9 question of imposition of a local option tax favor
10 imposition of a local option tax, the governing body
11 of that county shall impose the tax at the rate
12 specified for an unlimited period, in the case of a
13 local vehicle tax, and for a period of no more than
14 ten years, in the case of a local sales and services
15 tax. However, in the case of a local sales and
16 services tax, the county shall not impose the tax in
17 any incorporated area or the unincorporated area if
18 the majority of those voting on the tax in that area
19 did not favor its imposition. For purposes of the
20 local sales and services tax, all cities contiguous to
21 each other shall be treated as part of one
22 incorporated area and the tax shall be imposed in each
23 of those contiguous cities only if the majority of
24 those voting on the tax in the total area covered by
25 the contiguous cities favored its imposition. The
26 local option tax may be repealed or the rate increased

27 or decreased or the use thereof changed after an
28 election at which a majority of those voting on the
29 question of repeal or rate or use change favored the
30 repeal or rate or use change. The election at which
31 the question of repeal or rate or use change is
32 offered shall be called and held in the same manner
33 and under the same conditions as provided in
34 subsections 4 and 5 for the election on the imposition
35 of the local option tax. However, in the case of a
36 local sales and services tax where the tax has not
37 been imposed countywide, the question of repeal or
38 imposition or rate or use change shall be voted on
39 only by the registered voters of the areas of the
40 county where the tax has been imposed or has not been
41 imposed, as appropriate. However, the governing body
42 of the incorporated area or unincorporated area where
43 the local sales and services tax is imposed may, upon
44 its own motion, request the county commissioner of
45 elections to hold an election in the incorporated or
46 unincorporated area, as appropriate, on the question
47 of the change in use of local sales and services tax
48 revenues. The election may be held at any time but
49 not sooner than sixty days following publication of
50 the ballot proposition. If a majority of those voting

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1 in the incorporated or unincorporated area on the
2 change in use favor the change, the governing body of
3 that area shall change the use to which the revenues
4 shall be used. The ballot proposition shall list the
5 present use of the revenues, the proposed use, and the
6 date after which revenues received will be used for
7 the new use.

8 When submitting the question of the imposition of a
9 local sales and services tax, the county board of
10 supervisors may direct that the question contain a
11 provision for the repeal, without election, of the
12 local sales and services tax on a specific date, which
13 date is earlier than the ten years specified in
14 paragraph "c" and which date shall be the end of a
15 calendar quarter.

16 b. Within ten days of the election at which a
17 majority of those voting on the question favors the
18 imposition, repeal, or change in the rate of a local
19 option tax, the governing body shall give written
20 notice to the director of revenue and finance or, in
21 the case of a local vehicle tax, to the director of
22 the department of transportation, of the result of the
23 election.

24 c. Unless earlier repealed as provided in
25 paragraph "a" of this subsection or subsection 9, a

26 local sales and services tax is repealed as follows:
27 (1) If the tax is initially imposed on or after
28 July 1, 1999, the tax is repealed ten years following
29 imposition.
30 (2) If the tax was initially imposed prior to July
31 1, 1999, the tax is repealed as follows:
32 (a) In those areas where obligations payable as
33 provided in section 422B.12 are not outstanding on
34 July 1, 1999, the tax is repealed June 30, 2009.
35 (b) In those areas where obligations payable as
36 provided in section 422B.12 are outstanding on July 1,
37 1999, the tax is repealed on June 30, 2009, or at the
38 end of the first calendar quarter following the date
39 the obligations are paid, whichever is later.
40 d. A tax may be extended beyond the applicable
41 repeal date in paragraph "c", if an election is held
42 and the voters approve the extension. The extended
43 tax shall be automatically repealed in ten years
44 unless earlier repealed. Any number of extensions are
45 allowed.
46 10. Notwithstanding subsection 9 or any other
47 contrary provision of this chapter, a local option
48 sales and services tax shall not be repealed or
49 reduced in rate if obligations are outstanding which
50 are payable as provided in section 422B.12, unless

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1 funds sufficient to pay the principal, interest, and
2 premium, if any, on the outstanding obligations at and
3 prior to maturity have been properly set aside and
4 pledged for that purpose. The restriction on repeals
5 in this subsection does not apply to the repeal
6 provisions in subsection 6, paragraph "c".
7 2. Page 14, by inserting after line 24 the
8 following:
9 "Sec. 102. Section 422E.3, subsection 2, Code
10 1999, is amended to read as follows:
11 2. The tax shall be imposed on the same basis as
12 the state sales and services tax and shall not be
13 imposed on the sale of any property or on any service
14 not taxed by the state, except the tax shall not be
15 imposed on the gross receipts from the sale of natural
16 gas or electric energy in a city or county where the
17 gross receipts are subject to a franchise fee or user
18 fee during the period the franchise or user fee is
19 imposed, on the gross receipts from the sale of motor
20 fuel or special fuel as defined in chapter 452A, on
21 the gross receipts from the rental of rooms,
22 apartments, or sleeping quarters which are taxed under
23 chapter 422A during the period the hotel and motel tax
24 is imposed, on the gross receipts from the sale of

25 equipment by the state department of transportation,
26 and on the gross receipts from the sale of a lottery
27 ticket or share in a lottery game conducted pursuant
28 to chapter 99E.

29 Sec. . Section 422E.3, subsection 5, paragraph
30 c, Code 1999, is amended to read as follows:

31 c. The director shall remit a final payment of the
32 remainder of tax moneys due for the fiscal year before
33 November 10 of the next fiscal year. If an
34 overpayment has resulted during the previous fiscal
35 year, the ~~first November~~ payment of the new fiscal
36 year shall be adjusted to reflect any overpayment.

37 Sec. 103. Section 422E.3, Code 1999, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 7. Construction contractors may
40 make application to the department for a refund of the
41 additional local sales and services tax paid under
42 this chapter by reason of taxes paid on goods, wares,
43 or merchandise under the conditions specified in
44 section 422B.11. The refund shall be paid by the
45 department from the appropriate school district's
46 account in the local sales and services tax fund. The
47 penalty provisions contained in section 422B.11,
48 subsection 3, shall apply regarding an erroneous
49 application for refund of local sales and services tax
50 paid under this chapter.

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1 Sec. 104. Section 422E.3, Code 1999, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 8. Notwithstanding section
4 422E.1, subsection 3, if a school district receives
5 local option sales and services tax for school
6 infrastructure revenue in an amount exceeding that
7 amount required to facilitate the school
8 infrastructure purpose or purposes stated on the
9 ballot proposition, the excess revenue may be expended
10 by the district to reduce property taxes previously
11 imposed pursuant to section 257.41, 257.46, 298.2,
12 298.4, or 298.10, or in lieu of the imposition of
13 additional tax pursuant to those sections.

14 Sec. . Section 422E.4, unnumbered paragraph 2,
15 Code 1999, is amended to read as follows:

16 A school district in which a local option sales tax
17 for school infrastructure purposes has been imposed
18 shall be authorized to enter into a chapter 28E
19 agreement with one or more cities or a county whose
20 boundaries encompass all or a part of the area of the
21 school district. A city or cities entering into a
22 chapter 28E agreement shall be authorized to expend
23 its designated portion of the local option sales and

24 services tax revenues for any valid purpose permitted
25 in this chapter or authorized by the governing body of
26 the city. A county entering into a chapter 28E
27 agreement with a school district in which a local
28 option sales tax for school infrastructure purposes
29 has been imposed shall be authorized to expend its
30 designated portion of the local option sales and
31 services tax revenues to provide property tax relief
32 within the boundaries of the school district located
33 in the county. A school district where a local option
34 sales and services tax is imposed is also authorized
35 to enter into a chapter 28E agreement with another
36 school district which is located partially or entirely
37 in or is contiguous to the county where the tax is
38 imposed. The school district shall only expend its
39 designated portion of the local option sales and
40 services tax for infrastructure purposes. A school
41 district shall be authorized to enter into a chapter
42 28E agreement pursuant to this section, for ballot
43 propositions published on or after the effective date
44 of this section of this Act, only if the ballot
45 proposition concerning imposition of the tax included
46 entering into a chapter 28E agreement as a potential
47 use of the revenue."

48 3. Page 39, by inserting after line 11 the
49 following:
50 "Sec. . Sections 102, 103, and 104 of this Act

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1 are retroactively applicable to July 1, 1998."

MICHAEL W. CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 413

S-3341

- 1 Amend Senate File 413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 35, through page 2,
- 4 line 2, and inserting the following: "over the
- 5 decedent's estate."
- 6 2. Page 2, line 9, by striking the word
- 7 "officers" and inserting the following: "employees".
- 8 3. Page 2, line 16, by striking the word
- 9 "officers" and inserting the following: "employees".
- 10 4. Page 2, line 23, by striking the word
- 11 "officers" and inserting the following: "bank
- 12 employees".
- 13 5. Page 4, by striking lines 12 through 14 and

- 14 inserting the following: "over the decedent's
15 estate."
16 6. Page 4, line 21, by striking the word
17 "officers" and inserting the following: "employees".
18 7. Page 4, line 29, by striking the word
19 "officers" and inserting the following: "employees".
20 8. Page 5, line 1, by striking the word
21 "officers" and inserting the following: "credit union
22 employees".
23 9. By renumbering, relettering, or redesignating
24 and correcting internal references as necessary.

S-3342

- 1 Amend House File 234, as passed by the House, as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 669.14, Code 1999, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 15. Any claim based upon a year
8 2000 problem, when there has been an independent
9 verification and validation analysis or other
10 reasonable care taken with regard to prevention or
11 remediation of possible year 2000 problems, whether or
12 not the basis of the claim was foreseen or included in
13 the verification and validation analysis. For
14 purposes of this subsection, "year 2000 problem" means
15 an event, circumstance, disruption, or other problem
16 which prevents computer hardware, software, programs,
17 embedded microprocessor systems, telecommunications
18 systems and software, or other equipment, software, or
19 systems utilized to process data and information from
20 accurately processing, calculating, comparing, or
21 sequencing date or time data or information from,
22 into, or among the nineteenth, twentieth, and twenty-
23 first centuries, or between the years 1999 and 2000,
24 or leap year calculations. "Year 2000 problem" also
25 includes an inability of the state to perform its
26 intended or required functions because of a year 2000
27 problem encountered by a third party.
28 Sec. 2. Section 670.4, Code 1999, is amended by
29 adding the following new subsection:
30 NEW SUBSECTION. 16. Any claim based upon a year
31 2000 problem, if the failure or malfunction causing
32 the problem was unforeseeable or if the failure was
33 foreseeable but the municipality exercised reasonable
34 care to identify and prevent the year 2000 problem.
35 For purposes of this subsection, "year 2000 problem"
36 means an event, circumstance, disruption, or other
37 problem which prevents computer hardware, software,
38 programs, embedded microprocessor systems,

39 telecommunications systems and software, or other
40 equipment, software, or systems utilized to process
41 data and information from accurately processing,
42 calculating, comparing, or sequencing date or time
43 data or information from, into, or among the
44 nineteenth, twentieth, and twenty-first centuries, or
45 between the years 1999 and 2000, or leap year
46 calculations. "Year 2000 problem" also includes an
47 inability of the municipality to perform its intended
48 or required functions because of a year 2000 problem
49 encountered by a third party."

JOHN P. KIBBIE

S-3343

1 Amend Senate File 469 as follows:

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

4 "Sec. 80. Section 422B.1, subsection 2, paragraph
5 a, subparagraphs (1) and (2), Code 1999, are amended
6 to read as follows:

7 (1) ~~All~~ At least eighty-five percent of the
8 residents of the city live in one county.

9 (2) The county in which at least eighty-five
10 percent of the city residents reside has held an
11 election on the question of the imposition of a local
12 sales and services tax and a majority of those voting
13 on the question in the city favored its imposition.

14 Sec. 81. Section 422B.1, subsection 2, paragraph
15 b, subparagraph (1), Code 1999, is amended to read as
16 follows:

17 (1) The tax shall only be imposed in the area of
18 the city located in the county where ~~none~~ not more
19 than fifteen percent of its the city's residents
20 reside.

21 Sec. 82. Section 422B.1, subsection 2, paragraph
22 e, Code 1999, is amended to read as follows:

23 ~~e. A city is not authorized to impose a local~~
24 ~~sales and services tax under this subsection after~~
25 ~~January 1, 1998.~~ A city that has imposed a local
26 sales and services tax under this subsection ~~on or~~
27 ~~before January 1, 1998,~~ may continue to collect the
28 tax until such time as the tax is repealed by the city
29 and the fact that ~~that~~ the area acquires more than
30 fifteen percent of the city's residents after the tax
31 is imposed shall not affect the imposition or
32 collection of the tax.

33 Sec. . Section 422B.1, subsections 3, 5, 6, and
34 10, Code 1999, are amended to read as follows:

35 3. A local option tax shall be imposed only after

36 an election at which a majority of those voting on the
37 question favors imposition and shall then be imposed
38 until repealed as provided in subsection 6, paragraph
39 "a". If the tax is a local vehicle tax imposed by a
40 county, it shall apply to all incorporated and
41 unincorporated areas of the county. If the tax is a
42 local sales and services tax imposed by a county, it
43 shall only apply to those incorporated areas and the
44 unincorporated area of that county in which a majority
45 of those voting in the area on the tax favors its
46 imposition. For purposes of the local sales and
47 services tax, all cities contiguous to each other
48 shall be treated as part of one incorporated area and
49 the tax would be imposed in each of those contiguous
50 cities only if the majority of those voting in the

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1 total area covered by the contiguous cities favors its
2 imposition. For purposes of the local sales and
3 services tax, a city is not contiguous to another city
4 if the only road access between the two cities is
5 through another state.
6 5. The county commissioner of elections shall
7 submit the question of imposition of a local option
8 tax at a state general election or at a special
9 election held at any time other than the time of a
10 city regular election. The election shall not be held
11 sooner than sixty days after publication of notice of
12 the ballot proposition. The ballot proposition shall
13 specify the type and rate of tax and in the case of a
14 vehicle tax the classes that will be exempt and in the
15 case of a local sales and services tax the date it
16 will be imposed. The ballot proposition shall also
17 specify the approximate amount of local option tax
18 revenues that will be used for property tax relief and
19 shall contain a statement as to the specific purpose
20 or purposes for which the revenues shall otherwise be
21 expended. If The ballot proposition shall also
22 specify that the local sales and services tax shall
23 automatically be repealed after ten years. However,
24 if the county board of supervisors decides under
25 subsection 6 to specify a an earlier date on which the
26 local option sales and services tax shall
27 automatically be repealed, the that date of the repeal
28 shall also be specified on the ballot. The rate of
29 the vehicle tax shall be in increments of one dollar
30 per vehicle as set by the petition seeking to impose
31 the tax. The rate of a local sales and services tax
32 shall not be more than one percent as set by the
33 governing body. The state commissioner of elections
34 shall establish by rule the form for the ballot

35 proposition which form shall be uniform throughout the
36 state.
37 6. a. If a majority of those voting on the
38 question of imposition of a local option tax favor
39 imposition of a local option tax, the governing body
40 of that county shall impose the tax at the rate
41 specified for an unlimited period, in the case of a
42 local vehicle tax, and for a period of no more than
43 ten years, in the case of a local sales and services
44 tax. However, in the case of a local sales and
45 services tax, the county shall not impose the tax in
46 any incorporated area or the unincorporated area if
47 the majority of those voting on the tax in that area
48 did not favor its imposition. For purposes of the
49 local sales and services tax, all cities contiguous to
50 each other shall be treated as part of one

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1 incorporated area and the tax shall be imposed in each
2 of those contiguous cities only if the majority of
3 those voting on the tax in the total area covered by
4 the contiguous cities favored its imposition. The
5 local option tax may be repealed or the rate increased
6 or decreased or the use thereof changed after an
7 election at which a majority of those voting on the
8 question of repeal or rate or use change favored the
9 repeal or rate or use change. The election at which
10 the question of repeal or rate or use change is
11 offered shall be called and held in the same manner
12 and under the same conditions as provided in
13 subsections 4 and 5 for the election on the imposition
14 of the local option tax. However, in the case of a
15 local sales and services tax where the tax has not
16 been imposed countywide, the question of repeal or
17 imposition or rate or use change shall be voted on
18 only by the registered voters of the areas of the
19 county where the tax has been imposed or has not been
20 imposed, as appropriate. However, the governing body
21 of the incorporated area or unincorporated area where
22 the local sales and services tax is imposed may, upon
23 its own motion, request the county commissioner of
24 elections to hold an election in the incorporated or
25 unincorporated area, as appropriate, on the question
26 of the change in use of local sales and services tax
27 revenues. The election may be held at any time but
28 not sooner than sixty days following publication of
29 the ballot proposition. If a majority of those voting
30 in the incorporated or unincorporated area on the
31 change in use favor the change, the governing body of
32 that area shall change the use to which the revenues
33 shall be used. The ballot proposition shall list the

34 present use of the revenues, the proposed use, and the
35 date after which revenues received will be used for
36 the new use.

37 When submitting the question of the imposition of a
38 local sales and services tax, the county board of
39 supervisors may direct that the question contain a
40 provision for the repeal, without election, of the
41 local sales and services tax on a specific date, which
42 date is earlier than the ten years specified in
43 paragraph "c" and which date shall be the end of a
44 calendar quarter.

45 b. Within ten days of the election at which a
46 majority of those voting on the question favors the
47 imposition, repeal, or change in the rate of a local
48 option tax, the governing body shall give written
49 notice to the director of revenue and finance or, in
50 the case of a local vehicle tax, to the director of

Page 4

1 the department of transportation, of the result of the
2 election.

3 c. Unless earlier repealed as provided in
4 paragraph "a" of this subsection or subsection 9, a
5 local sales and services tax is repealed as follows:

6 (1) If the tax is initially imposed on or after
7 July 1, 1999, the tax is repealed ten years following
8 imposition.

9 (2) If the tax was initially imposed prior to July
10 1, 1999, the tax is repealed as follows:

11 (a) In those areas where obligations payable as
12 provided in section 422B.12 are not outstanding on
13 July 1, 1999, the tax is repealed June 30, 2009.

14 (b) In those areas where obligations payable as
15 provided in section 422B.12 are outstanding on July 1,
16 1999, the tax is repealed on June 30, 2009, or at the
17 end of the first calendar quarter following the date
18 the obligations are paid, whichever is later.

19 d. A tax may be extended beyond the applicable
20 repeal date in paragraph "c", if an election is held
21 and the voters approve the extension. The extended
22 tax shall be automatically repealed in ten years
23 unless earlier repealed. Any number of extensions are
24 allowed.

25 10. Notwithstanding subsection 9 or any other
26 contrary provision of this chapter, a local option
27 sales and services tax shall not be repealed or
28 reduced in rate if obligations are outstanding which
29 are payable as provided in section 422B.12, unless
30 funds sufficient to pay the principal, interest, and
31 premium, if any, on the outstanding obligations at and
32 prior to maturity have been properly set aside and

33 pledged for that purpose. The restriction on repeals
34 in this subsection does not apply to the repeal
35 provisions in subsection 6, paragraph "c".

36 2. Page 6, by inserting after line 33 the
37 following:

38 "Sec. . Section 422E.3, subsection 5, paragraph
39 c, Code 1999, is amended to read as follows:

40 c. The director shall remit a final payment of the
41 remainder of tax moneys due for the fiscal year before
42 November 10 of the next fiscal year. If an
43 overpayment has resulted during the previous fiscal
44 year, the ~~first November~~ payment of the new fiscal
45 year shall be adjusted to reflect any overpayment.

46 Sec. 102. Section 422E.3, Code 1999, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 7. Construction contractors may
49 make application to the department for a refund of the
50 additional local sales and services tax paid under

Page 5

1 this chapter by reason of taxes paid on goods, wares,
2 or merchandise under the conditions specified in
3 section 422B.11. The refund shall be paid by the
4 department from the appropriate school district's
5 account in the local sales and services tax fund. The
6 penalty provisions contained in section 422B.11,
7 subsection 3, shall apply regarding an erroneous
8 application for refund of local sales and services tax
9 paid under this chapter.

10 Sec. 103. Section 422E.3, Code 1999, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 8. Notwithstanding section
13 422E.1, subsection 3, if a school district receives
14 local option sales and services tax for school
15 infrastructure revenue in an amount exceeding that
16 amount required to facilitate the school
17 infrastructure purpose or purposes stated on the
18 ballot proposition, the excess revenue may be expended
19 by the district to reduce property taxes previously
20 imposed pursuant to section 257.41, 257.46, 298.2,
21 298.4, or 298.10, or in lieu of the imposition of
22 additional tax pursuant to those sections.

23 Sec. 83. Section 422E.4, unnumbered paragraph 2,
24 Code 1999, is amended to read as follows:

25 A school district in which a local option sales tax
26 for school infrastructure purposes has been imposed
27 shall be authorized to enter into a chapter 28E
28 agreement with one or more cities or a county whose
29 boundaries encompass all or a part of the area of the
30 school district. A city or cities entering into a
31 chapter 28E agreement shall be authorized to expend

32 its designated portion of the local option sales and
 33 services tax revenues for any valid purpose permitted
 34 in this chapter or authorized by the governing body of
 35 the city. A county entering into a chapter 28E
 36 agreement with a school district in which a local
 37 option sales tax for school infrastructure purposes
 38 has been imposed shall be authorized to expend its
 39 designated portion of the local option sales and
 40 services tax revenues to provide property tax relief
 41 within the boundaries of the school district located
 42 in the county. A school district where a local option
 43 sales and services tax is imposed is also authorized
 44 to enter into a chapter 28E agreement with another
 45 school district which is located partially or entirely
 46 in or is contiguous to the county where the tax is
 47 imposed. The school district shall only expend its
 48 designated portion of the local option sales and
 49 services tax for infrastructure purposes."
 50 3. Page 7, by inserting after line 28 the

Page 6

1 following:
 2 ". Sections 102 and 103 of this Act are
 3 retroactively applicable to July 1, 1998.
 4 Sections 80, 81, 82, and 83 of this Act,
 5 being deemed of immediate importance, take effect upon
 6 enactment."
 7 4. Title page, line 7, by striking the words "and
 8 including" and inserting the following: "allowing
 9 cities in more than one county to impose the tax,
 10 providing for refunds of tax payable to construction
 11 contractors, allowing for 28E agreements to be entered
 12 into between school districts and counties or other
 13 school districts, and providing for utilization of
 14 excess revenue for property tax reduction, and
 15 including retroactive applicability and".

MICHAEL W. CONNOLLY
 JoANN JOHNSON
 NANCY J. BOETTGER

S-3344

1 Amend Senate File 439 as follows:
 2 1. Page 3, line 20, by striking the word
 3 "regional".
 4 2. Page 4, line 10, by striking the word
 5 "regional".
 6 3. Page 8, line 23, by striking the figure "2000"
 7 and inserting the following: "2001".
 8 4. Page 8, line 29, by striking the figure "2000"

- 9 and inserting the following: "2001".
 10 5. Page 8, by inserting after line 29 the
 11 following:
 12 "3. School ready children grants awarded for
 13 applications submitted on or after the effective date
 14 of this Act for an initial award in the fiscal year
 15 beginning July 1, 1999, shall be designed to achieve
 16 the desired results identified in section 7I.1A, as
 17 enacted by this Act, with a primary focus of
 18 supporting newborns, infants, and very young children
 19 and their parents and other family members."

NANCY J. BOETTGER
 ELAINE SZYMONIAK

S-3345

- 1 Amend the Committee amendment, S-3204, to House
 2 File 696, as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. By striking page 1, line 34, through page 3,
 5 line 2, and inserting the following: "IDENTIFICATION.
 6 The department, pursuant to this division, shall
 7 consult with municipalities and industrial national
 8 pollution discharge elimination system permit holders
 9 regarding public identification of sites where
 10 national pollution discharge elimination system
 11 permitted discharges occur to state waters."

MERLIN E. BARTZ
 JOE BOLKCOM
 BILL FINK
 JoANN JOHNSON
 DAVID MILLER

S-3346

- 1 Amend House File 661, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, line 5, by striking the word "five"
 4 and inserting the following: "five four".

DAVID MILLER

HOUSE AMENDMENT TO
 SENATE FILE 194

S-3347

- 1 Amend Senate File 194, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 5 through 8 and

- 4 inserting the following: "organizations, the
 5 commission on accreditation of rehabilitation
 6 facilities, the council on accreditation of services
 7 for families and children, or by any other federally
 8 recognized accrediting organization with comparable
 9 standards."

HOUSE AMENDMENT TO
 SENATE FILE 95

S-3348

- 1 Amend Senate File 95, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 5 and 6 and
 4 inserting the following: "presumed that a motor
 5 vehicle driven upon a parking lot which is available".
 6 2. Title page, by striking line 3 and inserting
 7 the following: "is operated on a parking".

S-3349

- 1 Amend the amendment, S-3343, to Senate File 469, as
 2 follows:
 3 1. Page 5, line 20, by striking the figure
 4 "257.46,".

MICHAEL W. CONNOLLY

S-3350

- 1 Amend the amendment, S-3337, to Senate File 436, as
 2 follows:
 3 1. Page 5, by striking lines 32 through 39 and
 4 inserting the following:
 5 "Sec. . EFFECTIVE DATE. This Act, being deemed
 6 of immediate importance, takes effect upon
 7 enactment."
 8 2. Page 5, by striking line 44 and inserting the
 9 following: "and an effective date.""

JOHN P. KIBBIE
 BETTY A. SOUKUP
 JOHN JUDGE
 EUGENE S. FRAISE
 MARK SHEARER
 DENNIS H. BLACK

S-3351

- 1 Amend the amendment, S-3337, to Senate File 436, as
 2 follows:

- 3 1. Page 1, line 29, by striking the letter "a."
- 4 2. Page 1, by striking lines 41 through 43.
- 5 3. Page 1, line 44, by striking the word "may"
- 6 and inserting the following: "shall".
- 7 4. Page 2, line 8, by striking the letter "a."
- 8 5. Page 2, by striking lines 14 through 17.
- 9 6. Page 2, line 32, by striking the word
- 10 "executed" and inserting the following: "in force".
- 11 7. Page 2, by striking lines 43 through 45, and
- 12 inserting the following: "the voided provision."

JOHN P. KIBBIE
BETTY A. SOUKUP
EUGENE S. FRAISE
MARK SHEARER
DENNIS H. BLACK

S-3352

- 1 Amend Senate File 436 as follows:
- 2 1. Page 1, line 2, by striking the word "live"
- 3 and inserting the following: "a live animal
- 4 classified as".
- 5 2. Page 3, by inserting before line 15, the
- 6 following:
- 7 "Sec. 100. ANALYSIS BY THE ATTORNEY GENERAL.
- 8 1. The office of attorney general, in cooperation
- 9 with the department of agriculture and land
- 10 stewardship, shall conduct an analysis to determine
- 11 the extent to which packers discriminate in prices
- 12 paid or offered to be paid to sellers of livestock,
- 13 including livestock purchased pursuant to contract or
- 14 on a cash market basis. As part of its analysis, the
- 15 office of attorney general shall determine the extent
- 16 to which discrimination is based on the number of
- 17 livestock that a livestock seller delivers to a packer
- 18 and the regularity or frequency that a livestock
- 19 seller delivers livestock to a packer.
- 20 2. In conducting its analysis, the office of
- 21 attorney general may examine the records of a packer,
- 22 including its books, accounts, papers, contracts, and
- 23 documents. The office of attorney general may apply
- 24 to district court for the issuance of a subpoena
- 25 necessary to enforce this section.
- 26 3. The office of attorney general shall report the
- 27 results of its analysis to the general assembly not
- 28 later than January 10, 2000.
- 29 Sec. . EFFECTIVE DATE. Section 100 of this
- 30 Act, being deemed of immediate importance, takes
- 31 effect upon enactment."
- 32 3. By renumbering as necessary.

JOHN P. KIBBIE
BETTY A. SOUKUP
EUGENE S. FRAISE
MARK SHEARER
DENNIS H. BLACK

S-3353

- 1 Amend the amendment, S-3337, to Senate File 436, as
2 follows:
- 3 1. Page 1, line 10, by striking the figure
4 "172C.2" and inserting the following: "172C.3".
- 5 2. Page 1, by inserting after line 16 the
6 following:
- 7 ""Section . NEW SECTION. 172C.2 PRICE
8 DISCRIMINATION -- PROHIBITION.
- 9 1. Except as provided in subsection 2, a packer
10 purchasing or soliciting livestock or executing a
11 contract for the purchase of livestock shall not
12 discriminate in the price paid or offered to be paid
13 to sellers of that livestock.
- 14 2. Subsection 1 shall not apply if all of the
15 following requirements are met:
- 16 a. The price difference is based on criteria
17 established by rules adopted by the department in
18 consultation with the office of attorney general. The
19 rules shall permit differential pricing based on any
20 of the following:
- 21 (1) Carcass merit, including the quality of the
22 carcass and premium characteristics associated with
23 the livestock which may include its breed.
- 24 (2) Actual and quantifiable costs related to
25 transporting and acquiring of the livestock by the
26 packer.
- 27 (3) An agreement for the delivery of livestock at
28 a specified date or time. The specified date or time
29 must occur during a period in which the supply of
30 livestock cannot meet existing slaughter capacity.
- 31 b. After making a differential payment to a
32 seller, the packer publishes information relating to
33 the differential pricing as provided in paragraph "a",
34 and that the packer offers to purchase livestock or
35 execute a contract for the purchase of livestock
36 according to the same terms and conditions offered to
37 other sellers under a differential pricing
38 arrangement.
- 39 3. A packer shall provide all sellers with the
40 same terms and conditions offered to a seller who
41 receives a differential price based on any of the
42 criteria described in subsection 2, paragraph "a".
- 43 4. An agreement made by a packer in violation of
44 this section is voidable.

- 45 5. A packer acting in violation of this section is
46 guilty of a fraudulent practice as provided in chapter
47 714.
- 48 6. Any person injured by a violation of this
49 section may bring an action in district court to
50 restrain a packer from violating this section. A

Page 2

- 1 seller who receives a discriminatory price or who is
2 offered only a discriminatory price for livestock
3 based upon a violation of this section by a packer,
4 has a civil cause of action against the packer and, if
5 successful, shall be awarded treble damages."
- 6 3. Page 1, line 17, by striking the figure
7 "172C.2" and inserting the following: "172C.3".
- 8 4. Page 2, line 6, by striking the figure
9 "172C.3" and inserting the following: "172C.4".
- 10 5. Page 2, line 13, by striking the figure
11 "172C.2" and inserting the following: "172C.3".
- 12 6. Page 2, line 24, by striking the figure
13 "172C.4" and inserting the following: "172C.5".
- 14 7. Page 2, line 46, by striking the figure
15 "172C.5" and inserting the following: "172C.6".
- 16 8. Page 3, by inserting after line 2 the
17 following:
18 ". Price disclosure requirements pursuant to
19 section 172C.2".
- 20 9. Page 3, line 4, by striking the figure
21 "172C.2" and inserting the following: "172C.3".
- 22 10. Page 3, line 6, by striking the figure
23 "172C.3" and inserting the following: "172C.4".
- 24 11. Page 3, line 7, by striking the figure
25 "172C.6" and inserting the following: "172C.7".
- 26 12. Page 3, line 12, by striking the figure
27 "172C.2" and inserting the following: "172C.3".
- 28 13. Page 3, line 31, by striking the figure
29 "172C.2" and inserting the following: "172C.3".
- 30 14. Page 3, line 35, by striking the figure
31 "172C.7" and inserting the following: "172C.8".
- 32 15. Page 3, by inserting after line 35 the
33 following:
34 ". A packer who discriminates in prices paid
35 for livestock in violation of section 172C.2 is
36 subject to a civil penalty of not more than five
37 thousand dollars."
- 38 16. Page 3, line 38, by striking the figure
39 "172C.2" and inserting the following: "172C.3".
- 40 17. Page 3, line 44, by striking the figure
41 "172C.3" and inserting the following: "172C.4".
- 42 18. Page 3, line 50, by striking the figure
43 "172C.4" and inserting the following: "172C.5".

- 44 19. Page 4, line 6, by striking the figure
45 "172C.4" and inserting the following: "172C.5".
46 20. Page 4, line 9, by striking the figure
47 "172C.2" and inserting the following: "172C.3".
48 21. Page 4, line 11, by striking the figure
49 "172C.3" and inserting the following: "172C.4".
50 22. Page 4, line 23, by striking the figure

Page 3

- 1 "172C.2" and inserting the following: "172C.3".
2 23. Page 4, line 24, by striking the figure
3 "172C.7" and inserting the following: "172C.8".
4 24. Page 4, line 24, by striking the figure "1"
5 and inserting the following: "2".
6 25. Page 4, line 26, by striking the figure
7 "172C.2" and inserting the following: "172C.3".
8 26. Page 4, line 31, by striking the figure
9 "172C.5" and inserting the following: "172C.6".
10 27. Page 4, line 31, by striking the word "a" and
11 inserting the following: "b".
12 28. Page 4, line 33, by striking the figure
13 "172C.6" and inserting the following: "172C.7".
14 29. Page 4, line 35, by striking the figure
15 "172C.6" and inserting the following: "172C.7".
16 30. Page 4, line 37, by striking the figure
17 "172C.7" and inserting the following: "172C.8".
18 31. Page 4, line 37, by striking the figure "1"
19 and inserting the following: "2".
20 32. Page 4, line 42, by striking the figure
21 "172C.3" and inserting the following: "172C.4".
22 33. Page 4, line 43, by striking the figure
23 "172C.7" and inserting the following: "172C.8".
24 34. Page 4, line 43, by striking the figure "2"
25 and inserting the following: "3".
26 35. Page 4, line 45, by striking the figure
27 "172C.3" and inserting the following: "172C.4".
28 36. Page 4, line 48, by striking the figure
29 "172C.5" and inserting the following: "172C.6".
30 37. Page 4, line 48, by striking the word "b" and
31 inserting the following: "c".
32 38. Page 4, line 50, by striking the figure
33 "172C.7" and inserting the following: "172C.8".
34 39. Page 4, line 50, by striking the figure "2"
35 and inserting the following: "3".
36 40. Page 5, line 7, by striking the figure
37 "172C.5" and inserting the following: "172C.6".
38 41. Page 5, line 35, by striking the figure
39 "172C.4" and inserting the following: "172C.2,
40 172C.5".
41 42. Page 5, line 35, by striking the figure
42 "172C.6" and inserting the following: "172C.7".

- 43 43. Page 5, line 36, by striking the figure
 44 "172C.7" and inserting the following: "172C.8".
 45 44. Page 5, line 36, by striking the word and
 46 figure "subsection 3" and inserting the following:
 47 "subsections 1 and 4".
 48 45. Page 5, line 42, by inserting after the word
 49 "certain" the following: "pricing practices,".
 50 46. Page 5, line 43, by striking the word

Page 4

- 1 "information" and inserting the following:
 2 "information,".
 3 47. By renumbering as necessary.

JOHN P. KIBBIE
 EUGENE S. FRAISE
 DENNIS H. BLACK
 MARK SHEARER

HOUSE AMENDMENT TO
 SENATE FILE 424

S-3354

- 1 Amend Senate File 424, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking line 20 and inserting the
 4 following:
 5 "..... \$ 2,475,000
 6 c. For transfer to the Iowa civil air patrol:
 7 \$ 25,000"
 8 2. Page 4, by striking lines 10 and 11 and
 9 inserting the following:
 10 "..... \$103,600,007
 11 FTEs 1,584.00"
 12 3. Page 6, by inserting after line 19 the
 13 following:
 14 "Sec. . Section 321.11, Code 1999, is amended
 15 by adding the following new unnumbered paragraph:
 16 NEW UNNUMBERED PARAGRAPH. The department shall not
 17 sell personal information which is in the form of a
 18 person's photograph or digital image or a digital
 19 reproduction of a person's photograph, regardless of
 20 whether an individual has elected to prohibit
 21 disclosure of the information to the general public.
 22 This paragraph does not prohibit the department from
 23 collecting reasonable fees for copies of records or
 24 other services provided pursuant to section 22.3,
 25 321.10, or 622.46."
 26 4. Page 6, by inserting after line 19 the
 27 following:

28 "Sec. . HOURS OF SERVICE -- STUDY. The state
29 department of transportation shall conduct a study
30 concerning hours of service for drivers of vehicles
31 operated for hire and designed to transport more than
32 six persons, including the driver. The study shall
33 not include hours of service for drivers of vehicles
34 offered to the public for hire that are used
35 principally in intracity operation and that are
36 regulated by local authorities pursuant to section
37 321.236. The department shall report the findings of
38 the study and make recommendations regarding such
39 findings to the general assembly by January 1, 2000."

40 5. Page 6, by inserting before line 29 the
41 following:

42 "Sec. ____ ADOPT-A-HIGHWAY PROGRAM DANGERS --
43 STUDY. The state department of transportation shall
44 conduct a study regarding the possible dangers of
45 eligible activities which may be conducted by sponsors
46 of the adopt-a-highway program and regarding measures
47 which could prevent or minimize harm to the
48 environment or to an individual participating in such
49 activities. The department shall submit a report on
50 the results of the study to the general assembly by

Page 2

1 January 1, 2000."

2 6. Page 6, by striking lines 29 through 33 and
3 inserting the following:

4 "Sec. . COMMERCIAL TRUCK PARKING -- STUDY. The
5 state department of transportation shall, in
6 consultation with interested parties, review public
7 policy issues related to the state provision of
8 commercial truck parking. The department shall report
9 its findings and recommendations to the general
10 assembly by January 1, 2000."

11 7. Title page, line 5, by striking the words
12 "providing for the use of a former rest area," and
13 inserting the following: "providing for a commercial
14 truck parking study,".

15 8. By renumbering, relettering, or redesignating
16 and correcting internal references as necessary.

S-3355

1 Amend the amendment S-3337, to Senate File 436, as
2 follows:

3 1. Page 5, by inserting after line 31, the
4 following:

5 "Sec. 100. RULEMAKING. The department of
6 agriculture and land stewardship shall commence
7 rulemaking as required in section 172C.5, as enacted

8 in this Act, as soon as practicable upon the enactment
9 of this Act. However, rules adopted by the department
10 shall not be made effective prior to July 1, 2000, for
11 a provision of this Act that takes effect on that
12 date."

13 2. Page 5, line 37, by inserting after the figure
14 "17" the following: "section 100,".

15 3. By renumbering as necessary.

MERLIN E. BARTZ

S-3356

1 Amend House File 100, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 16, by striking the words
4 "reasons for the resignation" and inserting the
5 following: "reason for the resignation if a
6 substantial likelihood exists that the reason would
7 result in the revocation or suspension of an officer's
8 certification for a violation of the rules."

JEFF LAMBERTI

S-3357

1 Amend House File 746, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 14, by striking the figure
4 "2,137,161" and inserting the following: "2,226,161".

5 2. Page 1, line 15, by striking the figure
6 "47.88" and inserting the following: "48.88".

7 3. Page 1, line 32, by striking the figure
8 "30,000" and inserting the following: "12,000".

9 4. Page 2, line 10, by striking the figure
10 "43,500" and inserting the following: "61,500".

11 5. Page 2, line 19, by striking the figure
12 "45,834" and inserting the following: "69,834".

13 6. Page 2, line 26, by striking the figure
14 "4,110,954" and inserting the following: "4,152,954".

15 7. Page 4, line 29, by striking the figure
16 "6,500,850" and inserting the following: "6,370,850".

17 8. Page 15, by striking line 10 and inserting the
18 following:

19 "Notwithstanding section 455E.11, subsection 2,
20 paragraph "b", prior to any other appropriation from
21 the agriculture management account of the groundwater
22 protection fund, as provided in section 455E.11,
23 subsection 2, paragraph "b", there is appropriated
24 from the agriculture management account to".

- 25 9. By striking page 15, line 21, through page 16,
26 line 6.
27 10. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
DERRYL McLAREN, Chairperson

S-3358

- 1 Amend the amendment, S-3343, to Senate File 469, as
2 follows:
3 1. Page 1, by striking lines 23 through 27 and
4 inserting the following:
5 "e. A city is not authorized to impose a local
6 sales and services tax under this subsection after
7 ~~January 1, 1998~~ July 1, 2002. A city that has imposed
8 a local sales and services tax under this subsection
9 on or before ~~January 1, 1998~~ July 1, 2002, may
10 continue to collect the".

DERRYL McLAREN

S-3359

- 1 Amend House File 312, as passed by the House, as
2 follows:
3 1. By striking page 2, line 6, through page 5,
4 line 21.
5 2. Page 6, by striking lines 11 through 14.
6 3. By striking page 8, line 4, through page 9,
7 line 4.
8 4. Title page, lines 1 and 2, by striking the
9 words "and providing for civil penalties".

DAVID MILLER

S-3360

- 1 Amend the amendment, S-3343, to Senate File 469, as
2 follows:
3 1. Page 5, by striking lines 10 through 22.

MICHAEL W. CONNOLLY

S-3361

- 1 Amend the amendment, S-3217, to House File 664, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, line 9, by striking the word
5 "thirteen" and inserting the following: "fifteen".
6 2. Page 2, by inserting after line 25 the

7 following:

8 "Sec. . Section 331.438, subsection 4,
9 paragraph b, subparagraph (2), Code 1999, is amended
10 to read as follows:

11 (2) The committee shall include ~~one member~~ two
12 members nominated by service providers, one member
13 nominated by service advocates, ~~and consumers~~ one
14 member who is a service consumer, and one member
15 nominated by the state's council of the association of
16 federal, state, county, and municipal employees, with
17 these members appointed by the governor."

18 3. Page 3, line 16, by striking the word "four"
19 and inserting the following: "five".

20 4. By renumbering as necessary.

ELAINE SZYMONIAK

S-3362

1 Amend House File 199, 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 328.36, Code 1999, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 328.36 STATE AVIATION FUND.

9 There is created a fund to be known as the state
10 aviation fund, which shall consist of all moneys
11 received by the department including the use tax
12 collected pursuant to section 423.7B, together with
13 all moneys appropriated to the fund by the state.
14 Unless otherwise provided, the fund is appropriated
15 for airport engineering studies, construction or
16 improvements.

17 Notwithstanding section 12C.7, subsection 2,
18 interest or earnings on investments or time deposits
19 of the moneys in the state aviation fund shall be
20 credited to the state aviation fund."

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

23 "Sec. . NEW SECTION. 423.7B AIRCRAFT SUBJECT
24 TO REGISTRATION.

25 The tax imposed upon the use of aircraft subject to
26 registration shall be paid by the owner of the
27 aircraft to the state department of transportation
28 from whom the registration receipt is obtained. A
29 registration receipt for an aircraft subject to
30 registration shall not be issued until the tax has
31 been paid. The state department of transportation
32 shall require every applicant for a registration
33 receipt for an aircraft subject to registration to

34 supply information as the director deems necessary as
 35 to the time of purchase, the purchase price, and other
 36 information relative to the purchase of the aircraft.
 37 On or before the tenth day of each month the state
 38 department of transportation shall remit to the
 39 department the amount of the taxes collected during
 40 the preceding month.
 41 Sec. . Section 423.24, Code 1999, is amended by
 42 adding the following new subsection:
 43 NEW SUBSECTION. 2A. All revenues derived from the
 44 use tax on aircraft subject to registration as
 45 collected pursuant to section 423.7B shall be
 46 deposited and credited to the state aviation fund
 47 created in section 328.36.
 48 Sec. . Section 452A.82, Code 1999, is amended
 49 to read as follows:
 50 452A.82 AVIATION FUEL TAX FUND.

Page 2

1 The portion of the moneys collected under this
 2 chapter received on account of aviation gasoline and
 3 special fuel used in aircraft shall be deposited in a
 4 separate fund to be maintained by the treasurer. All
 5 moneys remaining in the separate fund after the cost
 6 of administering the fund has been paid shall be
 7 credited to the ~~general fund of the state~~ aviation
 8 fund."
 9 3. Title page, line 2, by inserting after the
 10 word "taxes" the following: "and the taxation of
 11 aircraft fuel under the state motor fuel taxes".

MICHAEL W. CONNOLLY

S-3363

1 Amend the amendment, S-3331, to Senate File 445, as
 2 follows:
 3 1. Page 2, by inserting after line 6 the
 4 following:
 5 ". Page 7, by inserting before line 12 the
 6 following:
 7 "Sec. 101. IOWA LOTTERY DISCONTINUED --
 8 DISPOSITION OF PROPERTY -- EMPLOYEES TRANSFERRED OR
 9 LAID OFF.
 10 1. The Iowa lottery board shall discontinue all
 11 lottery games established pursuant to chapter 99E
 12 effective July 1, 2000. The lottery board shall
 13 provide for the termination of all contracts extending
 14 beyond July 1, 2000, and provide for the disposition
 15 of all property leased or owned by the lottery
 16 division.

17 2. Any employee of the lottery division employed
18 pursuant to chapter 19A and whose duty assignment is
19 terminated by this Act, may be transferred to other
20 duties within the department of revenue and finance,
21 reassigned to other duties in another state department
22 or agency, or terminated. An employee shall not lose
23 benefits accrued including, but not limited to,
24 salary, retirement, vacation, or sick leave because of
25 a transfer or reassignment.

26 3. The members of the lottery board, the
27 commissioner, and any additional employees deemed
28 necessary by the board may continue employment on or
29 after July 1, 2000, to provide for the orderly
30 discontinuation of the lottery games. However, not
31 later than September 30, 2000, the terms of office of
32 the lottery board members and the employment of the
33 commissioner and any other employees remaining on or
34 after July 1, 2000, shall terminate. Any matters
35 regarding the termination of the lottery games
36 established under chapter 99E which remain on October
37 1, 2000, are the responsibility of the director of
38 revenue and finance. The director of revenue and
39 finance shall complete the discontinuation of the
40 lottery games as expeditiously as possible.

41 Sec. 102. Section 7E.5, subsection 1, paragraph d,
42 Code 1999, is amended to read as follows:

43 d. The department of revenue and finance, created
44 in section 421.2, which has primary responsibility for
45 revenue collection and revenue law compliance, and
46 financial management and assistance, ~~and the Iowa~~
47 ~~lottery.~~

48 Sec. 103. Section 7E.6, subsection 3, Code 1999,
49 is amended by striking the subsection.

50 Sec. 104. Section 8.22A, subsection 5, paragraph

Page 2

1 a, Code 1999, is amended by striking the paragraph.

2 Sec. 105. Section 68B.35, subsection 2, paragraph
3 e, Code 1999, is amended to read as follows:

4 e. Members of the banking board, the ethics and
5 campaign disclosure board, the credit union review
6 board, the economic development board, the employment
7 appeal board, the environmental protection commission,
8 the health facilities council, the Iowa business
9 investment corporation board of directors, the Iowa
10 finance authority, the Iowa seed capital corporation,
11 the Iowa public employees' retirement system
12 investment board, ~~the lottery board~~, the natural
13 resource commission, the board of parole, the
14 petroleum underground storage tank fund board, the
15 public employment relations board, the state racing

16 and gaming commission, the state board of regents, the
17 tax review board, the transportation commission, the
18 office of consumer advocate, the utilities board, the
19 Iowa telecommunications and technology commission, and
20 any full-time members of other boards and commissions
21 as defined under section 7E.4 who receive an annual
22 salary for their service on the board or commission.

23 Sec. 106. Section 99A.10, Code 1999, is amended to
24 read as follows:

25 99A.10 MANUFACTURE AND DISTRIBUTION OF GAMBLING
26 DEVICES PERMITTED.

27 A person may manufacture or act as a distributor
28 for gambling devices for sale out of the state in
29 another jurisdiction where possession of the device is
30 legal or for sale in the state or use in the state if
31 the use is permitted pursuant to either chapter 99B or
32 chapter 99E.

33 Sec. 107. Section 99B.1, subsection 17, Code 1999,
34 is amended by striking the subsection.

35 Sec. 108. Section 99B.6, subsection 5, Code 1999,
36 is amended by striking the subsection.

37 Sec. 109. Section 99B.7, subsection 1, paragraph
38 1, subparagraph (1), Code 1999, is amended to read as
39 follows:

40 (1) No other gambling is engaged in at the same
41 location, ~~except that lottery tickets or shares issued~~
42 ~~by the lottery division of the department of revenue~~
43 ~~and finance may be sold pursuant to chapter 99E.~~

44 Sec. 110. Section 99B.15, Code 1999, is amended to
45 read as follows:

46 99B.15 APPLICABILITY OF CHAPTER -- PENALTY.

47 It is the intent and purpose of this chapter to
48 authorize gambling in this state only to the extent
49 specifically permitted by a section of this chapter or
50 chapter 99D, ~~99E~~, or 99F. Except as otherwise

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1 provided in this chapter, the knowing failure of any
2 person to comply with the limitations imposed by this
3 chapter constitutes unlawful gambling, a serious
4 misdemeanor.

5 Sec. 111. Section 99F.2, Code 1999, is amended to
6 read as follows:

7 99F.2 SCOPE OF PROVISIONS.

8 This chapter does not apply to the pari-mutuel
9 system of wagering used or intended to be used in
10 connection with the horse-race or dog-race meetings as
11 authorized under chapter 99D, ~~lottery or lotto games~~
12 ~~authorized under chapter 99E~~, or bingo or games of
13 skill or chance authorized under chapter 99B.

14 Sec. 112. Section 99F.11, subsection 3, Code 1999,

15 is amended to read as follows:

16 3. Three-tenths of one percent of the adjusted
17 gross receipts shall be deposited in the gambling
18 treatment fund ~~specified in section 99E.10, subsection~~
19 ~~1, paragraph "a".~~

20 Sec. 113. Section 123.49, subsection 2, paragraph
21 a, Code 1999, is amended to read as follows:

22 a. Knowingly permit any gambling, except in
23 accordance with chapter 99B, 99D, ~~99E~~, or 99F, or
24 knowingly permit solicitation for immoral purposes, or
25 immoral or disorderly conduct on the premises covered
26 by the license or permit.

27 Sec. 114. Section 321.19, subsection 1, unnumbered
28 paragraph 2, Code 1999, is amended to read as follows:

29 The department shall furnish, on application, free
30 of charge, distinguishing plates for vehicles thus
31 exempted, which plates except plates on Iowa state
32 patrol vehicles shall bear the word "official" and the
33 department shall keep a separate record. Registration
34 plates issued for Iowa state patrol vehicles, except
35 unmarked patrol vehicles, shall bear two red stars on
36 a yellow background, one before and one following the
37 registration number on the plate, which registration
38 number shall be the officer's badge number.
39 Registration plates issued for county sheriff's patrol
40 vehicles shall display one seven-pointed gold star
41 followed by the letter "S" and the call number of the
42 vehicle. However, the director of general services or
43 the director of transportation may order the issuance
44 of regular registration plates for any exempted
45 vehicle used by peace officers in the enforcement of
46 the law, persons enforcing chapter 124 and other laws
47 relating to controlled substances, and persons in the
48 department of justice, the alcoholic beverages
49 division of the department of commerce, the department
50 of inspections and appeals, and the department of

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1 revenue and finance, who are regularly assigned to
2 conduct investigations which cannot reasonably be
3 conducted with a vehicle displaying "official" state
4 registration plates, ~~persons in the lottery division~~
5 ~~of the department of revenue and finance whose~~
6 ~~regularly assigned duties relating to security or the~~
7 ~~carrying of lottery tickets cannot reasonably be~~
8 ~~conducted with a vehicle displaying "official"~~
9 ~~registration plates, and persons in the department of~~
10 economic development who are regularly assigned duties
11 relating to existing industry expansion or business
12 attraction. For purposes of sale of exempted
13 vehicles, the exempted governmental body, upon the

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

24 Sec. 115. Section 421.17, subsection 27, Code
25 1999, is amended by striking the subsection.

26 Sec. 116. Section 422.16, subsection 1, unnumbered
27 paragraph 4, Code 1999, is amended to read as follows:

28 For the purposes of this subsection, state income
29 tax shall be withheld on winnings in excess of six
30 hundred dollars derived from gambling activities
31 authorized under chapter 99B ~~or 99E~~. State income tax
32 shall be withheld on winnings in excess of one
33 thousand dollars from gambling activities authorized
34 under chapter 99D. State income tax shall be withheld
35 on winnings in excess of twelve hundred dollars
36 derived from slot machines authorized under chapter
37 99F.

38 Sec. 117. Section 422.43, subsection 2, Code 1999,
39 is amended to read as follows:

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

Page 5

1 ~~tickets or shares shall be included in the sales price~~
2 ~~and distributed to the general fund as provided in~~
3 ~~section 99E.10.~~

4 Sec. 118. Section 422B.8, unnumbered paragraph 1,
5 Code 1999, 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, and on
23 the gross receipts from the sale of equipment by the
24 state department of transportation, ~~and on the gross~~
25 ~~receipts from the sale of a lottery ticket or share in a~~
26 ~~lottery game conducted pursuant to chapter 99E. A~~
27 local sales and services tax is applicable to
28 transactions within those incorporated and
29 unincorporated areas of the county where it is imposed
30 and shall be collected by all persons required to
31 collect state gross receipts taxes. All cities
32 contiguous to each other shall be treated as part of
33 one incorporated area and the tax would be imposed in
34 each of those contiguous cities only if the majority
35 of those voting in the total area covered by the
36 contiguous cities favor its imposition.
37 Sec. 119. Section 455A.18, subsection 3,
38 unnumbered paragraph 1, Code 1999, is amended to read
39 as follows:
40 For each fiscal year of the fiscal period beginning
41 July 1, 1997, and ending June 30, 2021, there is
42 appropriated from the general fund, to the Iowa
43 resources enhancement and protection fund, the amount
44 of twenty million dollars, to be used as provided in
45 this chapter. ~~However, in any fiscal year of the~~
46 ~~fiscal period, if moneys from the lottery are~~
47 ~~appropriated by the state to the fund, the amount~~
48 ~~appropriated under this subsection shall be reduced by~~
49 ~~the amount appropriated from the lottery.~~
50 Sec. 120. Section 537A.4, unnumbered paragraph 2,

Page 6

1 Code 1999, is amended to read as follows:
2 This section does not apply to a contract for the
3 operation of or for the sale or rental of equipment
4 for games of skill or games of chance, if both the
5 contract and the games are in compliance with chapter
6 99B. This section does not apply to wagering under
7 the pari-mutuel method of wagering authorized by
8 chapter 99D. ~~This section does not apply to the sale,~~
9 ~~purchase or redemption of a ticket or share in the~~
10 ~~state lottery in compliance with chapter 99E. This~~
11 section does not apply to wagering under the excursion

12 boat gambling method of wagering authorized by chapter
13 99F. This section does not apply to the sale,
14 purchase, or redemption of any ticket or similar
15 gambling device legally purchased in Indian lands
16 within this state.

17 Sec. 121. Section 714B.10, subsection 1, Code
18 1999, is amended to read as follows:

19 1. Advertising by sponsors registered pursuant to
20 chapter 557B, licensed pursuant to chapter 99B, or
21 regulated pursuant to chapter 99D, ~~99E~~, or 99F.

22 Sec. 122. Section 725.9, subsection 5, Code 1999,
23 is amended to read as follows:

24 5. This chapter does not prohibit the possession
25 of gambling devices by a manufacturer or distributor
26 if the possession is solely for sale out of the state
27 in another jurisdiction where possession of the device
28 is legal or for sale in the state or use in the state
29 if the use is licensed pursuant to either chapter 99B
30 or ~~chapter 99E~~.

31 Sec. 123. Section 725.15, Code 1999, is amended to
32 read as follows:

33 725.15 EXCEPTIONS FOR LEGAL GAMBLING.

34 Sections 725.5 to 725.10 and 725.12 do not apply to
35 a game, activity, ticket, or device when lawfully
36 possessed, used, conducted, or participated in
37 pursuant to chapter 99B, ~~99E~~, or 99F.

38 Sec. 124. Chapter 99E, Code 1999, is repealed."

39 Page 7, by striking line 13 and inserting
40 the following:

41 "1. Sections 1 through 16 of this Act take
42 effect".

43 Page 7, by inserting after line 14 the
44 following:

45 ". Sections 102 through 124 of this Act take
46 effect on July 1, 2000."

47 Page 7, by striking lines 15 and 16 and
48 inserting the following:

49 ". Sections 17 and 101 of this Act, being

50 deemed of immediate importance, take effect upon

Page 7

1 enactment:""

2 2. Page 2, line 9, by inserting after the word

3 "counties," the following: "eliminating the Iowa

4 lottery,".

STEVEN D. HANSEN

S-3364

1 Amend House File 660, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 22 through 33 and
4 inserting the following:

5 "(3) For simplified employee pension plans, self-
6 employed pension plans, Keogh plans (also known as
7 H.R. 10 plans), individual retirement accounts, Roth
8 individual retirement accounts, savings incentive
9 matched plans for employees, salary reduction
10 simplified employee pension plans (also known as
11 SARSEPs), and similar plans for retirement investments
12 authorized in the future under federal law, the
13 exemption for contributions shall not exceed, for each
14 tax year of contributions, the actual amount of the
15 contribution or two thousand dollars, whichever is
16 less. The exemption for accumulated earnings and
17 market increases in value of plans under this
18 subparagraph shall be limited to an amount determined
19 by multiplying all the accumulated earnings and market
20 increases in value by a fraction, the numerator of
21 which is the total amount of exempt contributions as
22 determined by this subparagraph, and the denominator
23 of which is the total of exempt and nonexempt
24 contributions to the plan.

25 For purposes of this paragraph "f", "market
26 increases in value" shall include, but shall not be
27 limited to, dividends, stock splits, interest, and
28 appreciation. "Contributions" means contributions by
29 the debtor and by the debtor's employer."

LARRY McKIBBEN

S-3365

1 Amend House File 734 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 17 and 18, and
4 inserting the following:

5 "a. Three physicians licensed pursuant to chapter
6 148 or 150A, at least two of whom maintain practices
7 which include a significant".

8 2. Page 1, by striking lines 21 through 27, and
9 inserting the following: "medical society, one of
10 whom shall be recommended by the Iowa academy of
11 family physicians, and one of whom shall be
12 recommended by the Iowa osteopathic medical
13 association."

14 3. By renumbering as necessary.

JOHN REDWINE
ELAINE SZYMONIAK

S-3366

1 Amend House File 734 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, lines 26 and 27, by striking the words
4 "Iowa society of osteopathic medicine" and inserting
5 the following: "Iowa osteopathic medical
6 association".
7 2. Page 2, by striking lines 9 through 18, and
8 inserting the following:
9 "4. The members of the commission shall be
10 appointed by the governor. The members shall serve
11 three-year, staggered terms and shall not serve more
12 than two consecutive terms. The membership of the
13 commission shall meet the requirements of section
14 69.16. Notwithstanding section 69.16A, the membership
15 of the commission shall meet the requirements of
16 section 69.16A only to the maximum extent possible.
17 Notwithstanding section 7E.6, the commission shall
18 receive compensation as provided under the contract
19 entered into by the department to implement this
20 section."

JOHN REDWINE
ELAINE SZYMONIAK

S-3367

1 Amend House File 746, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, line 30, by striking the figure
4 "242.50" and inserting the following: "243.50".
5 2. Page 14, by striking lines 4 through 10 and
6 inserting the following: "this section. The
7 department".
8 3. By striking page 16, line 32, through page 17,
9 line 1.
10 4. By renumbering as necessary.

JERRY BEHN
DENNIS H. BLACK

S-3368

1 Amend House File 472, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 1 through 6, and
4 inserting the following:
5 "Section 1. Section 558.69, Code 1999, is amended

6 to read as follows:

7 558.69 REPORTING OF PRIVATE BURIAL SITES, WELLS,
8 DISPOSAL SITES, UNDERGROUND STORAGE TANKS, AND
9 HAZARDOUS WASTE -- LIABILITY.

10 With each declaration of value submitted to the
11 county recorder under chapter 428A, there shall also
12 be submitted a statement regarding whether any known
13 private burial site is situated on the property, and
14 if a known private burial site is situated on the
15 property, the statement shall state the approximate
16 location of the site. The statement shall also state
17 that no known wells are situated on the property, or
18 if known wells are situated on the property, the
19 statement must state the approximate location of each
20 known well and its status with respect to section
21 159.29 or 455B.190. The statement shall also state
22 that no known disposal site for solid waste, as
23 defined in section 455B.301, which has been deemed to
24 be potentially hazardous by the department of natural
25 resources, exists on the property, or if such a known
26 disposal site does exist, the location of the site on
27 the property. The statement shall additionally state
28 that no known underground storage tank, as defined in
29 section 455B.471, subsection 11, exists on the
30 property, or if a known underground storage tank does
31 exist, the type and size of the tank, and any known
32 substance in the tank. The statement shall also state
33 that no known hazardous waste as defined in section
34 455B.411, subsection 3, or listed by the department
35 pursuant to section 455B.412, subsection 2, or section
36 455B.464, exists on the property, or if known
37 hazardous waste does exist, that the waste is being
38 managed in accordance with rules adopted by the
39 department of natural resources. The statement shall
40 be signed by at least one of the sellers or their
41 agents. The county recorder shall refuse to record
42 any deed, instrument, or writing for which a
43 declaration of value is required under chapter 428A
44 unless the statement required by this section has been
45 submitted to the county recorder. A buyer of property
46 shall be provided with a copy of the statement
47 submitted, and, following the fulfillment of this
48 provision, if the statement submitted reveals no
49 private burial site, well, disposal site, underground
50 storage tank, or hazardous waste on the property, the

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1 county recorder may destroy the statement. The land
2 application of sludges or soils resulting from the
3 remediation of underground storage tank releases
4 accomplished in compliance with department of natural

5 resources rules without a permit is not required to be
6 reported as the disposal of solid waste or hazardous
7 waste.

8 If a declaration of value is not required, the
9 above information shall be submitted on a separate
10 form. The director of the department of natural
11 resources shall prescribe the form of the statement
12 and the separate form to be supplied by each county
13 recorder in the state. The county recorder shall
14 transmit the statements to the department of natural
15 resources at times directed by the director of the
16 department.

17 The owner of the property is responsible for the
18 accuracy of the information submitted on the form.
19 The owner's agent shall not be liable for the accuracy
20 of information provided by the owner of the property.
21 The provisions of this paragraph do not limit
22 liability which may be imposed under a contract or
23 under any other law."

24 2. Page 1, by striking lines 12 and 13, and
25 inserting the following: "person's ancestor on
26 property owned by another person,".

27 3. Page 1, by striking lines 18 through 20, and
28 inserting the following:

29 "2. Pursuant to section 558.69, the declaration of
30 value submitted to the county recorder under chapter
31 428A shall also include the existence of any known
32 private burial site situated on the property."

ANDY McKEAN
MARK SHEARER

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 737

S-3369

1 Amend the Senate amendment, H-1526, to House File
2 737, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 3 through 8.

5 2. Page 2, line 27, by inserting after the figure
6 "376," the following: "or similar legislation
7 transferring the office of the state medical examiner
8 from the department of public safety to the Iowa
9 department of public health,".

10 3. Page 2, by inserting after line 30 the
11 following:

12 ". Page 19, by inserting before line 1 the
13 following:

14 "Sec. 100. DEPARTMENT OF PUBLIC HEALTH. There is

15 appropriated from the general fund of the state to the
 16 board of dental examiners of the department of public
 17 health for the fiscal year beginning July 1, 1998, and
 18 ending June 30, 1999, the following amount, or so much
 19 thereof as is necessary, to be used for the purpose
 20 designated:

21 For the board of dental examiners to pay the
 22 necessary expenses of the members of the dental
 23 hygiene committee created in section 153.33A and
 24 administrative costs relating to the committee:
 25 \$ 42,000"

26 . Page 19, line 33, by inserting after the
 27 word "enactment." the following: "Section 100 of this
 28 Act, relating to a supplemental appropriation for the
 29 board of dental examiners of the Iowa department of
 30 public health, being deemed of immediate importance,
 31 takes effect upon enactment.""

32 4. By renumbering, relettering, or redesignating
 33 and correcting internal references as necessary.

S-3370

1 Amend Senate File 466 as follows:
 2 1. Page 16, line 27, by striking the figure
 3 "1.00" and inserting the following: "2.00".

MERLIN E. BARTZ

HOUSE AMENDMENT TO
 SENATE FILE 437

S-3371

1 Amend Senate File 437, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 9, by inserting after the word
 4 "contractor" the following: "in writing".
 5 2. Page 1, line 10, by inserting after the word
 6 "notice" the following: "containing the name, mailing
 7 address, and telephone number of the person furnishing
 8 the labor or materials, and the name of the
 9 subcontractor to whom the labor or materials were
 10 furnished".
 11 3. Page 1, line 10, by striking the words "the
 12 furnishing of the" and inserting the following: "the
 13 first furnishing of the".
 14 4. Page 1, line 11, by striking the word "is" and
 15 inserting the following: "is may be".
 16 5. Page 1, line 13, by inserting after the word
 17 "furnished." the following: "Additional labor or
 18 materials furnished by the same person to the same
 19 subcontractor for use in the same construction project"

20 shall be covered by this notice."

21 6. Page 1, line 15, by inserting after the word

22 "notified" the following: "in writing".

23 7. Page 1, line 16, by inserting after the word

24 "notice" the following: "containing the name, mailing
25 address, and telephone number of the person furnishing
26 the labor or materials, and the name of the
27 subcontractor to whom the labor or materials were
28 furnished.".

29 8. Page 1, line 16, by inserting after the word

30 "were" the following: "first".

31 9. Page 1, line 18, by inserting after the word

32 "furnished" the following: ", pursuant to paragraph

33 "a".

HOUSE AMENDMENT TO
SENATE FILE 429

S-3372

1 Amend Senate File 429, as passed by the Senate, as
2 follows:

3 1. Page 1, line 13, by inserting after the word
4 "after" the following: "service of the".

5 2. Page 2, by striking lines 27 through 29 and
6 inserting the following: "cancellation of the lien.
7 Upon the filing of the demand with the required
8 attachments, the clerk of the district court shall
9 mail a file-stamped copy of the demand to both
10 parties."

HOUSE AMENDMENT TO
SENATE FILE 406

S-3373

1 Amend Senate File 406, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 19, the
4 following:

5 "Sec. __. Section 523A.5, subsection 2, Code 1999,
6 is amended by adding the following new paragraph:
7 NEW PARAGRAPH. e. "Prepaid contract" means a
8 written contract or other agreement executed by a
9 seller in which the seller promises to deliver
10 merchandise or services upon the future death of a
11 person named or implied in the agreement.

12 Sec. __. Section 523A.6, Code 1999, is amended to
13 read as follows:

14 523A.6 COMPLIANCE WITH OTHER LAWS.

15 The seller of a prepaid contract for the purchase
16 of funeral services or funeral merchandise shall

17 comply with chapter 555A with respect to all contracts
 18 that are subject to regulation under this chapter. A
 19 failure person failing to comply with chapter 555A is
 20 subject to the remedies and penalties provided in that
 21 chapter."

22 2. Page 6, by inserting after line 26, the
 23 following:

24 "Sec. __. Section 523I.6, Code 1999, is amended by
 25 adding the following new subsection:

26 NEW SUBSECTION. 4. A cemetery shall provide
 27 services necessary for the installation or burial of
 28 vaults or other similar merchandise sold by the
 29 cemetery. This subsection shall not require the
 30 cemetery to provide for opening or closing interment
 31 or entombment space, unless an agreement executed by
 32 the cemetery expressly provides otherwise."

33 3. Title page, line 3, by inserting after the
 34 word "opportunities," the following: "funeral
 35 merchandise, funeral services, cemeteries".

S-3374

1 Amend Senate File 470 as follows:

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

4 "Sec. . Section 68B.35, subsections 2, 4, and
 5 5, Code 1999, are amended to read as follows:

6 2. The financial statement information required ~
 7 this section under subsection 1 shall be filed by the
 8 following persons:

9 ~~a. Any statewide elected official.~~

10 ~~b. a.~~ The executive or administrative head or
 11 heads of any agency of state government.

12 ~~e. b.~~ The deputy executive or administrative head
 13 or heads of an agency of state government.

14 ~~d. c.~~ The head of a major subunit of a department
 15 or independent state agency whose position involves a
 16 substantial exercise of administrative discretion or
 17 the expenditure of public funds as defined under rules
 18 adopted by the board, pursuant to chapter 17A, in
 19 consultation with the department or agency.

20 ~~e. d.~~ Members of the banking board, the ethics and
 21 campaign disclosure board, the credit union review
 22 board, the economic development board, the employment
 23 appeal board, the environmental protection commission,
 24 the health facilities council, the Iowa business
 25 investment corporation board of directors, the Iowa
 26 finance authority, the Iowa seed capital corporation,
 27 the Iowa public employees' retirement system
 28 investment board, the lottery board, the natural
 29 resource commission, the board of parole, the
 30 petroleum underground storage tank fund board, the

31 public employment relations board, the state racing
 32 and gaming commission, the state board of regents, the
 33 tax review board, the transportation commission, the
 34 office of consumer advocate, the utilities board, the
 35 Iowa telecommunications and technology commission, and
 36 any full-time members of other boards and commissions
 37 as defined under section 7E.4 who receive an annual
 38 salary for their service on the board or commission.
 39 ~~f. Members of the general assembly.~~
 40 ~~g. Candidates for state office.~~
 41 ~~h. e.~~ Legislative employees who are the head or
 42 deputy head of a legislative agency or whose position
 43 involves a substantial exercise of administrative
 44 discretion or the expenditure of public funds.
 45 4. The ethics committee of each house of the
 46 general assembly shall recommend rules for adoption by
 47 each house for the time and manner for the filing of
 48 financial statements by members or employees of the
 49 particular house. The legislative council shall adopt
 50 rules for the time and manner for the filing of

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1 financial statements by legislative employees of the
 2 central legislative staff agencies. The rules shall
 3 provide for the filing of the financial statements
 4 with either the chief clerk of the house, the
 5 secretary of the senate, or other appropriate person
 6 or body. The rules shall provide that financial
 7 statements filed by members of each house reflect
 8 information which is current as of the time of filing
 9 the financial statement and for amendment of the
 10 information if the information changes during the time
 11 period covered by the financial statement.
 12 5. A candidate for statewide office shall file a
 13 financial statement with the ethics and campaign
 14 disclosure board, a candidate for the office of state
 15 representative shall file a financial statement with
 16 the chief clerk of the house of representatives, and a
 17 candidate for the office of state senator shall file a
 18 financial statement with the secretary of the senate.
 19 Statements shall contain information concerning the
 20 year ~~preceding the year~~ in which the election is to be
 21 held. The statement shall be filed no later than
 22 thirty days after the date on which a person is
 23 required to file nomination papers for state office
 24 under section 43.11, or, if the person is a candidate
 25 in a special election, as soon as practicable after
 26 the certification of the name of the nominee under
 27 section 43.88, but the statement shall be postmarked
 28 no later than seven days after certification. The
 29 ethics and campaign disclosure board shall adopt rules

30 pursuant to chapter 17A providing for the filing of
31 the financial statements with the board and for the
32 deposit, retention, and availability of the financial
33 statements. The rules shall provide for amendment of
34 the information contained in the financial statements
35 if the information changes during the time period
36 covered by the financial statement. The ethics
37 committees of the house of representatives and the
38 senate shall recommend rules for adoption by the
39 respective houses providing for the filing of the
40 financial statements with the chief clerk of the house
41 or the secretary of the senate and for the deposit,
42 retention, and availability of the financial
43 statements. The rules shall provide for amendment of
44 the information contained in the financial statements
45 if the information changes during the time period
46 covered by the financial statement. Rules adopted
47 shall also include a procedure for notification of
48 candidates of the duty to file disclosure financial
49 statements under this section.
50 Sec. . Section 68B.35, Code 1999, is amended by

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1 adding the following new subsections:
2 NEW SUBSECTION. 2A. A statewide elected official,
3 members of the general assembly, and candidates for
4 state office shall file financial statements which
5 contain all of the following:
6 a. The name of any business, organization, or
7 entity in which the official, member, or candidate is
8 employed. If the official, member, or candidate is
9 self-employed and is doing business under the
10 official's, member's, or candidate's given name, the
11 official, member, or candidate shall indicate that the
12 person is self-employed. If the official, member, or
13 candidate is self-employed, and is doing business
14 under a name other than the official's, member's, or
15 candidate's given name, the official, member, or
16 candidate shall indicate that the person is self-
17 employed and list the name of the person's business.
18 If the official, member, or candidate is not employed
19 by another person or is not self-employed, the person
20 shall indicate that the person is not employed.
21 b. The nature of the business in which the
22 official, member, or candidate is employed or self-
23 employed, if the official, member, or candidate is
24 employed or self-employed.
25 c. The job title or position held within any
26 business in which the official, member, or candidate
27 is employed or self-employed.
28 d. If the official, member, or candidate is

- 29 employed or self-employed, the range in which annual
30 compensation received or earned falls, in the
31 following ranges:
- 32 (1) \$ 0 through \$9,999.99.
 - 33 (2) \$ 10,000 through \$24,999.99.
 - 34 (3) \$ 25,000 through \$49,999.99.
 - 35 (4) \$ 50,000 through \$99,999.99.
 - 36 (5) \$100,000 through \$149,999.99.
 - 37 (6) \$150,000 through \$249,999.99.
 - 38 (7) \$250,000 through \$499,999.99.
 - 39 (8) \$500,000 through \$999,999.99.
 - 40 (9) \$1,000,000 and above.
- 41 e. The information required in paragraphs "a"
42 through "d", where applicable, for the spouse of the
43 official, member, or candidate.
- 44 f. A list of any other sources of income and type
45 of interest held, if the source produces more than one
46 thousand dollars annually in gross income. The list
47 shall include the name of the corporation, business,
48 or other entity from which the income is derived and,
49 if not apparent from the name, the nature of the
50 business of the corporation, business, or other entity

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- 1 from which the income is derived. The type of
2 interest held may be listed under any of the following
3 categories, or under any other categories as may be
4 established by rule:
- 5 (1) Securities.
 - 6 (2) Instruments of financial institutions.
 - 7 (3) Trusts.
 - 8 (4) Real estate.
 - 9 (5) Retirement systems.
 - 10 (6) Other types of income or income categories
- 11 specified in state and federal income tax regulations.
- 12 **NEW SUBSECTION.** 6. The secretary of the senate
13 and the chief clerk of the house shall forward copies
14 of any personal financial disclosure statements
15 received from members of and candidates for the
16 general assembly to the ethics and campaign disclosure
17 board. The board shall add the information to any
18 files maintained which pertain to the particular
19 member of or candidate for the general assembly and
20 shall add the information, when possible, to any
21 electronic databases or files which are publicly
22 accessible from remote locations."
- 23 2. Title page, line 1, by inserting after the
24 word "finance" the following: "and personal
25 financial".
- 26 3. Title page, line 4, by inserting after the
27 word "fees" the following: "providing for personal

- 28 financial disclosure by certain public officials and
29 candidates,"
30 4. By renumbering as necessary.

MATT McCOY

S-3375

1 Amend Senate File 470 as follows:

2 1. Page 10, by inserting after line 11 the
3 following:

4 "Sec. . Section 56.15, Code 1999, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 4A. Solicitation for
7 contributions as permitted by this section must also
8 comply with the provisions of section 56.15B."

9 2. Page 12, by inserting after line 3 the
10 following:

11 "5. An employer that permits any solicitation of
12 contributions for political committees on the
13 employer's property or by any owner, officer,
14 director, shareholder, member, or employee of the
15 company during working hours of any solicitor owner,
16 officer, director, shareholder, member, employee, or
17 union official, or during the working hours of any
18 solicitee owner, officer, director, shareholder,
19 member, employee, or union official shall allow equal
20 access for solicitation purposes for contributions to
21 any political committee to any owner, officer,
22 director, shareholder, member, employee, or union
23 official on the employer's property or during any
24 hours while employees are working on the premises of
25 the employer."

26 3. Page 12, by inserting after line 17 the
27 following:

28 "Sec. NEW SECTION. 731.10 SOLICITATION FOR
29 CONTRIBUTIONS FOR POLITICAL COMMITTEES.

30 A union official shall have the right to solicit
31 contributions for political committees on an
32 employer's property or during any hours while
33 employees are working on the premises of the employer
34 pursuant to section 56.15B."

35 4. Title page, line 1, by inserting after the
36 word "disclosure" the following: "and contribution
37 solicitation, by allowing equal access for certain
38 political committee contribution solicitation,"

39 5. By renumbering as necessary.

DICK L. DEARDEN

S-3376

- 1 Amend Senate File 470 as follows:
- 2 1. Page 4, by striking lines 15 through 28 and
- 3 inserting the following:
- 4 "56.5A CANDIDATE'S COMMITTEE.
- 5 1. Each candidate for state, county, city, or
- 6 school office shall organize one, and only one,
- 7 candidate's committee for a specific office sought
- 8 when the candidate receives contributions in excess of
- 9 five hundred dollars in the aggregate, makes
- 10 expenditures in excess of five hundred dollars in the
- 11 aggregate, or incurs indebtedness in excess of five
- 12 hundred dollars in the aggregate in a calendar year.
- 13 2. A political committee shall not be established
- 14 to support or oppose expressly advocate the
- 15 nomination, election, or defeat of only one candidate
- 16 for office, except that a political committee may be
- 17 established to support or oppose expressly advocate
- 18 the passage or defeat of approval of a single judge
- 19 standing for retention.
- 20 3. a. A candidate's committee shall accept
- 21 contributions from sources other than voters
- 22 registered within the district represented by the
- 23 office to which the candidate presently seeks
- 24 election, only to the extent that the candidate's
- 25 committee has received and deposited in the
- 26 candidate's campaign account, an equal or greater
- 27 total of contributions from voters registered within
- 28 the district.
- 29 b. A candidate who accepts a contribution in
- 30 violation of this subsection shall be fined civilly in
- 31 an amount equal to ten times the amount by which the
- 32 contribution exceeded the permitted limit. The fine
- 33 proceeds shall be deposited in the Iowa election
- 34 campaign fund created by section 56.19."
- 35 2. Title page, line 1, by striking the word
- 36 "disclosure" and inserting the following: ", by
- 37 limiting contributions,".
- 38 3. By renumbering as necessary.

JOHN P. KIBBIE

S-3377

- 1 Amend Senate File 470 as follows:
- 2 1. Page 8, by inserting before line 20 the
- 3 following:
- 4 "Sec. 101. NEW SECTION. 56.14A NEW ADVERTISING
- 5 BEFORE ELECTION -- RESTRICTIONS.
- 6 A candidate or a candidate's committee shall not,
- 7 within the five-day period which immediately precedes

- 8 the election in which the candidate is seeking office,
 9 publish, distribute, or cause to be published or
 10 distributed, published material designed to promote or
 11 defeat the election of the candidate or the
 12 candidate's opponent unless the material was
 13 previously published or distributed during the period
 14 of time which preceded that five-day period. For
 15 purposes of this subsection, "published material"
 16 includes "published material" as defined under section
 17 56.14 and paid political announcements broadcast
 18 through electronic media including, but not limited
 19 to, radio, television, or computer networks."
 20 2. Title page, line 1, by striking the word
 21 "disclosure".
 22 3. Title page, line 4, by inserting after the
 23 word "fees," the following: "prohibiting certain
 24 political advertisements,".
 25 4. By renumbering as necessary.

JOHN P. KIBBIE

HOUSE AMENDMENT TO
 SENATE FILE 393

S-3378

- 1 Amend Senate File 393, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 24, by inserting after the figure
 4 "75," the following: "296,".
 5 2. Page 2, line 24, by inserting after the figure
 6 "331," the following: "357B, 359,".
 7 3. Page 3, by inserting after line 25 the
 8 following:
 9 "Sec. . NEW SECTION. 28E.42 JOINT ISSUANCE OF
 10 SCHOOL DISTRICT OR FIRE DISTRICT BONDS.
 11 It is the intent of the general assembly to
 12 encourage school districts or fire districts to
 13 jointly issue general obligation bonds to fund
 14 separate projects proposed in each district and, by
 15 pooling their debt obligations, to realize a savings
 16 for taxpayers in each of the participating districts.
 17 1. Two or more school districts may enter an
 18 agreement pursuant to this chapter for the purpose of
 19 financing projects for which debt obligations may be
 20 or have been incurred pursuant to chapter 296 or 298.
 21 For purposes of this section, "school district" means
 22 a public school district described in chapter 274.
 23 2. Two or more fire districts may enter an
 24 agreement pursuant to this chapter for the purpose of
 25 financing projects for which debt obligations may be
 26 or have been incurred pursuant to chapter 74, 75, 331,

- 27 357B, 359, or 384. For purposes of this section,
 28 "fire district" means any governmental entity which
 29 provides fire protection services."
 30 4. Title page, line 3, by inserting after the
 31 words "school districts" the following: "and
 32 providing for joint issuance of school district or
 33 fire district bonds".
 34 5. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 8

S-3379

- 1 Amend Senate File 8, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by striking lines 2 and 3 and
 4 inserting the following: "supplement, long-term care,
 5 basic hospital and medical-surgical expense coverage
 6 as defined by the commissioner, disability income
 7 insurance coverage,".

HOUSE AMENDMENT TO
 SENATE FILE 186

S-3380

- 1 Amend Senate File 186, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 331.461, subsection 2,
 6 paragraph e, Code 1999, is amended to read as follows:
 7 e. In a county with a population of less than one
 8 hundred fifty thousand, a county hospital established
 9 under chapter 37 or 347A, including its acquisition,
 10 construction, equipment, enlargement, and improvement,
 11 and including necessary lands, rights of way, and
 12 other property. However, bonds issued under this
 13 paragraph shall mature in not more than thirty years
 14 from date of issuance, and are subject to the notice
 15 and election requirements of bonds issued under
 16 paragraph "d"."
 17 2. Title page, line 2, by inserting after the
 18 word "disabilities" the following: "and certain
 19 county hospitals".
 20 3. By renumbering as necessary.

S-3381

- 1 Amend Senate File 470 as follows:
 2 1. Page 5, by inserting before line 16 the

3 following:

4 "Sec. 101. NEW SECTION. 56.6A VOLUNTARY LIMITS
5 ON CONTRIBUTIONS AND EXPENDITURES.

6 1. A candidate for the general assembly may file a
7 declaration of limitation on expenditures pursuant to
8 section 56.6B, certifying that the candidate and the
9 candidate's committee will not do any of the
10 following:

11 a. Make expenditures during an election campaign
12 cycle exceeding the following amounts:

13 (1) Fifty thousand dollars for a candidate for the
14 senate.

15 (2) Twenty-five thousand dollars for a candidate
16 for the house of representatives.

17 b. Accept direct contributions from a state,
18 county, or city statutory political committee or a
19 national political party.

20 2. A candidate who has filed a declaration of
21 limitation on expenditures pursuant to section 56.6B
22 shall not be bound by the declaration if any opposing
23 candidate for the same office has not filed a
24 declaration of limitation on expenditures pursuant to
25 section 56.6B, or has filed a declaration but has made
26 expenditures exceeding the applicable limit.

27 3. For the purposes of this section and section
28 56.6B:

29 a. "Election campaign cycle" means the period of
30 time between any general or special election
31 commencing on the day following the previous election
32 for that office, and continuing through election day.

33 b. "Expenditures" shall include all amounts
34 reported in disclosure reports pursuant to section
35 56.6, subsection 3, paragraph "g", as well as any
36 amounts attributed to a candidate pursuant to section
37 56.13.

38 Sec. 102. NEW SECTION. 56.6B DECLARATION OF
39 LIMITATION ON EXPENDITURES.

40 1. A declaration of limitation on expenditures
41 shall meet the requirements of section 56.6A,
42 subsection 1, and shall include the signature of the
43 candidate.

44 2. A declaration of limitation on expenditures
45 shall be filed with the board no later than the date
46 upon which the candidate makes a filing pursuant to
47 section 43.11, 44.1, or 45.4 to have the candidate's
48 name placed on a ballot for election to public office.

49 3. Once a declaration of limitation on
50 expenditures has been filed, a candidate's

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1 expenditures may be challenged pursuant to the
2 procedure in section 68B.32B. Notwithstanding the
3 requirements of that section, the board shall, within
4 twenty-four hours of the filing of a complaint,
5 determine whether there is probable cause to believe
6 the existence of facts that would establish an
7 unreported expenditure, an improperly reported
8 expenditure, or aggregate expenditures exceeding the
9 applicable limit. The board shall proceed with the
10 remainder of the complaint procedure only upon a
11 finding of probable cause.

12 4. a. A finding by the board that a candidate has
13 exceeded the applicable expenditure limit shall not
14 subject the candidate to any criminal penalty under
15 this chapter, but shall release the candidate's
16 opponent from any obligation to comply with that
17 candidate's own declaration of limitation of
18 expenditures.

19 b. A finding by the board that the candidate has
20 not reported or has improperly reported an expenditure
21 shall result in appropriate adjustment of the
22 candidate's reported expenditures, and may subject the
23 candidate to penalties pursuant to section 56.16."

24 2. Title page, line 1, by striking the word
25 "disclosure" and inserting the following: ", by
26 limiting contributions,".

27 3. By renumbering as necessary.

JOHN P. KIBBIE

S-3382

1 Amend Senate File 470 as follows:

2 1. Page 8, by inserting after line 19 the
3 following:

4 "Sec. . NEW SECTION. 56.14A FALSE INFORMATION
5 IN POLITICAL MATERIAL.

6 1. A person shall not be a sponsor of any
7 published material on behalf of or in opposition to
8 any candidate or ballot issue that contains any
9 assertion, representation, or statement of fact,
10 including, but not limited to, information concerning
11 a candidate's prior public record, which the sponsor
12 knows to be untrue, deceptive, or misleading.

13 2. For purposes of this section, "published
14 material" means statements or graphic representations
15 made through any public medium which includes, but is
16 not limited to, any of the following:

17 a. Electronic media such as live or prerecorded
18 radio or television broadcasts, broadcasts or

19 transmissions through other publicly available
20 electronic communications, and video or audio tape
21 recordings which are publicly distributed.

22 b. Print media, such as newspapers, pamphlets,
23 folders, display cards, signs, posters, or billboard
24 advertisements.

25 c. Any other methods or mediums designed for
26 publicly advertising or publishing information.

27 3. For purposes of this section, "sponsor" means a
28 person who pays for or approves published material and
29 shall include a candidate or committee which knows and
30 approves of an independent expenditure made by another
31 person under section 56.13."

32 2. Page 12, by inserting after line 17 the
33 following:

34 "Sec. 101. CAMPAIGN FINANCE COMMISSION. A
35 campaign finance commission is established to study
36 campaign finance disclosure and related laws and to
37 recommend reforms in these laws, according to the
38 following:

39 1. APPOINTMENT. The commission shall be composed
40 of six members, bipartisan and gender-balanced in
41 accordance with sections 69.16 and 69.16A, and
42 appointed as follows:

43 a. Two members shall be the state chairs of each
44 of the political parties, as defined in section 43.2,
45 or their designees.

46 b. Four members shall be jointly appointed by the
47 majority and minority leaders of the senate and house.
48 These members shall be appointed from nonpartisan
49 organizations which have researched, studied, and
50 advocated the issue of political campaign finance

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1 reform for fifteen years or more, or who are specially
2 qualified to serve on the commission because of
3 training or experience.

4 c. The commission shall elect a chair and vice
5 chair at its first meetings.

6 2. TERMS. The members of the commission shall
7 serve for the life of the commission.

8 3. VACANCIES. A vacancy in the commission shall
9 be filled in the manner in which the original
10 appointment was made.

11 Sec. 102. POWERS AND DUTIES OF THE COMMISSION.

12 1. HEARINGS. The commission may hold hearings
13 which shall be open and announced in advance to the
14 public, take testimony, and receive evidence as the
15 commission considers appropriate. Activities of the
16 commission shall be held in accordance with chapter
17 21.

18 The commission shall hold at least one hearing in
19 each congressional district within the state
20 specifically to obtain public input on the issue of
21 campaign finance reform.

22 2. QUORUM. Four members of the commission shall
23 constitute a quorum, but a lesser number may hold
24 hearings.

25 3. REPORT. Not later than December 15, 1999, the
26 commission shall submit to the general assembly a
27 report of the activities of the commission, together
28 with a draft of legislation recommended by the
29 commission to reform the campaign finance disclosure
30 and related laws for consideration by the general
31 assembly in the year 2000 according to the provisions
32 of this Act.

33 4. MATTERS TO BE CONSIDERED. In holding hearings
34 and preparing the report required under subsection 3,
35 the commission shall consider all issues related to
36 the reform of campaign finance disclosure and related
37 laws. The commission may secure directly from any
38 department or agency such information as the
39 commission considers necessary, and the department or
40 agency shall promptly furnish such information to the
41 commission.

42 5. STAFFING. Assistance shall be provided to the
43 commission by the central nonpartisan legislative
44 staff bureaus. The commission may utilize the
45 services of the legislative service bureau in
46 formulating a draft of legislation. The attorney
47 general's office and the ethics and campaign
48 disclosure board shall serve as consultants, and
49 advise the commission as necessary.

50 Sec. 103. ASSIGNMENT OF LEGISLATION. The

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1 legislation drafted by the commission shall be filed
2 with each chamber on the first day of the legislative
3 session beginning in the year 2000, and immediately
4 assigned to the committee on state government in each
5 chamber.

6 Sec. 104. TERMINATION. The commission shall cease
7 to exist one month after the submission of its report
8 under section 102 of this Act."

9 3. Title page, line 1, by inserting after the
10 word "disclosure" the following: "and advertisement,
11 including the study of campaign finance disclosure and
12 related laws,".

13 4. Title page, line 4, by inserting after the
14 word "fees," the following: "establishing a
15 commission to study campaign finance disclosure and
16 related laws, prohibiting false or misleading

- 17 information in political advertisements,".
18 5. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
SHELDON RITTMER, Chairperson

HOUSE AMENDMENT TO
SENATE FILE 189

S-3383

- 1 Amend Senate File 189, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 27 through 30 and
4 inserting the following: "simple misdemeanor. In
5 addition to any other penalties, the punishment
6 imposed for a violation of this subsection shall
7 include assessment of a fine of not less than two
8 hundred fifty dollars nor more than one thousand five
9 hundred dollars."
10 2. Page 2, line 7, by inserting after the word
11 "jurisdiction." the following: "In addition to any
12 other penalties, the punishment imposed for a
13 violation of this subsection shall include assessment
14 of a fine of not less than two hundred fifty dollars."
15 3. Page 2, line 15, by inserting after the word
16 "misdemeanor." the following: "In addition to any
17 other penalties, the punishment imposed for a
18 violation of this subsection shall include assessment
19 of a fine of not less than two hundred fifty dollars."
20 4. Page 2, by striking lines 28 and 29 and
21 inserting the following: "penalties, the punishment
22 imposed for a violation of this subsection shall
23 include assessment of a fine of not less than two
24 hundred fifty dollars nor".
25 5. Page 2, by inserting after line 30 the
26 following:
27 "Sec. . Section 321J.4, subsection 4, Code
28 1999, is amended to read as follows:
29 4. a. Upon a plea or verdict of guilty of a third
30 or subsequent violation of section 321J.2, the court
31 shall order the department to revoke the defendant's
32 driver's license or nonresident operating privilege
33 for a period of six years. The defendant shall not be
34 eligible for a temporary restricted license for at
35 least one year after the effective date of the
36 revocation. The court shall require the defendant to
37 surrender to it all Iowa licenses or permits held by
38 the defendant, which the court shall forward to the
39 department with a copy of the order for revocation.
40 The defendant shall be ordered to install an ignition
41 interlock device of a type approved by the

42 commissioner of public safety on all vehicles owned by
43 the defendant if the defendant seeks a temporary
44 restricted license at the end of the minimum period of
45 ineligibility. A temporary restricted license shall
46 not be granted by the department until the defendant
47 installs the ignition interlock device.
48 b. However, if a defendant's driver's license is
49 revoked for a third or subsequent violation of section
50 321J.2 and the violations which resulted in the

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1 revocation did not occur within a twelve-year period,
2 the person shall be permitted to apply to the
3 department for restoration of the defendant's driving
4 privileges. The application may be granted only if
5 all of the following are shown by the defendant by a
6 preponderance of the evidence:
7 (1) The defendant has completed an evaluation and,
8 if recommended by the evaluation, a program of
9 treatment for chemical dependency and is recovering,
10 or has substantially recovered, from that dependency
11 on or tendency to abuse alcohol or drugs.
12 (2) The defendant has not been convicted, since
13 the date of the revocation order, of any subsequent
14 violations of section 321J.2 or 123.46, or any
15 comparable city or county ordinance, and the defendant
16 has not, since the date of the revocation order,
17 submitted to a chemical test under this chapter that
18 indicated an alcohol concentration as defined in
19 section 321J.1 of .10 or more, or refused to submit to
20 chemical testing under this chapter.
21 (3) The defendant has abstained from the excessive
22 consumption of alcoholic beverages and the consumption
23 of controlled substances, except at the direction of a
24 licensed physician or pursuant to a valid
25 prescription.
26 (4) The defendant's motor vehicle license is not
27 currently subject to suspension or revocation for any
28 other reason.
29 c. The court shall forward to the department a
30 record of any application submitted under paragraph
31 "b" and the results of the court's disposition of the
32 application."
33 6. Page 3, by striking lines 4 and 5, and
34 inserting the following: "addition to any other
35 penalties, the punishment imposed for a violation of
36 this subsection shall include assessment of a fine of
37 one thousand dollars."
38 7. Page 3, by inserting after line 12 the
39 following:
40 "Sec. . Section 331.302, subsection 4A,

41 paragraph a, subparagraph (2), Code 1999, is amended
42 to read as follows:

43 (2) A portion of the Code of Iowa may be adopted
44 by reference only if the criminal penalty provided by
45 the law adopted does not exceed thirty days'
46 imprisonment or a ~~one~~ two hundred dollar fine."

47 8. Page 3, line 35, by inserting after the word
48 "misdemeanor." the following: "In addition to any
49 other penalties, the punishment imposed for a
50 violation of this subsection shall include assessment

Page 3

1 of a fine of not less than two hundred fifty dollars."

2 9. Page 6, line 21, by inserting after the word
3 "misdemeanor." the following: "In addition to any
4 other penalties, the punishment imposed for a
5 violation of this subsection shall include assessment
6 of a fine of not less than two hundred fifty dollars."

7 10. Page 6, line 35, by inserting after the word
8 "misdemeanor." the following: "In addition to any
9 other penalties, the punishment imposed for a
10 violation of this section shall include assessment of
11 a fine of not less than two hundred fifty dollars."

12 11. Page 7, line 15, by inserting after the word
13 "misdemeanor." the following: "In addition to any
14 other penalties, the punishment imposed for a
15 violation of this section shall include assessment of
16 a fine of not less than two hundred fifty dollars."

17 12. Page 7, by inserting after line 22 the
18 following:

19 "Sec. . THIRD OFFENSE OWI REVOCATIONS. When
20 revoking a defendant's driver's license under section
21 321J.4, the court shall not consider a conviction
22 under section 321J.2 which occurred on or prior to
23 June 30, 1991, for the purpose of determining whether
24 a conviction is a third or subsequent offense under
25 section 321J.2. If a person whose license was revoked
26 under section 321J.4, subsection 4, for three
27 violations of section 321J.2, one of which occurred on
28 or prior to June 30, 1991, the person may apply for
29 reinstatement of the person's driving privileges and
30 the court shall reinstate those privileges two years
31 after the date of the order for revocation."

32 13. By renumbering, relettering, or redesignating
33 and correcting internal references as necessary.

S-3384

1 Amend Senate File 470 as follows:

2 1. Page 4, by inserting before line 29 the
3 following:

- 4 "Sec. 101. NEW SECTION. 56.5B LIMITATIONS ON
 5 CONTRIBUTIONS.
 6 1. An individual shall not make contributions
 7 that, during any election campaign cycle, in the
 8 aggregate exceed the following:
 9 a. Two thousand dollars to any candidate or
 10 candidate's committee for a statewide office.
 11 b. Five hundred dollars to any candidate or
 12 candidate's committee for the Iowa senate.
 13 c. Two hundred fifty dollars to any candidate or
 14 candidate's committee for the Iowa house of
 15 representatives.
 16 2. A candidate or candidate's committee shall not
 17 knowingly accept any contribution in violation of this
 18 section.
 19 3. For purposes of this section:
 20 a. "Election campaign cycle" means the period of
 21 time between any general or special election
 22 commencing on the day following the previous election
 23 for that office and continuing through election day.
 24 b. "Statewide office" means the office of any of
 25 the state officers listed in section 39.9."
 26 2. Title page, line 1, by striking the word
 27 "disclosure".
 28 3. Title page, line 4, by inserting after the
 29 word "fees," the following: "limiting certain
 30 contributions,".
 31 4. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-3385

- 1 Amend Senate File 470 as follows:
 2 1. Page 4, by inserting after line 28 the
 3 following:
 4 "Sec. . NEW SECTION. 56.5B LIMITATIONS ON
 5 CONTRIBUTIONS.
 6 1. A political committee shall not make
 7 contributions that, during any election campaign
 8 cycle, in the aggregate exceed the following:
 9 a. Two thousand dollars to any candidate or
 10 candidate's committee for a statewide office.
 11 b. Five hundred dollars to any candidate or
 12 candidate's committee for the Iowa senate.
 13 c. Two hundred fifty dollars to any candidate or
 14 candidate's committee for the Iowa house of
 15 representatives.
 16 2. A candidate or candidate's committee shall not
 17 knowingly accept any contribution in violation of this
 18 section.
 19 3. For purposes of this section:

- 20 a. "Election campaign cycle" means the period of
21 time between any general or special election
22 commencing on the day following the previous election
23 for that office and continuing through election day.
- 24 b. "Political committee" shall not include a state
25 statutory political committee, county statutory
26 political committee, city statutory political
27 committee, or national political party.
- 28 c. "Statewide office" means the office of any of
29 the state officers listed in section 39.9.
- 30 4. This section shall not apply to the following:
- 31 a. Contributions to Iowa candidates for the United
32 States senate or house of representatives, or to any
33 other candidate for federal office.
- 34 b. Transfers of campaign funds made pursuant to
35 section 56.42."
- 36 2. Title page, line 1, by striking the words
37 "disclosure by" and inserting the following: ", by
38 limiting certain contributions,".
- 39 3. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-3386

- 1 Amend Senate File 470 as follows:
- 2 1. By striking everything after the enacting
3 clause and inserting the following:
- 4 "Section 1. Section 56.2, Code 1999, is amended by
5 adding the following new subsections:
- 6 NEW SUBSECTION. 5A. "Clearly identified" means
7 that a communication contains an unambiguous reference
8 to a particular candidate or ballot issue, including
9 but not limited to one or more of the following:
- 10 a. Use of the name of the candidate or ballot
11 issue.
- 12 b. Use of a photograph or drawing of the
13 candidate, or the use of a particular symbol
14 associated with a specific ballot issue.
- 15 c. Use of a candidate's initials, nickname,
16 office, or status as a candidate, or use of acronym,
17 popular name, or characterization of a ballot issue.
- 18 NEW SUBSECTION. 12A. "Express advocacy" or to
19 "expressly advocate" means communication that can be
20 characterized according to at least one of the
21 following descriptions:
- 22 a. The communication is political speech made in
23 the form of a contribution.
- 24 b. In advocating the election or defeat of one or
25 more clearly identified candidates or the passage or
26 defeat of one or more clearly identified ballot
27 issues, the communication includes explicit words that

28 unambiguously indicate that the communication is
29 recommending or supporting a particular outcome in the
30 election with regard to any clearly identified
31 candidate or ballot issue.

32 c. When taken as a whole and with limited
33 reference to external events such as the proximity to
34 the election, the communication could only be
35 interpreted by a reasonable person as supporting or
36 recommending the election, passage, or defeat of one
37 or more clearly identified candidates or ballot issues
38 because both of the following conditions are met:

39 (1) The communication, as it relates to the
40 election or defeat of the candidate or ballot issue,
41 is unmistakable, unambiguous, and suggestive of only
42 one meaning.

43 (2) Reasonable minds could not differ as to
44 whether the communication encourages action to
45 nominate, elect, approve, or defeat one or more
46 clearly identified candidates or a ballot issue or
47 whether the communication encourages some other kind
48 of action.

49 Sec. 2. Section 56.2, subsections 16 and 17, Code
50 1999, are amended to read as follows:

Page 2

1 16. "Political committee" means a either of the
2 following:
3 a. A committee, but not a candidate's committee,
4 which that accepts contributions in excess of five
5 hundred dollars in the aggregate, makes expenditures
6 in excess of five hundred dollars in the aggregate, or
7 incurs indebtedness in excess of five hundred dollars
8 in the aggregate in any one calendar year ~~for the~~
9 ~~purpose of supporting or opposing to expressly~~
10 ~~advocate the nomination, election, or defeat of a~~
11 ~~candidate for public office, or for the purpose of~~
12 ~~supporting or opposing to expressly advocate the~~
13 ~~passage or defeat of a ballot issue;~~ "political
14 committee" also means an:
15 b. An association, lodge, society, cooperative,
16 union, fraternity, sorority, educational institution,
17 civic organization, labor organization, religious
18 organization, or professional organization which that
19 accepts contributions in excess of five hundred
20 dollars in the aggregate, makes expenditures in excess
21 of five hundred dollars in the aggregate, or incurs
22 indebtedness in excess of five hundred dollars in the
23 aggregate in any one calendar year ~~for the purpose of~~
24 ~~supporting or opposing to expressly advocate the~~
25 ~~nomination, election, or defeat of a candidate for~~
26 ~~public office, or for the purpose of supporting or~~

27 ~~opposing to expressly advocate the passage or defeat~~
28 ~~of a ballot issue. "Political committee" also~~
29 ~~includes a committee which accepts contributions in~~
30 ~~excess of five hundred dollars in the aggregate, makes~~
31 ~~expenditures in excess of five hundred dollars in the~~
32 ~~aggregate, or incurs indebtedness in excess of five~~
33 ~~hundred dollars in the aggregate in a calendar year to~~
34 ~~cause the publication or broadcasting of material in~~
35 ~~which the public policy positions or voting record of~~
36 ~~an identifiable candidate is discussed and in which a~~
37 ~~reasonable person could find commentary favorable or~~
38 ~~unfavorable to those public policy positions or voting~~
39 ~~record.~~

40 17. "Political purpose" or "political purposes"
41 means the ~~support or opposition~~ express advocacy of a
42 candidate or ballot issue.

43 Sec. 3. Section 56.4, unnumbered paragraphs 2 and
44 3, Code 1999, are amended to read as follows:

45 Political committees ~~supporting or opposing~~
46 expressly advocating the nomination, election, or
47 defeat of candidates for both federal office and any
48 elected office created by law or the Constitution of
49 the state of Iowa shall file statements and reports
50 with the board in addition to any federal reports

Page 3

1 required to be filed with the board. However, a
2 political committee which is registered and filing
3 full disclosure reports of all financial activities
4 with the federal election commission may file verified
5 statements as provided in section 56.5.

6 Political committees ~~supporting or opposing~~
7 expressly advocating the nomination, election, or
8 defeat of candidates or the passage or defeat of
9 ballot issues for statewide elections and for county,
10 municipal or school elections may file all activity on
11 one report with the board and shall send a copy to the
12 commissioner responsible under section 47.2 for
13 conducting the election.

14 Sec. 4. Section 56.5, subsection 2, paragraph f,
15 Code 1999, is amended to read as follows:

16 f. A signed statement by the treasurer of the
17 committee and the candidate, in the case of a
18 candidate's committee, which shall verify that they
19 are aware of the requirement to file disclosure
20 reports if the committee, the committee officers, the
21 candidate, or both the committee officers and the
22 candidate receive contributions in excess of five
23 hundred dollars in the aggregate, make expenditures in
24 excess of five hundred dollars in the aggregate, or
25 incur indebtedness in excess of five hundred dollars

26 in the aggregate in a calendar year ~~for the purpose of~~
 27 ~~supporting or opposing to expressly advocate the~~
 28 ~~nomination, election, or defeat of~~ any candidate for
 29 public office. In the case of political committees,
 30 statements shall be made by the treasurer of the
 31 committee and the chairperson.

32 Sec. 5. Section 56.5A, Code 1999, is amended to
 33 read as follows:

34 56.5A CANDIDATE'S COMMITTEE.

35 1. Each candidate for state, county, city, or
 36 school office shall organize one, and only one,
 37 candidate's committee for a specific office sought
 38 when the candidate receives contributions in excess of
 39 five hundred dollars in the aggregate, makes
 40 expenditures in excess of five hundred dollars in the
 41 aggregate, or incurs indebtedness in excess of five
 42 hundred dollars in the aggregate in a calendar year.

43 2. A political committee shall not be established
 44 ~~to support or oppose expressly advocate the~~
 45 ~~nomination, election, or defeat of~~ only one candidate
 46 for office, except that a political committee may be
 47 established to ~~support or oppose~~ expressly advocate
 48 the passage or defeat of approval of a single judge
 49 standing for retention.

50 Sec. 6. Section 56.6, subsection 1, paragraph d,

Page 4

1 Code 1999, is amended to read as follows:

2 d. Committees for municipal and school elective
 3 offices and local ballot issues shall file their first
 4 reports five days prior to any election in which the
 5 name of the candidate or the local ballot issue which
 6 they ~~support or oppose~~ expressly advocate appears on
 7 the printed ballot and shall file their next report on
 8 the first day of the month following the final
 9 election in a calendar year in which the candidate's
 10 name or the ballot issue appears on the ballot. A
 11 committee ~~supporting or opposing~~ expressly advocating
 12 the nomination, election, or defeat of a candidate for
 13 a municipal or school elective office or the passage
 14 or defeat of a local ballot issue shall also file
 15 disclosure reports on the nineteenth day of January
 16 and October of each year in which the candidate or
 17 ballot issue does not appear on the ballot and on the
 18 nineteenth day of January, May, and July of each year
 19 in which the candidate or ballot issue appears on the
 20 ballot, until the committee dissolves. These reports
 21 shall be current to five days prior to the filing
 22 deadline and are considered timely filed if mailed
 23 bearing a United States postal service postmark on or
 24 before the due date.

25 Sec. 7. Section 56.12A, unnumbered paragraph 1,
26 Code 1999, is amended to read as follows:
27 The state and the governing body of a county, city,
28 or other political subdivision of the state shall not
29 expend or permit the expenditure of public moneys for
30 political purposes, including ~~supporting or opposing~~
31 expressly advocating the passage or defeat of a ballot
32 issue.

33 Sec. 8. Section 56.13, subsections 1, 2, and 3,
34 Code 1999, are amended to read as follows:

35 1. Action involving a contribution or expenditure
36 which must be reported under this chapter and which is
37 taken by any person, candidate's committee or
38 political committee on behalf of a candidate, if known
39 and approved by the candidate, shall be deemed action
40 by the candidate and reported by the candidate's
41 committee. It shall be presumed that a candidate
42 approves the action if the candidate had knowledge of
43 it and failed to file a statement of disavowal with
44 the commissioner or board and take corrective action
45 within seventy-two hours of the action. A person,
46 candidate's committee or political committee taking
47 such action independently of that candidate's
48 committee shall notify that candidate's committee in
49 writing within twenty-four hours of taking the action.
50 The notification shall provide that candidate's

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1 committee with the cost of the promotion at fair
2 market value. A copy of the notification shall be
3 sent to the board.

4 Any person who makes expenditures or incurs
5 indebtedness, other than incidental expenses incurred
6 in performing volunteer work, ~~in support or opposition~~
7 to expressly advocate the nomination, election, or
8 defeat of a candidate for public office shall notify
9 the appropriate committee and provide necessary
10 information for disclosure reports.

11 2. If a person, other than a political committee,
12 makes one or more expenditures in excess of five
13 hundred dollars in the aggregate, or incurs
14 indebtedness in excess of five hundred dollars in the
15 aggregate, in any one calendar year ~~for purposes of~~
16 supporting or opposing to expressly advocate the
17 passage or defeat of a ballot issue, the person shall
18 file a statement of activity within ten days of taking
19 the action exceeding the threshold. The statement
20 shall contain information identifying the person
21 filing the statement, identifying the ballot issue,
22 and indicating the position urged by the person with
23 regard to the ballot issue. The person shall file

24 reports indicating the dates on which the expenditures
25 or incurrence of indebtedness took place; a
26 description of the nature of the action taken which
27 resulted in the expenditures or debt; and the cost of
28 the promotion at fair market value. For a local
29 ballot issue, the reports shall be filed five days
30 prior to any election in which the ballot issue
31 appears and on the first day of the month following
32 the election, as well as on the nineteenth day of
33 January, May, and July of each year in which the
34 ballot issue appears on the ballot and on the
35 nineteenth day of January and October of each year in
36 which the ballot issue does not appear on the ballot.
37 For a statewide ballot issue, reports shall be filed
38 on the nineteenth day of January, May, and July of
39 each year. The reports shall be current to five days
40 prior to the filing deadline, and are considered
41 timely filed if mailed bearing a United States postal
42 service postmark on or before the due date. Filing
43 obligations shall cease when the person files a
44 statement of discontinuation indicating that the
45 person's financial activity ~~in support of or in~~
46 opposition to expressly advocate the passage or defeat
47 of the ballot issue has ceased. Statements and
48 reports shall be filed with the commissioner
49 responsible under section 47.2 for conducting the
50 election at which the issue is voted upon, except that

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1 reports on a statewide ballot issue shall be filed
2 with the board.
3 3. A person taking action involving the making of
4 an expenditure or incurrence of indebtedness ~~in~~
5 ~~support or opposition to~~ expressly advocate the
6 passage or defeat of a ballot issue independently of a
7 political committee shall, within seventy-two hours of
8 taking the action, notify in writing any political
9 committee which advocates the same position with
10 regard to the ballot issue as the person taking the
11 action. The notification shall provide the political
12 committee with the cost of the promotion at fair
13 market value. A copy of the notification shall be
14 sent to the board. It shall be presumed that a
15 benefited committee approves the action if the
16 committee fails to file a statement of disavowal with
17 the commissioner or board and takes corrective action
18 within ten days of the action. Action approved by a
19 committee shall be reported as a contribution by the
20 committee.
21 Sec. 9. Section 56.14, subsection 1, paragraph a,
22 Code 1999, is amended to read as follows:

23 1. a. A person who causes the publication or
24 distribution of published material designed to ~~promote~~
25 ~~or defeat~~ expressly advocate the nomination, ~~or~~
26 election, ~~or defeat~~ of a candidate for public office
27 or the passage ~~or defeat~~ of a constitutional amendment
28 or public measure shall include conspicuously on the
29 published material the identity and address of the
30 person responsible for the material. If the person
31 responsible is an organization, the name of one
32 officer of the organization shall appear on the
33 material. However, if the organization is a committee
34 which has filed a statement of organization under this
35 chapter, only the name of the committee is required to
36 be included on the published material. Published
37 material designed to ~~promote or defeat~~ expressly
38 advocate the nomination, ~~or~~ election, ~~or defeat~~ of a
39 candidate for public office or the passage ~~or defeat~~
40 of a constitutional amendment or public measure which
41 contains language or depictions which a reasonable
42 person would understand as asserting that an entity
43 which is incorporated or is a registered committee had
44 authored the material shall, if the entity is not
45 incorporated or a registered committee, include
46 conspicuously on the published material a statement
47 that the apparent organization or committee is not
48 incorporated or a registered committee in addition to
49 the attribution statement required by this section.
50 For purposes of this section, "registered committee"

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1 means a committee which has an active statement of
2 organization filed under section 56.5.
3 Sec. 10. Section 56.15, subsections 1, 2, and 4,
4 Code 1999, are amended to read as follows:
5 1. Except as provided in subsections 3 and 4, it
6 is unlawful for an insurance company, savings and loan
7 association, bank, credit union, or corporation
8 organized pursuant to the laws of this state, the
9 United States, or any other state, territory, or
10 foreign country, whether for profit or not, or an
11 officer, agent, or representative acting for such
12 insurance company, savings and loan association, bank,
13 credit union, or corporation, to contribute any money,
14 property, labor, or thing of value, directly or
15 indirectly, to a committee, or ~~for the purpose of~~
16 influencing to expressly advocate that the vote of an
17 elector be used to nominate, elect, or defeat a
18 candidate for public office, except that such
19 resources may be so expended in connection with a
20 utility franchise election held pursuant to section
21 364.2, subsection 4, or a ballot issue. All such

22 expenditures are subject to the disclosure
23 requirements of this chapter.

24 2. Except as provided in subsection 3, it is
25 unlawful for a member of a committee, or its employee
26 or representative, except a ballot issue committee, or
27 for a candidate for office or the representative of
28 the candidate, to solicit, request, or knowingly
29 receive from an insurance company, savings and loan
30 association, bank, credit union, or corporation
31 organized pursuant to the laws of this state, the
32 United States, or any other state, territory, or
33 foreign country, whether for profit or not, or its
34 officer, agent, or representative, any money,
35 property, or thing of value belonging to the insurance
36 company, savings and loan association, bank, or
37 corporation for campaign expenses, or ~~for the purpose~~
38 of influencing to expressly advocate that the vote of
39 an elector be used to nominate, elect, or defeat a
40 candidate for public office. This section does not
41 restrain or abridge the freedom of the press or
42 prohibit the consideration and discussion in the press
43 of candidacies, nominations, public officers, or
44 public questions.

45 4. The restrictions imposed by this section
46 relative to making, soliciting or receiving
47 contributions shall not apply to a nonprofit
48 corporation or organization which uses those
49 contributions to encourage registration of voters and
50 participation in the political process, or to

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1 publicize public issues, or both, but does not use any
2 part of those contributions to ~~endorse or oppose~~
3 expressly advocate the nomination, election, or defeat
4 of any candidate for public office. A nonprofit
5 corporation or organization may use contributions
6 solicited or received to ~~support or oppose~~ expressly
7 advocate the passage or defeat of ballot issues but
8 the expenditures shall be disclosed by the nonprofit
9 corporation or organization in the manner provided for
10 a permanent organization temporarily engaged in a
11 political activity under section 56.6.

12 This section does not prohibit a family farm
13 corporation, as defined in section 9H.1, from placing
14 a yard sign on agricultural land, and does not
15 prohibit the placement of yard signs, with the prior
16 written permission of the individual property owner,
17 on property rented or leased by a corporation from
18 private individuals, subject to the requirements of
19 section 56.14. This section also does not prohibit
20 the placement of a yard sign on residential property

21 that is owned by a corporation, but rented or leased
22 to a private individual, if the prior permission of
23 the renter or lessee is obtained.

24 Sec. 11. Section 56.15, Code 1999, is amended by
25 adding the following new subsection:

26 **NEW SUBSECTION.** 4A. For purposes of this section,
27 "committee" shall include statutory political
28 committees organized under chapter 43, and nonparty
29 political organizations organized under chapter 44.

30 Sec. 12. Section 56.22, subsection 2, Code 1999,
31 is amended to read as follows:

32 2. Funds distributed to statutory political
33 committees pursuant to this chapter shall not be used
34 to support or oppose expressly advocate the
35 nomination, election, or defeat of any candidate.
36 Nothing in this subsection shall be construed to
37 prohibit a statutory political committee from using
38 such funds to pay expenses incurred in arranging and
39 holding a nominating convention."

40 2. Title page, by striking lines 2 through 6 and
41 inserting the following: "express advocacy of
42 candidates and ballot issues."

MICHAEL W. CONNOLLY

S-3387

1 Amend the House amendment, S-3298, to Senate File
2 115, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 23 and
4 inserting the following:

5 ". Page 1, by inserting after line 33 the
6 following:

7 "Sec. . Section 730.5, subsection 7, paragraph
8 c, subparagraph (2), Code 1999, is amended to read as
9 follows:

10 (2) An employee or prospective employee shall be
11 provided an opportunity to provide any information
12 which may be considered relevant to the test,
13 including identification of prescription or
14 nonprescription drugs currently or recently used, or
15 other relevant medical information. ~~To assist an~~
16 ~~employee or prospective employee in providing the~~
17 ~~information described in this subparagraph, the~~
18 ~~employer shall provide an employee or prospective~~
19 ~~employee with a list of the drugs to be tested."~~

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

22 "Sec. . Section 730.5, subsection 9, paragraph
23 c, subparagraph (2), Code 1999, is amended to read as
24 follows:

25 (2) If an employer does not have an employee

26 assistance program, the employer must maintain a
 27 resource file of ~~employee assistance services~~
 28 ~~providers~~, alcohol and other drug abuse programs
 29 certified by the Iowa department of public health,
 30 mental health providers, and other persons, entities,
 31 or organizations available to assist employees with
 32 personal or behavioral problems. The employer shall
 33 provide all employees information about the existence
 34 of the resource file and a summary of the information
 35 contained within the resource file. The summary
 36 should contain, but need not be limited to, all
 37 information necessary to access the services listed in
 38 the resource file. ~~In addition, the employer shall~~
 39 ~~post in conspicuous places a listing of multiple~~
 40 ~~employee assistance providers in the area.~~
 41 Sec. . Section 730.5, subsection 9, paragraph
 42 c, Code 1999, is amended by adding the following new
 43 subparagraph:
 44 NEW SUBPARAGRAPH. (3) To assist employee
 45 assistance program providers and other alcohol and
 46 drug abuse program providers in providing drug and
 47 alcohol counseling and assistance to employees, the
 48 employer shall make available to such providers, upon
 49 request, a list of drugs for which the employer has
 50 tested."

Page 2

- 1 2. Page 2, by inserting after line 11, the
- 2 following:
- 3 ". Title page, line 1, by inserting after the
- 4 words "relating to" the following: "drug and".
- 5 3. By renumbering as necessary.

STEVE KING

S-3388

- 1 Amend the House amendment, S-3298, to Senate File
- 2 115, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 43 the
- 4 following:
- 5 "Sec. . Section 730.5, subsection 9, paragraph
- 6 g, Code 1999, is amended by adding the following new
- 7 subparagraph:
- 8 NEW SUBPARAGRAPH. (4) However, unless the
- 9 employee establishes by a preponderance of the
- 10 evidence that the violation of the employer's
- 11 substance abuse policy occurred while at the work
- 12 site, subparagraphs (1) through (3) shall not apply

13 and the employee shall be responsible for the costs of
14 rehabilitation."

STEVE KING

S-3389

1 Amend the House amendment, S-3298, to Senate File
2 115, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 43 the
4 following:
5 "Sec. . Section 730.5, subsection 9, paragraph
6 g, unnumbered paragraph 2, Code 1999, is amended to
7 read as follows:
8 Rehabilitation required pursuant to this paragraph
9 shall not preclude an employer from taking any adverse
10 employment action against the employee during the
11 rehabilitation based on the employee's failure to
12 comply with any requirements of the rehabilitation,
13 including any action by the employee to invalidate a
14 test sample provided by the employee pursuant to the
15 rehabilitation. For purposes of this paragraph,
16 "adverse employment action" includes the repayment of
17 costs incurred by an employer in providing
18 rehabilitation as provided by this paragraph."

STEVE KING

S-3390

1 Amend the amendment, S-3298, to Senate File 115, as
2 passed by the Senate, as follows:
3 1. Page 1, by inserting after line 4 the
4 following:
5 ""Sec. . Section 730.5, subsection 9, paragraph
6 b, Code 1999, is amended to read as follows:
7 b. The employer's written policy shall provide
8 uniform consistent requirements for what disciplinary
9 or rehabilitative actions an employer shall take
10 against an employee or prospective employee upon
11 receipt of a confirmed positive drug or alcohol test
12 result or upon the refusal of the employee or
13 prospective employee to provide a testing sample. The
14 policy shall provide that any action taken against an
15 employee or prospective employee shall be based only
16 on the results of the drug or alcohol test. The
17 written policy shall also provide that if
18 rehabilitation is required pursuant to paragraph "g",
19 the employer shall not take adverse employment action
20 against the employee so long as the employee complies
21 with the requirements of rehabilitation and
22 successfully completes rehabilitation."

- 23 2. Page 2, by inserting after line 11 the
 24 following:
 25 ". Title page, line 1, by inserting after the
 26 words "relating to" the following: "drug and".
 27 3. By renumbering as necessary.

STEVE KING

S-3391

- 1 Amend House File 760, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 6, by striking line 14 and inserting the
 4 following:
 5 "..... \$ 23,491,419"
 6 2. Page 12, line 17, by striking the word "For"
 7 and inserting the following: "From moneys
 8 appropriated in this Act from the federal temporary
 9 assistance for needy families block grant and credited
 10 to the family investment program account, for".
 11 3. Page 12, lines 19 and 20, by striking the
 12 words "cannot return to the parents' home" and
 13 inserting the following: "may be at risk of becoming
 14 dependent upon government benefits".
 15 4. Page 14, line 6, by inserting before the word
 16 "review" the following: "food stamp program error
 17 rate".
 18 5. Page 18, by striking lines 28 through 30 and
 19 inserting the following: "the time of applying for
 20 assistance. The range for the number of persons to be
 21 served under this waiver at any one time is at least
 22 35 and not more than 100 persons. Of the number of
 23 persons served, a maximum of 10 person with physical".
 24 6. Page 20, line 13, by inserting after the words
 25 "such services," the following: "counties,".
 26 7. Page 20, by striking line 24 and inserting the
 27 following:
 28 "14. The department shall work with county
 29 representatives in aggressively taking the steps".
 30 8. Page 21, line 12, by inserting after the word
 31 "assembly." the following: "The department may adopt
 32 emergency rules to implement the provisions of this
 33 subsection."
 34 9. Page 21, line 19, by striking the figure
 35 "\$130,000" and inserting the following: "\$65,000".
 36 10. Page 21, line 20, by striking the figure
 37 "135C.36" and inserting the following: "249A.19".
 38 11. Page 21, line 28, by inserting after the word
 39 "facilities" the following: "that are not hospital-
 40 based".
 41 12. Page 21, line 30, by inserting before the
 42 word "skilled" the following: "such".

- 43 13. Page 23, line 16, by striking the word
44 "department" and inserting the following: "HAWK-I
45 board".
46 14. Page 23, line 28, by striking the word "may"
47 and inserting the following: "shall".
48 15. Page 23, line 30, by striking the word "may"
49 and inserting the following: "shall".
50 16. Page 24, by striking lines 8 through 15.

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- 1 17. Page 31, lines 29 and 30, by striking the
2 words "Iowa juvenile home" and inserting the
3 following: "state training school at Eldora".
4 18. Page 39, by striking lines 25 and 26 and
5 inserting the following: "ordered services. Not more
6 than \$15,000 of the funding allocated in this
7 subsection may be used for the purpose of training."
8 19. Page 39, line 29, by striking the word
9 "specific" and inserting the following: "gender-
10 specific".
11 20. Page 39, line 32, by striking the word "A"
12 and inserting the following: "As determined by the
13 department of management, a".
14 21. Page 40, by striking lines 15 and 16 and
15 inserting the following: "management, up to an
16 additional \$550,000 of the transferred moneys may be
17 credited to the appropriation in this section to
18 implement the recommendations of the".
19 22. Page 40, by inserting after line 28 the
20 following:
21 "d. Of the moneys appropriated in this section, up
22 to \$50,000 may be used to support the child welfare
23 services work group."
24 23. Page 42, by striking line 20 and inserting
25 the following:
26 "..... FTEs 856.39"
27 24. Page 42, by striking line 25 and inserting
28 the following:
29 "..... FTEs 249.24
30 The amount allocated in this subsection is
31 sufficient for the mental health institute to make
32 budget adjustments in order to continue funding of the
33 inmate labor program and the work services center
34 contract, and to retain the nurse positions that were
35 in the final hiring stage in the spring of 1999 and
36 other permanent positions."
37 25. Page 44, line 27, by inserting after the word
38 "methamphetamine." the following: "The proposal shall
39 identify a payment source other than counties for such
40 treatment."
41 26. Page 45, by striking line 26 and inserting

- 42 the following:
 43 "..... FTEs 1,554.51"
 44 27. Page 45, by striking line 31 and inserting
 45 the following:
 46 "..... FTEs 877.75"
 47 28. Page 45, by striking line 34 and inserting
 48 the following:
 49 "..... FTEs 676.76"
 50 29. Page 49, by inserting after line 30 the

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- 1 following:
 2 "The department shall issue a request for proposals
 3 for developmental disabilities basic support and
 4 advocacy grants."
 5 30. Page 50, line 16, by inserting after the word
 6 "community" the following: "living".
 7 31. Page 50, by striking lines 19 and 20.
 8 32. Page 50, line 28, by striking the word
 9 "support" and inserting the following: "supported".
 10 33. Page 51, by striking line 33 and inserting
 11 the following:
 12 "..... \$ 17,560,000"
 13 34. Page 55, by striking lines 12 and 13 and
 14 inserting the following: "statewide supported
 15 employment programs."
 16 35. Page 58, by striking lines 20 through 26.
 17 36. Page 60, line 18, by striking the figure
 18 "1,985,916" and inserting the following: "2,652,296".
 19 37. Page 60, line 20, by striking the word and
 20 figure "October 1" and inserting the following: "July
 21 1".
 22 38. Page 61, line 35, by striking the word
 23 "previous" and inserting the following: "current".
 24 39. Page 66, line 35, by inserting after the word
 25 "needs;" and inserting the following: "options for
 26 implementation of the resource-based relative value
 27 system methodology to determine medical provider
 28 reimbursement under the medical assistance program;".
 29 40. Page 70, line 16, by striking the words "Iowa
 30 juvenile home" and inserting the following: "state
 31 training school at Eldora".
 32 41. By renumbering, relettering, or redesignating
 33 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS
 DERRYL McLAREN, Chairperson

HOUSE AMENDMENT TO
SENATE FILE 460

S-3392

1 Amend Senate File 460, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, line 5, by striking the figure
4 "50,000" and inserting the following: "37,000".

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

7 "If 1999 Iowa Acts, Senate File 276, is enacted,
8 notwithstanding section 505.7, subsection 7, receipts,
9 refunds, and reimbursements generated by the
10 examination function for the fiscal year beginning
11 July 1, 1999, and ending June 30, 2000, may be
12 expended by the division to fund activities required
13 pursuant to 1999 Iowa Acts, Senate File 276, consumer
14 protection, or both activities for the fiscal year
15 beginning July 1, 1999, and ending June 30, 2000."

16 3. Page 6, by inserting after line 10 the
17 following:

18 "It is the intent of the general assembly that the
19 department of general services shall determine and
20 recommend to the governor and the general assembly a
21 reimbursement amount, if any, to the city of Des
22 Moines for police and fire protection provided by the
23 city for state-owned buildings and facilities located
24 in the city. The recommendation shall be a cost
25 benefit analysis which shall include the economic
26 benefits to the city derived from the multiplier
27 effect of the salaries of state employees employed in
28 the city and the purchase of goods and services used
29 by state agencies located in the city."

30 4. Page 8, by striking line 6 and inserting the
31 following:

32 "5. STATE FLEET ADMINISTRATOR".

33 5. Page 8, line 7, by striking the words "vehicle
34 dispatcher" and inserting the following: "state fleet
35 administrator".

36 6. Page 8, line 13, by striking the words
37 "VEHICLE DISPATCHER" and inserting the following:
38 "STATE FLEET ADMINISTRATOR".

39 7. Page 8, line 14, by striking the words
40 "vehicle dispatcher" and inserting the following:
41 "state fleet administrator".

42 8. Page 9, line 5, by striking the word "damages"
43 and inserting the following: "penalties".

44 9. Page 9, line 7, by striking the word "damages"
45 and inserting the following: "penalties".

46 10. Page 11, line 10, by inserting after the word
47 "districts." the following: "The department of

48 economic development may expend moneys available in
49 the Iowa strategic investment fund created pursuant to
50 section 15.313, to develop the self-reporting process

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1 as provided in this paragraph."

2 11. Page 12, line 24, by striking the figure
3 "13.00" and inserting the following: "15.00".

4 12. Page 14, line 31, by striking the figure
5 "2,173,299" and inserting the following: "2,242,430".

6 13. Page 14, line 32, by striking the figure
7 "29.00" and inserting the following: "30.00".

8 14. Page 14, by striking lines 33 through 35.

9 15. Page 15, line 31, by striking the word
10 "damages" and inserting the following: "penalties."

11 16. By striking page 22, line 20, through page
12 23, line 11, and inserting the following:

13 "It is the intent of the general assembly that the
14 lottery shall establish a licensee compliance program
15 for education to enhance their compliance on
16 prohibition of sales to persons under 21 years of age.
17 The education program shall include training,
18 marketing, monitoring, and reporting activities in
19 coordination with lottery licensees. The results of
20 the program shall be reported to the chairperson, vice
21 chairpersons, ranking members, and members of the
22 joint appropriations subcommittee on administration
23 and regulation not later than January 15, 2000."

24 17. Page 24, line 7, by striking the figure
25 "1,802,117" and inserting the following: "1,815,117".

26 18. Page 25, line 6, by striking the word
27 "damages" and inserting the following: "penalties".

28 19. Page 25, by inserting after line 23 the
29 following:

30 "Sec. 101. DEPARTMENT OF GENERAL SERVICES. There
31 is appropriated from the general fund of the state to
32 the department of general services for the fiscal year
33 beginning July 1, 1998, and ending June 30, 1999, to
34 supplement the appropriations made in 1998 Iowa Acts,
35 chapter 1217, section 5, subsection 4, the following
36 amount, or so much thereof as is necessary, to be used
37 for the purpose designated:

38 RENTAL SPACE

39 For payment of lease or rental costs of buildings
40 and office space at the seat of government as provided
41 in section 18.12, subsection 9, notwithstanding
42 section 18.16:

43 \$ 67,500

44 Sec. 102. GOVERNOR AND LIEUTENANT GOVERNOR. There
45 is appropriated from the general fund of the state to
46 the offices of the governor and lieutenant governor

47 for the fiscal year beginning July 1, 1998, and ending
 48 June 30, 1999, to supplement the appropriations made
 49 in 1998 Iowa acts, chapter 1217, section 7, subsection
 50 1, the following amount, or so much thereof as is

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1 necessary, to be used for the purposes designated:
 2 GENERAL OFFICE
 3 For salaries, support, maintenance, and
 4 miscellaneous purposes, including vacation and leave
 5 payout for departing staff, for the general office of
 6 the governor and the general office of the lieutenant
 7 governor:
 8 \$ 237,000
 9 FTEs 0.30
 10 Of the funds appropriated in this section, not more
 11 than \$12,000 may be used for the salary, support,
 12 maintenance, and miscellaneous purposes, for an
 13 administrative assistant for the first lady."
 14 20. Page 26, by inserting after line 9 the
 15 following:
 16 ". Sections 101 and 102 of this Act, being
 17 deemed of immediate importance, take effect upon
 18 enactment."
 19 21. By renumbering, relettering, or redesignating
 20 and correcting internal references as necessary.

S-3393

1 Amend Senate File 470 as follows:
 2 1. Page 12, by striking lines 23 through 25 and
 3 inserting the following:
 4 "Sec. 17. APPLICABILITY AND EFFECTIVE DATE. This
 5 Act, being deemed of immediate importance, takes
 6 effect upon enactment. Section 13 of this Act,
 7 enacting new section 56.15B, shall".
 8 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3394

1 Amend Senate File 470 as follows:
 2 1. Page 4, by inserting after line 28 the
 3 following:
 4 "Sec. 101. Section 56.6, subsection 1, paragraph
 5 a, Code 1999, is amended to read as follows:
 6 a. Each treasurer of a committee shall file with
 7 the board or commissioner disclosure reports of
 8 contributions received and disbursed on forms
 9 prescribed by rules as provided by chapter 17A. The

10 reports from all committees, except those committees
 11 for municipal and school elective offices and for
 12 local ballot issues, shall be filed on the nineteenth
 13 day or mailed bearing a United States postal service
 14 postmark dated on or before the nineteenth day of
 15 January, May, July, and October of each year. The
 16 May, July, and October reports shall be current as of
 17 five days prior to the filing deadline. The January
 18 report shall be the annual report covering activity
 19 through December 31. ~~However, a state, county, or~~
 20 ~~city statutory political committee is not required to~~
 21 ~~file the May and July reports for a year in which no~~
 22 ~~primary or general election is held at the respective~~
 23 ~~state, county, or city level. A candidate's~~
 24 ~~committee, other than for municipal and school~~
 25 ~~elective offices, for a year in which the candidate is~~
 26 ~~not standing for election, is not required to file the~~
 27 ~~May, July, and October reports. Reports for~~
 28 committees for a ballot issue placed before the voters
 29 of the entire state shall be filed at the January,
 30 May, July, and October deadlines."
 31 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3395

1 Amend House File 746, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 16, by inserting after line 6 the
 4 following:
 5 "Sec. ____ MULTIFLORA ROSE. There is appropriated
 6 from the general fund of the state to the state board
 7 of regents for the fiscal year beginning July 1, 1999,
 8 and ending June 30, 2000, the following amount, or so
 9 much thereof as is necessary, to be used for the
 10 purpose designated:
 11 For use by Iowa state university for the purpose of
 12 supporting multiflora rose eradication research and
 13 projects:
 14 \$ 25,000"
 15 2. By renumbering as necessary.

TOM FLYNN

S-3396

1 Amend the committee amendment, S-3204, to House
 2 File 696, as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. Page 3, by striking lines 27 through 34 and
 5 inserting the following: "deer or wild turkey should

6 be limited or further regulated, the commission shall
7 conduct a drawing to determine which applicants shall
8 receive a license and the type of license.
9 Applications for licenses shall be received during a
10 period established by the commission. At the end of
11 the period a drawing shall be conducted. The
12 ~~commission may establish rules to~~.

DICK L. DEARDEN

S-3397

1 Amend House File 532, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 13, by striking the word
4 "Integrate" and inserting the following: "Include
5 preparation in reading programs, including reading
6 recovery, and integrate".
7 2. By striking page 1, line 28, through page 2,
8 line 13.
9 3. Page 2, by inserting after line 26 the
10 following:
11 "Sec. . BOARD OF EDUCATIONAL EXAMINERS PILOT
12 PROGRAM STUDY. The board of educational examiners
13 shall develop and implement a one-year pilot study to
14 assess the performance of teacher education graduates
15 in the areas of content and pedagogy using a
16 standardized, national assessment, which may be
17 modified to meet the information needs of the board.
18 The purpose of the pilot study is to measure an
19 education graduate's knowledge in the graduate's
20 chosen major field and the graduate's attained level
21 of pedagogy, to establish baseline data on graduates,
22 and to determine whether successful completion of a
23 standardized assessment should be required of all
24 education graduates prior to initial licensure.
25 Individual assessment results from this study shall
26 not prohibit an individual from receiving an initial
27 teaching license under this chapter if the individual
28 meets all other qualifications for licensure. By
29 January 15, 2001, the board of educational examiners
30 shall submit its recommendations in a report
31 summarizing the results of the pilot study to the
32 chairpersons and ranking members of the senate and
33 house standing education committees and of the joint
34 subcommittee on education appropriations."
35 4. By renumbering as necessary.

MAGGIE TINSMAN

S-3398

- 1 Amend House File 322, 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. 8E.1 DEFINITIONS.
6 As used in this chapter, unless the context
7 otherwise requires:
- 8 1. "Active contractor" means a person who owns a
9 commodity that is produced by a contract producer at
10 the contract producer's contract operation pursuant to
11 a production contract executed pursuant to section
12 8E.2.
- 13 2. "Commodity" means livestock or a crop.
- 14 3. "Contract crop field" means farmland where a
15 crop is produced according to a production contract
16 executed pursuant to section 8E.2 by a contract
17 producer who holds a legal interest in the farmland.
- 18 4. "Contract livestock facility" means an animal
19 feeding operation as defined in section 455B.161, in
20 which livestock or raw milk is produced according to a
21 production contract executed pursuant to section 8E.2
22 by a contract producer who holds a legal interest in
23 the animal feeding operation. "Contract livestock
24 facility" includes a confinement feeding operation.
- 25 5. "Contract operation" means a contract livestock
26 facility or contract crop field.
- 27 6. "Contract producer" means a person who owns a
28 contract operation and who produces a commodity at the
29 contract producer's contract operation under a
30 production contract executed pursuant to section 8E.2.
- 31 7. "Contractor" means an active contractor or a
32 passive contractor.
- 33 8. a. "Crop" means a plant used for food, animal
34 feed, fiber, or oil, if the plant is classified as any
35 of the following:
- 36 (1) Forage and cereal plants, including but not
37 limited to alfalfa, barley, buckwheat, corn, flax,
38 forage, millet, oats, popcorn, rye, sorghum, soybeans,
39 sunflowers, wheat, and grasses used for forage or
40 silage.
- 41 (2) Vegetable plants, including but not limited to
42 beans, carrots, sweet corn, cucumbers, onions, peas,
43 potatoes, rutabagas, or turnips.
- 44 (3) Fruit and berry plants, other than fruit
45 trees, that produce edible fruit or berries, including
46 but not limited to tomatoes, melons, blackberries,
47 blueberries, cranberries, gooseberries, raspberries,
48 and strawberries.
- 49 b. A "crop" does not include trees or nuts or
50 fruit grown on trees; sod; shrubs; or greenhouse

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1 plants.

2 9. "Feedlot" means a lot, yard, building, or other
3 area in which livestock is confined and fed and
4 maintained for forty-five days or more in any twelve-
5 month period. The term includes areas which are used
6 for the raising of crops or other vegetation and upon
7 which livestock is fed for slaughter or are allowed to
8 graze or feed.

9 10. "Livestock" means beef cattle, dairy cattle,
10 sheep, or swine.

11 11. "Passive contractor" means a person who
12 furnishes management services to a contract producer,
13 and who does not own a commodity that is produced by
14 the contract producer.

15 12. "Produce" means to do any of the following:

16 a. Provide for the care and feeding of livestock.

17 If the livestock is dairy cattle, "produce" includes
18 milking the dairy cattle.

19 b. Provide for planting, raising, harvesting, and
20 storing a crop. "Produce" includes preparing the soil
21 for planting and nurturing the crop by the application
22 of fertilizers or soil conditioners as defined in
23 section 200.3 or pesticides as defined in section
24 206.2.

25 13. "Production contract" means an oral or written
26 agreement executed pursuant to section 8E.2 that
27 provides for the production of a commodity or the
28 provision of management services relating to the
29 production of a commodity by a contract producer.

30 **Sec. 2. NEW SECTION. 8E.2 PRODUCTION CONTRACTS**
31 **GOVERNED BY THIS CHAPTER.**

32 1. This chapter applies to a production contract
33 that relates to the production of a commodity owned by
34 an active contractor and produced by a contract
35 producer at the contract producer's contract
36 operation, if one of the following applies:

37 a. The contract is executed by an active
38 contractor and a contract producer for the production
39 of the commodity.

40 b. The contract is executed by an active
41 contractor and a passive contractor for the provision
42 of management services to the contract producer in the
43 production of the commodity.

44 c. The contract is executed by a passive
45 contractor and a contract producer, if all of the
46 following apply:

47 (1) The contract provides for management services
48 furnished by the passive contractor to the contract
49 producer in the production of the commodity.

50 (2) The passive contractor has a contractual

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1 relationship with the active contractor involving the
2 production of the commodity.

3 2. A production contract is executed when it is
4 signed by each party or by a person who is authorized
5 by a party to act on the party's behalf.

6 Sec. 3. NEW SECTION. 8E.3 PRODUCTION CONTRACTS
7 -- CONFIDENTIALITY PROHIBITED.

8 1. A contractor shall not include a provision in a
9 production contract which provides that information
10 contained in the production contract is confidential.

11 2. A provision which is part of a production
12 contract is void, if the provision states that
13 information contained in the production contract is
14 confidential. The confidentiality provision is void
15 regardless of when executed or whether the
16 confidentiality provision is express or implied; oral
17 or written; required or conditional; contained in the
18 production contract, another production contract, or
19 in a related document, policy, or agreement. This
20 section does not require either party to a production
21 contract to divulge the information in the production
22 contract to another person.

23 Sec. 4. NEW SECTION. 8E.4 PRODUCTION CONTRACTS
24 REQUIRED TO BE FILED.

25 1. As used in this section, all of the following
26 apply:

27 a. A production contract is advertised if it is
28 presented or delivered to a person who may execute the
29 contract under section 8E.2, regardless of whether it
30 is part of an offer.

31 b. A production contract is advertised or executed
32 regardless of whether it is a new production contract
33 or the renewal or extension of a previous production
34 contract.

35 2. a. On or before March 31 of each year, a
36 contractor shall file with the secretary of state
37 types of production contracts that are either
38 advertised or in effect and are executed by the
39 contractor. After the annual filing is required, a
40 contractor shall not advertise or execute another type
41 of production contract, unless the contractor files
42 that type of production contract with the secretary of
43 state.

44 b. If the production contract is written, the type
45 of contract required to be filed shall be a copy of
46 the production contract. If the production contract
47 is oral, the type of contract required to be filed
48 shall be a description of the production contract.
49 The type of production contracts filed with the
50 secretary of state shall not include the printed name

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1 or signature of a contract producer.

2 3. The secretary of state in consultation with the
3 attorney general shall adopt rules required to
4 administer this chapter, including but not limited to
5 rules which provide for all of the following:

6 a. Provide criteria for distinguishing types of
7 production contracts. The rules shall categorize the
8 types of production contracts that must be submitted
9 to the secretary of state under this section.

10 b. The secretary of state may require that the
11 types of production contracts be filed in an
12 electronic format.

13 c. Provide an exemption to the filing requirement
14 as provided in this section because of any of the
15 following:

16 (1) The consideration owed by the contractor under
17 all production contracts executed by the contractor
18 and a contract producer is minimal.

19 (2) There is a family relationship between the
20 contractor and the contract producer.

21 (3) The contractor and the contract producer are
22 part of the same family farm entity or networking
23 farmers entity.

24 (4) The commodity is produced for a purpose other
25 than for use by a processor.

26 4. This section does not apply to a contractor who
27 executes a production contract with a contract
28 producer for the production of cattle at a custom
29 cattle feedlot as defined in section 579A.1.

30 5. The attorney general may provide an analysis of
31 filed production contracts in order to assist contract
32 producers in negotiating production contracts.
33 However, the secretary of state, in consultation with
34 the attorney general, may designate some information
35 contained in a production contract as confidential, if
36 such information is a confidential record under
37 section 22.7.

38 Sec. 5. NEW SECTION. 8E.5 ENFORCEMENT.

39 1. The attorney general's office is the primary
40 agency responsible for enforcing this chapter. The
41 secretary of state shall notify the attorney general's
42 office if the secretary of state has reason to believe
43 that a violation of section 8E.4 has occurred.

44 2. In enforcing the provisions of this chapter,
45 the attorney general may do all of the following:

46 a. Apply to the district court for an injunction
47 to do any of the following:

48 (1) Restrain a contractor from engaging in conduct
49 or practices in violation of this chapter.

50 (2) Require a contractor to comply with a

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1 provision of this chapter.

2 b. Apply to court for the issuance of a subpoena
3 to obtain a production contract for purposes of
4 enforcing this chapter.

5 c. Bring an action in court to enforce penalties
6 provided in section 8E.6, including the assessment and
7 collection of civil penalties.

8 Sec. 6. NEW SECTION. 8E.6 PENALTIES.

9 1. A contractor who includes a confidentiality
10 provision in a production contract in violation of
11 section 8E.3 is guilty of a fraudulent practice as
12 provided in section 714.8.

13 2. A contractor who fails to file a timely or
14 complete production contract type as required in
15 section 8E.4 is subject to a civil penalty not to
16 exceed one thousand dollars. Each contract advertised
17 or executed in violation of section 8E.4 constitutes a
18 separate offense.

19 Sec. 7. Section 579A.1, subsections 2, 3, and 4,
20 Code 1999, are amended to read as follows:

21 2. "Custom cattle feedlot" means a feedlot where
22 cattle owned by a person are ~~subject to care and~~
23 ~~feeding performed~~ provided feed and care by another
24 person.

25 3. "Custom cattle feedlot operator" means the
26 owner of a custom cattle feedlot or ~~a person managing~~
27 ~~the custom cattle feedlot, if the person is authorized~~
28 ~~by the owner to file and enforce a lien under this~~
29 ~~chapter the owner's personal representative.~~

30 4. "Feedlot" means ~~the same as defined in section~~
31 ~~172D.1 a lot, yard, corral, building, or other area in~~
32 ~~which cattle are confined and fed and maintained for~~
33 ~~forty-five days or more in any twelve-month period.~~

34 Sec. 8. Section 579A.1, Code 1999, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 4A. "Personal representative"
37 means a person who is authorized by the owner of a
38 custom cattle feedlot to act on behalf of the owner,
39 including by executing an agreement, managing a custom
40 cattle feedlot, or filing and enforcing liens under
41 this chapter.

42 Sec. 9. Section 579A.2, subsection 1, Code 1999,
43 is amended to read as follows:

44 1. A custom cattle feedlot operator shall have a
45 lien upon the cattle and the identifiable cash
46 proceeds from the sale of the cattle for the amount of
47 the contract price for the feed and care of the
48 ~~livestock~~ cattle at the custom cattle feedlot agreed
49 ~~upon pursuant to a written or oral agreement~~ by the
50 custom cattle feedlot operator and the person who owns

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1 the cattle, which may be enforced as provided in
2 section 579A.3.

3 Sec. 10. Section 579A.2, subsection 2, paragraph
4 e, Code 1999, is amended to read as follows:

5 e. The printed name and signature of the person
6 filing the form.

7 Sec. 11. Section 579A.2, subsection 3, Code 1999,
8 is amended to read as follows:

9 3. Except as provided in chapter 581, a lien
10 created under this section until preserved and a lien
11 preserved under this section is superior to and shall
12 have priority over a conflicting lien or security
13 interest in the cattle, including a lien or security
14 interest that was perfected prior to the creation of
15 the lien provided under this section.

16 Sec. 12. NEW SECTION. 579A.4 WAIVERS
17 UNENFORCEABLE.

18 A waiver of a right created by this chapter,
19 including but not limited to, a waiver of the right to
20 file a lien pursuant to this chapter is void and
21 unenforceable. This section does not affect other
22 provisions of a contract, including a production
23 contract or a related document, policy, or agreement
24 which can be given effect without the voided
25 provision.

26 Sec. 13. NEW SECTION. 579A.5 ALTERNATE LIEN
27 PROCEDURE.

28 A person who is a custom cattle feedlot operator
29 may file and enforce a lien as a contract producer
30 under this chapter or chapter 579B, but not both.

31 Sec. 14. NEW SECTION. 579B.1 DEFINITIONS.

32 As used in this chapter, unless the context
33 otherwise requires:

34 1. "Commodity" means livestock or a crop.

35 2. "Contract crop field" means farmland where a
36 crop is produced according to a production contract
37 executed pursuant to section 579B.2 by a contract
38 producer who holds a legal interest in the farmland.

39 3. "Contract livestock facility" means an animal
40 feeding operation as defined in section 455B.161, in
41 which livestock or milk is produced according to a
42 production contract executed pursuant to section
43 572B.2 by a contract producer who holds a legal
44 interest in the animal feeding operation. "Contract
45 livestock facility" includes a confinement feeding
46 operation as defined in section 455B.161 or a feedlot
47 as defined in section 579A.1, including a custom
48 cattle feedlot.

49 4. "Contract operation" means a contract livestock
50 facility or contract crop field.

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1 5. "Contract producer" means a person who holds a
2 legal interest in a contract operation and who
3 produces a commodity under a production contract.

4 6. "Contractor" means a person who owns a
5 commodity at the time that the commodity is under the
6 authority of the contract producer as provided in
7 section 579B.3 pursuant to a production contract
8 executed pursuant to section 579B.2.

9 7. a. "Crop" means a plant used for food, animal
10 feed, fiber, or oil, if the plant is classified as any
11 of the following:

12 (1) Forage and cereal plants, including but not
13 limited to alfalfa, barley, buckwheat, corn, emmer,
14 flax, forage, millet, oats, popcorn, rye, sorghum,
15 soybeans, spelt, sunflowers, wheat, and grasses used
16 for forage or silage.

17 (2) Vegetable plants, including but not limited to
18 beans, carrots, sweet corn, cucumbers, onions, peas,
19 potatoes, rutabagas, or turnips.

20 (3) Fruit and berry plants, other than fruit
21 trees, that produce edible fruit or berries, including
22 but not limited to tomatoes, melons, blackberries,
23 blueberries, cranberries, gooseberries, raspberries,
24 and strawberries.

25 b. A "crop" does not include trees or nuts or
26 fruit grown on trees; sod; shrubs; or greenhouse
27 plants.

28 8. "Livestock" means beef cattle, dairy cattle,
29 sheep, or swine.

30 9. "Personal representative" means a person who is
31 authorized by a contract producer to act on behalf of
32 the contract producer.

33 10. "Processor" means a person engaged in the
34 business of manufacturing goods from commodities,
35 including by slaughtering or processing livestock,
36 processing milk, or processing crops.

37 11. "Produce" means to do any of the following:

38 a. Provide feed or services relating to the care
39 and feeding of livestock. If the livestock is dairy
40 cattle, "produce" includes milking the dairy cattle.

41 b. Provide for planting, raising, harvesting, and
42 storing crop. "Produce" includes preparing the soil
43 for planting and nurturing the crop by the application
44 of fertilizers or soil conditioners as defined in
45 section 200.3 or pesticides as defined in section
46 206.2.

47 12. "Production contract" means an oral or written
48 agreement that provides for the production of a
49 commodity by a contract producer.

50 Sec. 15. NEW SECTION. 579B.2 LIEN DEPENDS UPON

Page 8

1 PRODUCTION CONTRACTS.

2 1. A lien established under section 579B.3 depends
3 upon the execution of a production contract that
4 provides for producing a commodity owned by a
5 contractor by a contract producer at the contract
6 producer's contract operation.

7 2. A production contract is executed when it is
8 signed or orally agreed to by each party to the
9 contract or by a person authorized by a party to act
10 on the party's behalf, including the contract
11 producer's personal representative.

12 3. This chapter applies to any production contract
13 that is in force on or after the effective date of
14 this Act, regardless of the date that the production
15 contract is executed.

16 Sec. 16. NEW SECTION. 579B.3 ESTABLISHMENT OF
17 LIEN -- PRIORITY.

18 A contract producer who is a party to a production
19 contract executed pursuant to section 579B.2 shall
20 have a lien as provided in this section. The amount
21 of the lien shall be the amount owed to the contract
22 producer pursuant to the terms of the production
23 contract.

24 1. a. If the production contract is for the
25 production of livestock or milk, all of the following
26 shall apply:

27 (1) For livestock, the lien shall apply to all of
28 the following:

29 (a) If the livestock is not sold or slaughtered by
30 the contract producer, the lien shall be on the
31 livestock.

32 (b) If the livestock is sold by the contractor,
33 the lien shall be on cash proceeds from the sale. For
34 purposes of this subparagraph, cash held by the
35 contractor shall be deemed to be cash proceeds from
36 the sale regardless of whether it is identifiable cash
37 proceeds.

38 (c) If the livestock is slaughtered by the
39 contractor, the lien shall be on any property of the
40 contractor that may be subject to a security interest
41 as provided in section 554.9102.

42 (2) For milk, the lien shall apply to all of the
43 following:

44 (a) If the milk is not sold or processed by the
45 contract producer, the lien shall be on the raw milk.

46 (b) If the milk is sold by the contractor, the
47 lien shall be on cash proceeds from the sale. For
48 purposes of this subparagraph, cash held by the
49 contractor shall be deemed to be cash proceeds from
50 the sale regardless of whether it is identifiable cash

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1 proceeds.

2 (c) If the milk is processed by the contractor,
3 the lien shall be on any property of the contractor
4 that may be subject to a security interest as provided
5 in section 554.9102.

6 b. The lien on livestock or milk is created at the
7 time the livestock arrives at the contract livestock
8 facility and continues for one year after the
9 livestock is no longer under the authority of the
10 contract producer. For purposes of this section,
11 livestock is no longer under the authority of the
12 contract producer when the livestock leave the
13 contract livestock facility.

14 2. a. If the production contract is for the
15 production of crops, all of the following shall apply:

16 (1) If the crop is not sold or processed by the
17 contractor, the lien shall be on the crop.

18 (2) If the crop is sold by the contractor, the
19 lien shall be on cash proceeds from the sale. For
20 purposes of this subparagraph, cash held by the
21 contractor shall be deemed to be cash proceeds from
22 the sale regardless of whether it is identifiable cash
23 proceeds.

24 (3) If the crop is processed by the contractor,
25 the lien shall be on any property of the contractor
26 that may be subject to a security interest as provided
27 in section 554.9102.

28 b. The lien on a crop is created at the time the
29 crop is planted and continues for one year after the
30 crop is no longer under the authority of the contract
31 producer. For purposes of this section, a crop is no
32 longer under the authority of the contract producer
33 when the crop or a warehouse receipt issued by a
34 warehouse operator for grain from the crop is no
35 longer under the custody or control of the contract
36 producer.

37 Sec. 17. NEW SECTION. 579B.4 PRESERVING THE LIEN
38 -- FILING REQUIREMENTS.

39 1. In order to preserve a lien created pursuant to
40 section 579B.3, a contract producer must file in the
41 office of the secretary of state a lien statement on a
42 form prescribed by the secretary of state. If the
43 lien arises out of producing livestock or milk, the
44 contract producer must file the lien within forty-five
45 days after the day that the livestock first arrive at
46 the contract livestock facility. If the lien arises
47 out of producing a crop, the contract producer must
48 file the lien within forty-five days after the day
49 that the crop is first planted. The secretary of
50 state shall charge a fee of not more than ten dollars

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1 for filing the statement. The secretary of state may
2 adopt rules pursuant to chapter 17A for the electronic
3 filing of the statements.

4 2. The statement must include all of the
5 following:

6 a. An estimate of the amount owed pursuant to the
7 production contract.

8 b. The date when the livestock arrive at the
9 contract livestock facility or the date when the crop
10 was planted.

11 c. The name of the party to the production
12 contract whose commodity is produced pursuant to the
13 production contract.

14 d. The description of the location of the contract
15 operation, by county and township.

16 e. The printed name and signature of the person
17 filing the form.

18 3. Except as provided in chapter 581, a lien
19 created under this section until preserved and a lien
20 preserved under this section is superior to and shall
21 have priority over a conflicting lien or security
22 interest in the commodity, including a lien or
23 security interest that was perfected prior to the
24 creation of the lien.

25 Sec. 18. NEW SECTION. 579B.5 ENFORCEMENT.

26 Before a commodity leaves the authority of the
27 contract producer as provided in section 579B.3, the
28 contract producer may foreclose a lien created in that
29 section in the manner provided for the foreclosure of
30 secured transactions as provided in sections 554.9504,
31 554.9506, and 554.9507. After the commodity is no
32 longer under the authority of the contract producer,
33 the contract producer may enforce the lien in the
34 manner provided in chapter 554, article 9, part 5.

35 Sec. 19. NEW SECTION. 579B.6 WAIVERS
36 UNENFORCEABLE.

37 A waiver of a right created by this chapter,
38 including but not limited to a waiver of the right to
39 file a lien pursuant to this chapter, is void and
40 unenforceable.

41 Sec. 20. NEW SECTION. 579B.7 ALTERNATE LIEN
42 PROCEDURE.

43 A person who is a custom cattle feedlot operator as
44 defined in section 579A.1 may file and enforce a lien
45 as a contract producer under this chapter or chapter
46 579A, but not both.

47 Sec. 21. Section 714.8, Code 1999, is amended by
48 adding the following new subsection:

49 NEW SUBSECTION. 17. A contractor who includes a
50 confidentiality provision in a production contract in

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1 violation of section 8E.3.
 2 Sec. 22. EFFECT OF RULEMAKING. The secretary of
 3 state shall adopt rules necessary in order to
 4 administer this Act with all due diligence. In
 5 addition to the requirement that a contractor file
 6 production contracts by March 31, 2000, as provided by
 7 section 8E.4, as enacted in this Act, a contractor
 8 shall file production contracts as otherwise required
 9 pursuant to that section within ten days following the
 10 date that the rules become effective.
 11 Sec. 23. EFFECTIVE DATE. This Act, being deemed
 12 of immediate importance, takes effect upon enactment."

MERLIN E. BARTZ

HOUSE AMENDMENT TO
 SENATE FILE 407

S-3399

1 Amend Senate File 407, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 321G.1, subsection 1, Code
 6 1999, is amended by adding the following new
 7 unnumbered paragraph:
 8 NEW UNNUMBERED PARAGRAPH. Two-wheeled off-road
 9 motorcycles shall be considered all-terrain vehicles
 10 only for the purpose of titling and registration and
 11 not for purposes of regulation."
 12 2. Page 2, by inserting after line 30 the
 13 following:
 14 "Sec. . Section 321G.29, subsections 1 and 3
 15 through 9, Code 1999, are amended to read as follows:
 16 1. The owner of a snowmobile acquired on or after
 17 January 1, 1998, or an all-terrain vehicle acquired on
 18 or after January 1, 2000, other than a snowmobile or
 19 all-terrain vehicle used exclusively as a farm
 20 implement, shall apply to the county recorder of the
 21 county in which the owner resides for a certificate of
 22 title for the snowmobile or all-terrain vehicle. The
 23 owner of a snowmobile or all-terrain vehicle used
 24 exclusively as a farm implement may obtain a
 25 certificate of title.
 26 3. An owner of a snowmobile or all-terrain vehicle
 27 shall apply to the county recorder for issuance of a
 28 certificate of title within thirty days after
 29 acquisition. The application shall be on forms the
 30 department prescribes and accompanied by the required

31 fee. The application shall be signed and sworn to
32 before a notary public or other person who administers
33 oaths, or shall include a certification signed in
34 writing containing substantially the representation
35 that statements made are true and correct to the best
36 of the applicant's knowledge, information, and belief,
37 under penalty of perjury. The application shall
38 contain the date of sale and gross price of the
39 snowmobile or all-terrain vehicle or the fair market
40 value if no sale immediately preceded the transfer and
41 any additional information the department requires.
42 If the application is made for a snowmobile or all-
43 terrain vehicle last previously registered or titled
44 in another state or foreign country, the application
45 shall contain this information and any other
46 information the department requires.
47 4. If a dealer buys or acquires a snowmobile or
48 all-terrain vehicle for resale, the dealer shall
49 report the acquisition to the county recorder on forms
50 provided by the department and may apply for and

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1 obtain a certificate of title as provided in this
2 chapter. If a dealer buys or acquires a used
3 snowmobile or all-terrain vehicle, the dealer may
4 apply for a certificate of title in the dealer's name
5 within fifteen days. If a dealer buys or acquires a
6 new snowmobile or all-terrain vehicle for resale, the
7 dealer may apply for a certificate of title in the
8 dealer's name.
9 5. A manufacturer or dealer shall not transfer
10 ownership of a new snowmobile or new all-terrain
11 vehicle without supplying the transferee with the
12 manufacturer's or importer's certificate of origin
13 signed by the manufacturer's or importer's authorized
14 agent. The certificate shall contain information the
15 department requires. The department may adopt rules
16 providing for the issuance of a certificate of origin
17 for a snowmobile or all-terrain vehicle by the
18 department upon good cause shown by the owner.
19 6. A dealer transferring ownership of a snowmobile
20 or all-terrain vehicle under this chapter shall assign
21 the title to the new owner, or in the case of a new
22 snowmobile or new all-terrain vehicle, assign the
23 certificate of origin. Within fifteen days the dealer
24 shall forward all moneys and applications to the
25 county recorder.
26 7. The county recorder shall maintain a record of
27 any certificate of title which the county recorder
28 issues and shall keep each certificate of title on
29 record until the certificate of title has been

30 inactive for five years. When issuing a title for a
 31 new snowmobile or new all-terrain vehicle, the county
 32 recorder shall obtain and keep on file the certificate
 33 of origin.

34 8. Once titled, a person shall not sell or
 35 transfer ownership of a snowmobile or all-terrain
 36 vehicle without delivering to the purchaser or
 37 transferee a certificate of title with an assignment
 38 on it showing title in the purchaser or transferee. A
 39 person shall not purchase or otherwise acquire a
 40 snowmobile or all-terrain vehicle without obtaining a
 41 certificate of title for it in that person's name.

42 9. The county recorder shall transmit a copy of
 43 the certificate of title to the department, which
 44 shall be the central repository of title information
 45 for snowmobiles and all-terrain vehicles.

46 Sec. . Section 321G.31, Code 1999, is amended
 47 to read as follows:

48 321G.31 TRANSFER OR REPOSSESSION OF SNOWMOBILE OR
 49 ALL-TERRAIN VEHICLE BY OPERATION OF LAW.

50 1. If ownership of a snowmobile or all-terrain

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1 vehicle is transferred by operation of law, such as by
 2 inheritance, order in bankruptcy, insolvency,
 3 replevin, or execution sale, the transferee, within
 4 thirty days after acquiring the right to possession of
 5 the snowmobile or all-terrain vehicle, shall mail or
 6 deliver to the county recorder satisfactory proof of
 7 ownership as the county recorder requires, together
 8 with an application for a new certificate of title,
 9 and the required fee.

10 2. If a lienholder repossesses a snowmobile or
 11 all-terrain vehicle by operation of law and holds it
 12 for resale, the lienholder shall secure a new
 13 certificate of title and shall pay the required fee.

14 Sec. . Section 321G.32, subsection 1,
 15 unnumbered paragraph 1, Code 1999, is amended to read
 16 as follows:

17 A security interest created in this state in a
 18 snowmobile or all-terrain vehicle is not perfected
 19 until the security interest is noted on the
 20 certificate of title."

21 3. Title page, line 1, by inserting after the
 22 words "relating to" the following: "title
 23 certificates for and".

S-3400

1 Amend House File 746, as amended, passed, and
 2 reprinted by the House, as follows:

- 3 1. Page 12, line 1, by striking the figure "1."
- 4 2. Page 12, by striking lines 5 through 8.
- 5 3. Page 17, by striking lines 19 through 31.
- 6 4. By renumbering as necessary.

DENNIS H. BLACK

S-3401

- 1 Amend House File 172 as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 31, the
- 4 following:
- 5 "Sec. . NEW SECTION. 600.14A FINALITY OF
- 6 ADOPTION DECREE.
- 7 1. After the expiration of thirty days following
- 8 the entry of the final adoption decree, the final
- 9 adoption decree shall not be attacked by reason of any
- 10 jurisdictional or procedural defect, fraud, duress, or
- 11 misrepresentation, and any such defect shall be deemed
- 12 cured. This subsection shall not apply to section
- 13 600A.9, subsection 3.
- 14 2. If a final adoption decree is attacked on any
- 15 basis at any time, the paramount consideration of the
- 16 court shall be the best interest of the child, and the
- 17 court shall sustain the final adoption decree unless
- 18 the court is presented with clear and convincing
- 19 evidence that the adoption is not in the best interest
- 20 of the child."
- 21 2. By renumbering as necessary.

NANCY J. BOETTGER

S-3402

- 1 Amend the House amendment, H-3354, to Senate File
- 2 424, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 7.

MICHAEL W. CONNOLLY

S-3403

- 1 Amend the House amendment, H-3354, to Senate File
- 2 424, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 8 through 11.

MICHAEL W. CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 287

S-3404

- 1 Amend Senate File 287, as passed by the Senate, as
2 follows:
- 3 1. Page 1, by striking lines 1 through 33.
 - 4 2. Page 4, by striking lines 16 through 21 and
5 inserting the following:
6 "Sec. . Section 235A.15, subsection 2,
7 paragraph f, Code 1999, is amended by adding the
8 following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. To an individual who is
10 requesting information on a specific case of child
11 abuse which resulted in a child fatality or near
12 fatality."
 - 13 3. Title page, lines 1 and 2, by striking the
14 words "foster home damages,".
 - 15 4. By renumbering, relettering, or redesignating
16 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 395

S-3405

- 1 Amend Senate File 395, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 6, by striking the words "fifty
4 sixty" and inserting the following: "fifty".
 - 5 2. Page 1, by striking lines 12 through 16 and
6 inserting the following: "succeeding fiscal year for
7 employee training ~~and for, technology~~".
 - 8 3. Page 1, by striking lines 18 through 22 and
9 inserting the following: "prison industries. Unused
10 moneys".
 - 11 4. By striking page 4, line 27, through page 5,
12 line 20.
 - 13 5. Page 5, line 23, by inserting after the figure
14 "5." the following: "a."
 - 15 6. By striking page 5, line 27, through page 6,
16 line 14, and inserting the following: "deductions
17 required by law. ~~The department of corrections shall~~
18 ~~deduct twenty percent of the balance to be credited to~~
19 ~~the inmate's general account. The department shall~~
20 ~~then deduct from the earnings remaining as follows:~~
21 ~~a. The department shall first deduct the following~~
22 ~~amounts in the following order of priority:~~
23 The inmate's employer shall provide each employed
24 inmate with the withholding statement required under
25 section 422.16, and any other employment information

26 necessary for the receipt of the remainder of an
 27 inmate's payroll earnings.

28 b. From the inmate's gross payroll earnings, the
 29 following amounts shall be deducted:

30 (1) An amount the inmate may be legally obligated
 31 to pay for the support of the inmate's dependents, the
 32 amount of which shall be paid to the dependents
 33 through the department of human services collection
 34 services center. Twenty percent, to be deposited in
 35 the inmate's general account.

36 (2) Restitution as ordered by the court pursuant
 37 to chapter 910. All required tax deductions, to be
 38 collected by the inmate's employer.

39 (3) Five percent, of the balance to be deducted
 40 for the victim compensation fund created in section
 41 915.94.

42 (4) An amount the inmate is legally obligated to
 43 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 c. From the balance remaining after deduction of
 48 the amounts under paragraph "b", the following amounts
 49 shall be deducted in the following order of priority:

50 (1) An amount which the inmate may be legally

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1 obligated to pay for the support of the inmate's
 2 dependents, which shall be paid through the department
 3 of human services collection services center, and
 4 which shall include an amount for delinquent child
 5 support not to exceed fifty percent of net earnings.

6 (2) Restitution as ordered by the court under
 7 chapter 910.

8 (3) Any balance remaining after the deductions
 9 made under subparagraphs (1) and (2) shall represent
 10 the costs of the inmate's incarceration and shall be
 11 deposited, effective July 1, 2000, in the general fund
 12 of the state."

13 7. Page 6, line 15, by striking the letter "b.",
 14 and inserting the following: "b d."

15 8. Page 6, line 27, by inserting after the word
 16 "standards" the following: "by rule".

17 9. Title page, lines 5 and 6, by striking the
 18 words "the revolving farm fund,".

19 10. By renumbering as necessary.

S-3406

1 Amend the House amendment, S-3354, to Senate File
 2 424, as amended, passed, and reprinted by the Senate,

3 as follows:

- 4 1. Page 1, by striking lines 8 through 11.

MICHAEL W. CONNOLLY

S-3407

1 Amend the House amendment, S-3354, to Senate File
2 424, as amended, passed, and reprinted by the Senate,
3 as follows:

- 4 1. Page 1, by striking lines 3 through 7.

MICHAEL W. CONNOLLY

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 497

S-3408

1 Amend the Senate amendment, H-1405, to House File
2 497, as amended, passed, and reprinted by the House,
3 as follows:

- 4 1. Page 1, by inserting after line 21, the
5 following:

6 ". Page 6, by inserting after line 1 the
7 following:

8 "Sec. . Section 135C.2, subsection 5, paragraph
9 b, Code 1999, is amended to read as follows:

10 b. A facility must be located in an area zoned for
11 single or multiple-family housing or in an
12 unincorporated area and must be constructed in
13 compliance with applicable local requirements and the
14 rules adopted for the special classification by the
15 state fire marshal in accordance with the concept of
16 the least restrictive environment for the facility
17 residents. ~~The rules adopted by the state fire~~
18 ~~marshal for the special classification shall be no~~
19 ~~more restrictive than the rules adopted by the state~~
20 ~~fire marshal for demonstration waiver project~~
21 ~~facilities pursuant to 1986 Iowa Acts, chapter 1246,~~
22 ~~section 206, subsection 2.~~ Local requirements shall
23 not be more restrictive than the rules adopted for the
24 special classification by the state fire marshal and
25 the state building code requirements for single or
26 multiple-family housing."

27 2. Page 1, by inserting after line 25 and
28 inserting the following:

29 ". Title page, line 1, by inserting after the
30 word "issues" the following: "including those".

31 3. By renumbering as necessary.

S-3409

1 Amend Senate File 470 as follows:

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

4 "Sec. 101. Section 43.7, Code 1999, is amended to
5 read as follows:

6 43.7 TIME OF HOLDING.

7 The primary election by all political parties shall
8 be held at the usual voting places of the several
9 precincts on the first Tuesday after the first Monday
10 in ~~June~~ September in each even-numbered year.

11 Sec. 102. Section 43.73, unnumbered paragraph 1,
12 Code 1999, is amended to read as follows:

13 Not less than ~~sixty-nine~~ forty days before the
14 general election the state commissioner shall certify
15 to each commissioner, under separate party headings,
16 the name of each person nominated as shown by the
17 official canvass made by the executive council, or as
18 certified to the state commissioner by the proper
19 persons when any person has been nominated by a
20 convention or by a party committee, or by petition,
21 the office to which the person is nominated, and the
22 order in which federal and state offices, judges,
23 constitutional amendments, and state public measures
24 shall appear on the official ballot.

25 Sec. 103. Section 43.76, Code 1999, is amended to
26 read as follows:

27 43.76 WITHDRAWAL OF NOMINATED CANDIDATES.

28 1. A candidate nominated in a primary election for
29 any office for which nomination papers are required to
30 be filed with the state commissioner may withdraw as a
31 nominee for that office on or before, but not later
32 than, the ~~eighty-ninth~~ forty-second day before the
33 date of the general election by so notifying the state
34 commissioner in writing.

35 2. A candidate nominated in a primary election for
36 any office for which nomination papers are required to
37 be filed with the commissioner may withdraw as a
38 nominee for that office on or before, but not later
39 than, the ~~seventy-fourth~~ fifty-fifth day before the
40 date of the general election by so notifying the
41 commissioner in writing.

42 Sec. 104. Section 43.78, subsections 2 and 3, Code
43 1999, are amended to read as follows:

44 2. The name of any candidate designated to fill a
45 vacancy on the general election ballot in accordance
46 with subsection 1, paragraph "a", "b", or "c" shall be
47 submitted in writing to the state commissioner not
48 later than five o'clock p.m. on the ~~eighty-first~~
49 forty-first day before the date of the general
50 election.

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1 3. The name of any candidate designated to fill a
2 vacancy on the general election ballot in accordance
3 with subsection 1, paragraph "d", "e", or "f" shall be
4 submitted in writing to the commissioner not later
5 than five o'clock p.m. on the ~~sixty-ninth~~ fifty-fourth
6 day before the date of the general election.

7 Sec. 105. Section 43.79, Code 1999, is amended to
8 read as follows:

9 43.79 DEATH OF CANDIDATE AFTER TIME FOR
10 WITHDRAWAL.

11 The death of a candidate nominated as provided by
12 law for any office to be filled at a general election,
13 during the period beginning on the ~~eighty-eighth~~
14 thirty-fifth day before the general election, in the
15 case of any candidate whose nomination papers were
16 filed with the state commissioner, or beginning on the
17 ~~seventy-third~~ fortieth day before the general
18 election, in the case of any candidate whose
19 nomination papers were filed with the commissioner,
20 and ending on the last day before the general election
21 shall not operate to remove the deceased candidate's
22 name from the general election ballot. If the
23 deceased candidate was seeking the office of senator
24 or representative in the Congress of the United
25 States, governor, attorney general, senator or
26 representative in the general assembly or county
27 supervisor, section 49.58 shall control. If the
28 deceased candidate was seeking any other office, and
29 as a result of the candidate's death a vacancy is
30 subsequently found to exist, the vacancy shall be
31 filled as provided by chapter 69.

32 Sec. 106. Section 50.48, subsection 4, unnumbered
33 paragraph 3, Code 1999, is amended to read as follows:

34 The ballots or voting machine documents shall be
35 resealed by the recount board before adjournment and
36 shall be preserved as required by section 50.12. At
37 the conclusion of the recount, the recount board shall
38 make and file with the commissioner a written report
39 of its findings, which shall be signed by at least two
40 members of the recount board. The recount board shall
41 complete the recount and file its report not later
42 than the ~~eighteenth~~ twenty-seventh day following the
43 county board's canvass of the election in question.

44 Sec. 107. Section 53.2, unnumbered paragraph 1,
45 Code 1999, is amended to read as follows:

46 Any registered voter, under the circumstances
47 specified in section 53.1, may on any day, except
48 election day, and not more than ~~seventy~~ forty days
49 ~~prior to~~ before the date of the general election and
50 not more than seventy days before the date of other

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1 elections, apply in person for an absentee ballot at
2 the commissioner's office or at any location
3 designated by the commissioner, or make written
4 application to the commissioner for an absentee
5 ballot. The state commissioner shall prescribe a form
6 for absentee ballot applications. However, if a
7 registered voter submits an application that includes
8 all of the information required in this section, the
9 prescribed form is not required. Absentee ballot
10 applications may include instructions to send the
11 application directly to the county commissioner of
12 elections. However, no absentee ballot application
13 shall be preaddressed or printed with instructions to
14 send the applications to anyone other than the
15 appropriate commissioner.

16 Sec. 108. Section 53.39, unnumbered paragraph 2,
17 Code 1999, is amended to read as follows:

18 All official ballots to be voted by qualified
19 absent voters in the armed forces of the United States
20 at the primary election and the general election shall
21 be printed ~~prior to forty~~ at least ten days before the
22 respective elections and shall be available for
23 transmittal to ~~such~~ the qualified voters in the armed
24 forces of the United States at least ~~forty~~ ten days
25 before the respective elections and shall be accepted
26 until thirty days after the election. The provisions
27 of this chapter apply to absent voting by qualified
28 voters in the armed forces of the United States except
29 as modified by the provisions of this division."

30 2. Page 12, by inserting after line 12 the
31 following:

32 "Sec. 201. Section 277.1, Code 1999, is amended to
33 read as follows:

34 277.1 REGULAR ELECTION.

35 The regular election shall be held annually on the
36 second Tuesday in September in each school district
37 for the election of officers of the district and
38 merged area and for the purpose of submitting to the
39 voters any matter authorized by law. However, if the
40 regular election falls on the same day as the primary
41 election, the regular election shall be held the
42 following Tuesday."

43 3. Title page, line 1, by inserting after the
44 words "relating to" the following: "election dates
45 and".

46 4. Title page, line 4, by inserting after the
47 word "fees," the following: "by changing primary

48 election dates,".

49 5. By renumbering as necessary.

ANDY McKEAN

S-3410

- 1 Amend the House amendment, S-3354, to Senate File
2 424, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking line 5.

MICHAEL W. CONNOLLY

S-3411

- 1 Amend the amendment, S-3218, to House File 675, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 4 the
5 following:
6 ". Page 3, by striking lines 23 through 33 and
7 inserting the following: "operation of a school
8 breakfast program at a specific attendance center
9 within the school district shall develop an
10 alternative site plan to operate the school breakfast
11 program at another attendance center within the school
12 district and shall annually certify to the department
13 that the plan meets the following criteria:
14 (1) Provides safe travel routes to and from the
15 alternative breakfast site for all eligible students.
16 (2) Minimizes student travel time between the
17 student's attendance center and the alternative
18 breakfast site.
19 (3) Provides for a reasonable relationship between
20 the time breakfast is offered, the time the student is
21 required to arrive at the attendance center and
22 alternative site, and the daily school start time.
23 (4) Provides an alternative breakfast site
24 facility adequate for the number of students
25 participating in the breakfast program."
26 Page 4, by striking lines 1 through 9 and
27 inserting the following: "with paragraph "b", shall
28 notify the parent, guardian, or legal or actual
29 custodian of a child enrolled in the school district
30 of the school district's intention to develop and
31 implement a plan to provide school breakfast programs
32 only in certain attendance centers. At any time in
33 which the school district proposes to make substantive
34 changes to a plan certified with the department of
35 education, the notification requirements of this
36 paragraph shall apply."

37 . Page 4, by striking lines 15 and 16 and
 38 inserting the following: "each district or, if the
 39 school district meets the requirements of paragraphs
 40 "b" and "c", shall provide access to a".
 41 . Page 5, by striking lines 12 through 24 and
 42 inserting the following: "operation of a school
 43 breakfast program at a specific attendance center
 44 within the school district shall develop an
 45 alternative site plan to operate the school breakfast
 46 program at another attendance center within the school
 47 district and shall annually certify to the department
 48 that the plan meets the following criteria:
 49 (1) Provides safe travel routes to and from the
 50 alternative breakfast site for all eligible students.

Page 2

1 (2) Minimizes student travel time between the
 2 student's attendance center and the alternative
 3 breakfast site.
 4 (3) Provides for a reasonable relationship between
 5 the time breakfast is offered, the time the student is
 6 required to arrive at the attendance center and
 7 alternative site, and the daily school start time.
 8 (4) Provides an alternative breakfast site
 9 facility adequate for the number of students
 10 participating in the breakfast program.
 11 c. The board of directors of a school district
 12 that wishes to provide access to a school breakfast
 13 program in accordance with paragraph "b", shall notify
 14 the parent, guardian, or legal or actual custodian of
 15 a child enrolled in the district of the school
 16 district's intention to develop and implement a plan
 17 to provide school breakfast programs only in certain
 18 attendance centers. At any time in which the school
 19 district proposes to make substantive changes to a
 20 plan certified with the department of education, the
 21 notification requirements of this paragraph shall
 22 apply."

MIKE SEXTON
 MICHAEL W. CONNOLLY

S-3412

1 Amend the House amendment, S-3354, to Senate File
 2 424, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 13 the
 5 following:
 6 ""Sec. 101. NEW SECTION. 135.110 BICYCLE SAFETY
 7 FUND.

8 1. The director shall publish a list of bicycle
9 helmets which meet the standards of the American
10 national standards institute or the 1990 standard for
11 protective headgear for use in bicycling produced by
12 the Snell memorial foundation or another appropriate
13 standard as adopted by the director by rule.

14 2. A bicycle safety fund is created in the state
15 treasury under the control of the department. All
16 moneys collected in fines for bicycle helmet
17 violations under section 321.435 shall be deposited in
18 the fund. Moneys in the fund shall be used to provide
19 bicycle safety education programs and assist low-
20 income families in purchasing bicycle helmets approved
21 by the director pursuant to subsection 1.
22 Notwithstanding section 12C.7, subsection 2, interest
23 or earnings on moneys deposited in the fund shall
24 accrue to the fund."

25 2. Page 1, by inserting before line 26 the
26 following:

27 "Sec. 102. NEW SECTION. 321.435 BICYCLE HELMETS.

28 1. a. A person under fourteen years of age shall
29 not operate a bicycle, or ride on a bicycle as a
30 passenger, unless that person is wearing a properly
31 fitted and fastened bicycle helmet which meets the
32 standards of the American national standards institute
33 or the 1990 standard for protective headgear for use
34 in bicycling produced by the Snell memorial foundation
35 or another appropriate standard as adopted by the
36 director of the department of public health pursuant
37 to section 135.110.

38 b. A person under fourteen years of age who rides
39 on a bicycle while in a restraining seat which is
40 attached to the bicycle or in a trailer towed by a
41 bicycle shall also wear a helmet as required by this
42 section.

43 2. a. A person regularly engaged in the business
44 of renting bicycles shall require each person seeking
45 to rent a bicycle to provide the person's signature
46 either on the rental form or on a separate form
47 indicating both of the following:

48 (1) Receipt of a written explanation of the
49 provisions of this section and the penalties for
50 violations.

Page 2

1 (2) A statement concerning whether a person under
2 fourteen years of age will operate the bicycle.

3 b. A person regularly engaged in the business of
4 renting bicycles shall provide a helmet to any person
5 required to wear a helmet under this section who will
6 operate the bicycle, if the person does not already

7 have a helmet. A reasonable fee may be charged for
8 the helmet rental.

9 c. A person regularly engaged in the business of
10 renting bicycles who complies with this section is not
11 liable for damages for any injuries sustained by a
12 bicycle operator or passenger as a result of the
13 operator's or passenger's failure to wear a helmet or
14 to wear a properly fitted or fastened helmet in
15 violation of this section.

16 3. a. A person who violates subsection 1 shall
17 receive a warning of the violation. The parent or
18 legal guardian of a person who violates subsection 1
19 prior to July 1, 2000, shall also receive a warning of
20 the violation. The parent or legal guardian of a
21 person who violates subsection 1 on or after July 1,
22 2000, is subject to a scheduled fine under section
23 805.8, subsection 2, paragraph "ai", unless the parent
24 or legal guardian, within a reasonable time, provides
25 proof that the person has purchased or otherwise
26 acquired a bicycle helmet which meets the standards in
27 subsection 1.

28 b. A person who violates subsection 2 on or after
29 September 1, 1999, is subject to a scheduled fine
30 under section 805.8, subsection 2, paragraph "ai".
31 Sec. 103. Section 805.8, subsection 2, Code 1999,
32 is amended by adding the following new paragraph:
33 NEW PARAGRAPH. ai. For violations of section
34 321.435 which are subject to a fine pursuant to that
35 section, the scheduled fine is fifteen dollars.
36 Notwithstanding sections 602.8106 and 602.8108, all
37 moneys collected pursuant to this paragraph shall be
38 deposited in the bicycle safety fund created in
39 section 135.110.

40 Sec. 104. IMPLEMENTATION OF ACT. Section 25B.2,
41 subsection 3, shall not apply to sections 101 through
42 103 of this Act."

43 3. Page 2, line 14, by inserting after the word
44 "study," the following: "providing a penalty,".

45 4. By renumbering as necessary.

MATT McCOY
ELAINE SZYMONIAK

HOUSE AMENDMENT TO
SENATE FILE 294

S-3413

1 Amend Senate File 294, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 5, lines 12 and 13, by striking the words
4 "~~who have been classified as "at risk" in this state~~"

- 5 and inserting the following: "who have been
 6 classified as "at-risk" in this state".
- 7 2. Page 5, line 29, by inserting after the word
 8 "Act" the following: "and who have been assessed to
 9 be a "moderate-risk" or "high-risk"".
- 10 3. Page 5, by striking lines 31 and 32, and
 11 inserting the following: "1999, and who have been
 12 assessed to be a "moderate-risk" or "high-risk" and
 13 whose opportunity to request a hearing regarding the
 14 assessment".
- 15 4. Page 6, line 19, by inserting after the word
 16 "corrections" the following: "or a judicial district
 17 department of correctional services".
- 18 5. Page 7, line 22, by striking the words "A
 19 department or" and inserting the following: "Each
 20 department under subsection 1 or each".
- 21 6. Page 7, line 24, by inserting after the word
 22 "assessment" the following: "conducted by that
 23 department or officer".
- 24 7. Page 7, line 25, by inserting after the word
 25 "determination" the following: "performed by a
 26 department".
- 27 8. Page 7, line 26, by inserting after the figure
 28 "17A." the following: "An appeal of an assessment of
 29 risk determination performed by a juvenile court
 30 officer shall be made in accordance with rules adopted
 31 by the department of public safety in consultation
 32 with the judicial branch."
- 33 9. By renumbering, relettering, or redesignating
 34 and correcting internal references as necessary.

S-3414

- 1 Amend House File 760, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 41, by inserting after line 19, the
 4 following:
- 5 "The department may use available moneys
 6 appropriated to the department in this Act in making
 7 efforts to comply with the requirements of the state
 8 under the consent decree of Connor v. Branstad, No.
 9 4-86-CV-30871 (S.D. Iowa, July 14, 1994)."

ROBERT E. DVORSKY
 JOHNIE HAMMOND

S-3415

- 1 Amend the amendment, S-3391, to House File 760, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 3, by striking line 16.
- 5 2. By renumbering as necessary.

JOHN REDWINE

S-3416

- 1 Amend House File 760, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 67, line 23, through page 68,
- 4 line 4.
- 5 2. By renumbering as necessary.

JOHNIE HAMMOND

S-3417

- 1 Amend the amendment, S-3391, to House File 760, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 2, line 50, through page 3,
- 5 line 4.
- 6 2. By renumbering as necessary.

JOHNIE HAMMOND

S-3418

- 1 Amend House File 760, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 68, by striking lines 9 through 28, and
- 4 inserting the following:
- 5 "Sec. 44. ADOPTION SPECIAL SERVICES -- FOSTER
- 6 CHILD. It is the intent of the general assembly that,
- 7 commencing with the fiscal year beginning July 1,
- 8 1999, the department do all of the following:
- 9 1. Add respite care to the category of special
- 10 services provided to a child with physical or mental
- 11 disabilities or to an older or otherwise hard-to-place
- 12 child who is adopted.
- 13 2. Continue special services to a foster child
- 14 following the filing of an adoption petition and for a
- 15 reasonable time following issuance of an adoption
- 16 decree relating to the child. The reasonable time may
- 17 be limited to not less than twenty days following
- 18 issuance of the adoption decree to allow the adoptive
- 19 parents to provide documentation of efforts to obtain
- 20 special services free of cost or under the adoptive
- 21 parent's insurance policy."

JOHNIE HAMMOND

S-3419

1 Amend House File 760, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 23, by inserting after line 20, the
 4 following:
 5 "4. By January 1, 2000, the department shall
 6 integrate the medical assistance and children's health
 7 insurance programs into a comprehensive, uniform
 8 system. The uniform system shall, at a minimum,
 9 utilize a single application form and a single form of
 10 participant identification for both programs. The
 11 system shall not require a face-to-face interview for
 12 an initial determination of eligibility for either
 13 program. The department shall also eliminate the
 14 resource allowance test as a basis for eligibility
 15 under the medical assistance program."
 16 2. By renumbering as necessary.

JOHNIE HAMMOND
 ELAINE SZYMONIAK

S-3420

1 Amend House File 760, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 16, by striking line 9 and inserting the
 4 following:
 5 "..... \$416,931,278"

JOHNIE HAMMOND
 ELAINE SZYMONIAK
 TOM FLYNN

S-3421

1 Amend House File 760, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 50, by striking line 5 and inserting the
 4 following:
 5 "..... \$ 11,219,158"

JOHNIE HAMMOND
 DENNIS H. BLACK
 JOE BOLKCOM
 MICHAEL W. CONNOLLY
 DICK L. DEARDEN
 PATRICK J. DELUHERY
 ROBERT E. DVORSKY
 BILL FINK
 TOM FLYNN
 EUGENE S. FRAISE

MICHAEL E. GRONSTAL
 STEVEN D. HANSEN
 PATRICIA M. HARPER
 WALLY E. HORN
 JOHN JUDGE
 JOHN P. KIBBIE
 MATT McCOY
 MARK SHEARER
 BETTY A. SOUKUP
 ELAINE SZYMONIAK

S-3422

- 1 Amend House File 760, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 56, by striking lines 6 and 7 and
 4 inserting the following:
 5 "..... \$ 2,231,000
 6 FTEs 26.50"

ROBERT E. DVORSKY
 DENNIS H. BLACK
 JOE BOLKCOM
 MICHAEL W. CONNOLLY
 DICK L. DEARDEN
 PATRICK J. DELUHERY
 BILL FINK
 TOM FLYNN
 EUGENE S. FRAISE
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 JOHNIE HAMMOND
 STEVEN D. HANSEN
 PATRICIA M. HARPER
 WALLY E. HORN
 JOHN JUDGE
 JOHN P. KIBBIE
 MATT McCOY
 MARK SHEARER
 BETTY A. SOUKUP
 ELAINE SZYMONIAK

S-3423

- 1 Amend House File 760, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 32, by striking line 4 and inserting the
 4 following:
 5 "..... \$108,080,000"
 6 2. Page 39, line 22, by striking the figure
 7 "3,458,000" and inserting the following: "4,088,000".

JOHNIE HAMMOND
 DENNIS H. BLACK
 JOE BOLKCOM
 MICHAEL W. CONNOLLY
 DICK L. DEARDEN
 PATRICK J. DELUHERY
 ROBERT E. DVORSKY
 BILL FINK
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 WALLY E. HORN
 JOHN JUDGE
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 MATT McCOY
 MARK SHEARER
 BETTY A. SOUKUP
 ELAINE SZYMONIAK

S-3424

- 1 Amend House File 760 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 23, by inserting after line 20, the
- 4 following:
- 5 "4. Contingent upon receipt of tobacco settlement
- 6 moneys, a portion of the moneys deposited in the
- 7 tobacco settlement fund are appropriated to the
- 8 department and notwithstanding section 12.65, the
- 9 department shall use a necessary amount of moneys to
- 10 provide family coverage under the state children's
- 11 health insurance program to families who are not
- 12 eligible for medical assistance pursuant to chapter
- 13 249A and whose family income does not exceed one
- 14 hundred fifty percent of the federal poverty level, as
- 15 defined in 42 U.S.C. } 9902(2), including any revision
- 16 required by that federal law. Any copayment amount
- 17 shall comply with federal requirements and shall not
- 18 exceed five percent of the annual family income."
- 19 2. By renumbering as necessary.

MICHAEL E. GRONSTAL
 JOHNIE HAMMOND
 ELAINE SZYMONIAK
 DENNIS H. BLACK
 JOE BOLKCOM
 MICHAEL W. CONNOLLY
 DICK L. DEARDEN
 PATRICK J. DELUHERY
 ROBERT E. DVORSKY

BILL FINK
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 WALLY E. HORN
 JOHN JUDGE
 JOHN P. KIBBIE
 MATT McCOY
 MARK SHEARER
 BETTY A. SOUKUP

S-3425

- 1 Amend House File 760 as follows:
 2 1. Page 23, by striking line 3 and inserting the
 3 following:
 4 "..... \$ 11,000,000"
 5 2. Page 69, by inserting after line 17 the
 6 following:
 7 "Sec. . Section 514I.8, subsection 2, paragraph
 8 c, Code 1999, is amended to read as follows:
 9 c. Is a member of a family whose ~~adjusted gross~~
 10 income does not exceed one two hundred eighty-five
 11 percent of the federal poverty level, as defined in 42
 12 U.S.C. } 9902(2), including any revision required by
 13 such section.
 14 Sec. . Section 514I.10, subsection 2, Code
 15 1999, is amended to read as follows:
 16 2. Cost sharing for eligible children whose family
 17 ~~adjusted gross~~ income is between one hundred fifty
 18 percent and one two hundred eighty-five percent of the
 19 federal poverty level shall include a premium or
 20 copayment amount which is at least a minimum amount
 21 but which does not exceed five percent of the annual
 22 family ~~adjusted gross~~ income. The amount of the
 23 premium or the copayment amount shall be based on a
 24 sliding fee scale established by rule which is based
 25 on family ~~adjusted gross~~ income and the size of the
 26 family."

JOHNIE HAMMOND
 DENNIS H. BLACK
 JOE BOLKCOM
 MICHAEL W. CONNOLLY
 DICK L. DEARDEN
 PATRICK J. DELUHERY
 ROBERT E. DVORSKY
 BILL FINK
 TOM FLYNN
 EUGENE S. FRAISE
 MICHAEL E. GRONSTAL

STEVEN D. HANSEN
 PATRICIA M. HARPER
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 JOHN JUDGE
 JOHN P. KIBBIE
 MATT McCOY
 MARK SHEARER
 BETTY A. SOUKUP
 ELAINE SZYMONIAK

S-3426

- 1 Amend House File 760 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 22, by inserting after line 14 the
- 4 following:
- 5 "20. The department shall take the steps necessary
- 6 to implement a waiver to provide services to persons
- 7 with autism under the medical assistance program."

JOHNIE HAMMOND
 DENNIS H. BLACK
 JOE BOLKCOM
 MICHAEL W. CONNOLLY
 DICK L. DEARDEN
 PATRICK J. DELUHERY
 ROBERT E. DVORSKY
 BILL FINK
 TOM FLYNN
 EUGENE S. FRAISE
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 WALLY E. HORN
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 MATT McCOY
 MARK SHEARER
 BETTY A. SOUKUP
 ELAINE SZYMONIAK

S-3427

- 1 Amend House File 760, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 41, by striking lines 13 through 19.

ROBERT E. DVORSKY
 MAGGIE TINSMAN

S-3428

1 Amend House File 760, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 68, by inserting after line 28 the
4 following:

5 "Sec. . PHARMACEUTICAL ASSISTANCE PROGRAM
6 STUDY.

7 1. For the purposes of this section, unless the
8 context otherwise requires:

9 a. "Eligible person" means a person, sixty-five
10 years of age or older with an annual net income of not
11 more than one hundred fifty percent of the federal
12 poverty level, as defined by the most recent poverty
13 income guidelines published by the United States
14 department of health and human services, or a person
15 sixty-five years of age or older, who with the
16 person's spouse has an annual net income of not more
17 than one hundred fifty percent of the federal poverty
18 level, as defined by the most recent poverty income
19 guidelines published by the United States department
20 of health and human services. "Eligible person" does
21 not include a person who is eligible for financial
22 assistance for the purchase of prescription drugs
23 under another local, state, or federal program to the
24 extent that the other program provides financial
25 assistance for the purchase of prescription drugs.

26 b. "Prescription drug" means a prescription drug
27 as defined in section 155A.3.

28 c. "Reasonable cost" means a charge which is equal
29 to the average wholesale cost of the prescription drug
30 and the additional dispensing pharmacy's usual fee,
31 not to exceed the seventy-fifth percentile of usual
32 and customary fees in this state, as determined by the
33 Iowa department of public health.

34 2. The director of human services, in cooperation
35 with the directors of public health and elder affairs,
36 shall appoint an advisory committee to make
37 recommendations regarding the creation of a
38 pharmaceutical assistance program to provide for
39 subsidization of the prescription drug costs of
40 eligible persons in rural and urban areas throughout
41 the state. The advisory committee shall submit a
42 report of the committee recommendations to the general
43 assembly by December 15, 1999.

44 3. The advisory committee shall review and make
45 recommendations regarding all of the following:

46 a. A means to determine the eligibility of a
47 person, including proof of the person's actual and
48 anticipated annual net income, evidence of complete or
49 partial payment for the costs of prescription drugs
50 from a provider other than the program, and other

Page 2

- 1 provisions consistent with this section.
- 2 b. Issuance of a participation card upon approval
3 of an application.
- 4 c. An annual fee and a prescription copayment
5 amount which is a percentage of the reasonable cost of
6 the prescription. The copayment amount shall be
7 collected from the person participating in the program
8 by the dispensing pharmacy and the balance of the
9 reasonable costs shall be paid by the state to the
10 dispensing pharmacy after submission of a claim to the
11 state.
- 12 d. A provision that if the cost of the
13 prescription drug exceeds the reasonable cost and the
14 prescription drug is available under a generic name,
15 the eligible person may obtain the trade name drug
16 rather than the generic drug by paying the difference
17 in the amounts of the trade name drug and generic name
18 drug. However, if the prescribing practitioner
19 indicates on the prescription that a substitution of
20 the trade name drug is prohibited, the eligible person
21 is subject only to payment of the copayment amount.
- 22 e. A reimbursement system which includes on-line
23 point of service claims transmission and adjudication,
24 with utilization review.
- 25 f. A form of identification for persons to use in
26 proving eligibility. The form of identification shall
27 include a conspicuous notation of the penalties for
28 violation of this section.
- 29 g. A requirement that prescriptions contain the
30 name, address, and identification number of the
31 eligible person.
- 32 h. A provision to ensure choice of pharmaceutical
33 services by the eligible person.
- 34 4. A penalty for providing false information to
35 establish eligibility for the program or to obtain
36 reimbursement."
- 37 3. By renumbering as necessary.

PATRICIA M. HARPER
DENNIS H. BLACK
JOE BOLKCOM
MICHAEL W. CONNOLLY
DICK L. DEARDEN
PATRICK J. DELUHERY
ROBERT E. DVORSKY
BILL FINK
TOM FLYNN
EUGENE S. FRAISE
MICHAEL E. GRONSTAL
JOHNIE HAMMOND

STEVEN D. HANSEN
 WALLY E. HORN
 JOHN JUDGE
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 MATT McCOY
 MARK SHEARER
 BETTY A. SOUKUP
 ELAINE SZYMONIAK

S-3429

- 1 Amend House File 760, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 21, by striking lines 13 through 16.
 4 2. By striking page 21, line 26, through page 22,
 5 line 14.
 6 3. Page 23, by striking line 27 and inserting the
 7 following:
 8 "..... \$ 7,659,250"
 9 4. Page 24, by inserting after line 15 the
 10 following:
 11 "5. Notwithstanding section 8.33, \$10,750 of the
 12 moneys appropriated to the department of human
 13 services in 1998 Iowa Acts, chapter 1218, section 10,
 14 that remain unencumbered or unobligated at the close
 15 of the fiscal year shall not revert but shall remain
 16 available for expenditure for the purposes designated
 17 in this section until the close of the succeeding
 18 fiscal year."
 19 5. Page 26, by striking line 14 and inserting the
 20 following:
 21 "..... \$ 5,050,750"
 22 6. Page 29, line 20, by striking the words
 23 "department of justice" and inserting the following:
 24 "judicial branch".
 25 7. Page 29, line 22, by striking the words
 26 "department of justice" and inserting the following:
 27 "judicial branch".
 28 8. Page 29, line 26, by striking the words
 29 "department of justice" and inserting the following:
 30 "judicial branch".
 31 9. Page 34, line 21, by striking the figure
 32 "7,123,489" and inserting the following: "7,160,257".
 33 10. By striking page 57, line 28, through page
 34 58, line 6.
 35 11. Page 58, by striking lines 7 through 9 and
 36 inserting the following:
 37 "g. Federally qualified health centers shall
 38 receive cost-based reimbursement for 100 percent of
 39 the reasonable costs for the provision of services to
 40 recipients of medical assistance."
 41 12. Page 58, by inserting after line 19 the

42 following:

43 "1A. a. The basis for establishing the maximum
44 medical assistance reimbursement rate for nursing
45 facilities shall be the 70th percentile of facility
46 costs as calculated from the June 30, 1999, unaudited
47 compilation of cost and statistical data submitted by
48 each facility on medical assistance cost reports. A
49 facility which does not have a current cost report on
50 file with the department as of June 30, 1999, shall

Page 2

1 continue to receive the per diem rate in effect for
2 that facility on June 30, 1999, until the facility's
3 costs are above that rate or until June 30, 2000,
4 whichever is earlier. A facility shall submit
5 semiannual cost reports beginning July 1, 1999, or
6 after, based on the closing date of the facility's
7 fiscal year.

8 b. To the extent funds are available within the
9 amount projected for reimbursement of nursing
10 facilities within the appropriation for medical
11 assistance in this Act for the fiscal year beginning
12 July 1, 1999, and within the appropriation for medical
13 assistance as a whole for the fiscal year beginning
14 July 1, 1999, the department shall adjust the maximum
15 medical assistance reimbursement for nursing
16 facilities to the 70th percentile, as calculated from
17 the December 31, 1999, unaudited compilation of cost
18 and statistical data for only those nursing facilities
19 which provide additional written documentation in a
20 cost report which demonstrates increased expenditures
21 for direct care in the form of wages during a cost
22 reporting period in that fiscal year. In order to be
23 eligible for the increased reimbursement, a nursing
24 facility must submit the cost report with the
25 additional documentation by June 30, 2000. To the
26 extent possible, the additional written documentation
27 shall be obtained from the expanded cost report
28 information submitted by nursing facilities in
29 accordance with paragraph "c". Any adjustment shall
30 take effect January 1, 2000.

31 c. The department of human services shall adopt
32 emergency rules requiring all nursing facilities to
33 submit a medical assistance cost report on or after
34 July 1, 1999, that incorporates the additional
35 documentation specified in this lettered paragraph.
36 Initially, the additional documentation shall provide
37 baseline information by describing the status of the
38 facility with reference to the information requested
39 as of July 1, 1999, and subsequently the additional
40 documentation shall describe the status of the

41 facility for the period of the cost report. The
42 additional documentation to be incorporated in the
43 cost reports shall include all of the following
44 information:
45 (1) Information concerning staffing costs
46 including the number of hours of care provided per
47 resident per day on all of the following: nursing
48 services provided by registered nurses, licensed
49 practical nurses, certified nurse aides, restorative
50 aides, certified medication aides, and contracted

Page 3

1 nursing services; other care services; administrative
2 functions; housekeeping and maintenance; and dietary
3 services.

4 (2) The starting and average hourly wage for each
5 class of employees.

6 d. The information submitted under paragraph "c"
7 shall be compiled by the department and provided to
8 the general assembly and any legislative committee
9 designated to consider human services reimbursement
10 rates and methodologies."

11 13. Page 59, by striking lines 22 through 27 and
12 inserting the following:

13 "6. For the fiscal year beginning July 1, 1999,
14 the maximum reimbursement rates for adoption and
15 independent living services shall be increased by 2
16 percent over the rates in effect on June 30, 1999.
17 The maximum".

18 14. Page 60, by striking lines 24 through 27 and
19 inserting the following: "based on the cost report
20 submitted to the department. The maximum
21 reimbursement rate".

22 15. Page 62, by inserting after line 4 the
23 following:

24 "Sec. 100. 1998 Iowa Acts, chapter 1218, section
25 33, is amended by striking the section and inserting
26 in lieu thereof the following:

27 SEC. 33. DEPARTMENT OF HUMAN SERVICES -- MOTOR
28 VEHICLE LICENSE REINSTATEMENT PENALTY -- DEPOSIT AND
29 APPROPRIATION. Notwithstanding the deposit provisions
30 of sections 321.218A and 321A.32A, the moneys
31 collected during the fiscal year beginning July 1,
32 1998, and ending June 30, 1999, by the state
33 department of transportation pursuant to those
34 sections shall be deposited to the credit of the
35 department of human services for the fiscal year
36 beginning July 1, 1998, and ending June 30, 1999, and
37 are appropriated as follows:

38 For the establishment, improvement, operation, and
39 maintenance of county or multicounty juvenile

40 detention homes.
41 Moneys appropriated in this section shall be
42 allocated among eligible detention homes, prorated on
43 the basis of an eligible detention home's proportion
44 of the costs of all eligible detention homes in the
45 previous fiscal year. Notwithstanding section
46 232.142, subsection 3, the financial aid payable by
47 the state under that provision for the fiscal year
48 beginning July 1, 1998, shall be limited to the amount
49 appropriated in this section."
50 16. Page 67, line 3, by striking the words

Page 4

1 "utilization based reimbursement;" and inserting the
2 following: "resource-based reimbursement; review of
3 nursing facility cost reports, including additional
4 written documentation, compiled by the department of
5 human services and submitted pursuant to requirements
6 in the reimbursement section of this Act;"
7 17. Page 69, by striking line 17 and inserting
8 the following:
9 "Sec. NEW SECTION. 237A.30 HIGH QUALITY
10 CHILD DAY CARE PROVIDERS.
11 1. The department shall accept nationally
12 recognized accreditations in identifying and listing
13 high quality child day care providers. Any registered
14 family or group home or licensed child day care
15 provider in this state that is accredited in good
16 standing by the national association for the education
17 of young children or the national association for
18 family child care shall be included in the listing.
19 2. Providers included in the listing which remain
20 in good standing with the accrediting body and with
21 state regulation shall be designated as a gold seal
22 quality child day care provider. Any provider
23 included in the listing may publicly utilize the
24 designation as a gold seal quality child day care
25 provider. Child day care resource and referral
26 services shall be encouraged to make use of the
27 providers holding this designation as a resource in
28 quality improvement efforts and to identify these
29 providers in making referrals to the public.
30 3. Holders of the gold seal quality designation
31 shall be recognized annually in April during the week
32 of national recognition of young children. A
33 recognition event shall be hosted during that week by
34 a committee which may include but is not limited to
35 the governor, legislative leaders, department staff
36 and other child care experts, and the chairpersons and
37 ranking members of the legislative committees involved
38 with regulation or funding of child day care.

39 4. Subject to the availability of funding, an
 40 eligible holder of the gold seal quality designation
 41 receiving an initial or renewal national accreditation
 42 may receive a one-time cash award in the year of
 43 initial or renewal accreditation on or after July 1,
 44 1999. Holders of the designation who received funding
 45 assistance to obtain the initial or renewal national
 46 accreditation under a grant administered by the child
 47 development coordinating council or as part of being a
 48 federal head start program are not eligible for the
 49 cash award. Eligible holders of the designation may
 50 receive a cash award of two hundred fifty dollars for

Page 5

1 registered family and group day care home providers
 2 and five hundred dollars for licensed centers."
 3 18. Page 69, by inserting before line 18 the
 4 following:
 5 "Sec. . Section 249A.18, Code 1999, is amended
 6 to read as follows:
 7 249A.18 COST-BASED REIMBURSEMENT -- RURAL HEALTH
 8 CLINICS AND FEDERALLY QUALIFIED HEALTH CLINICS
 9 CENTERS.
 10 Rural health clinics and federally qualified health
 11 clinics centers shall receive cost-based reimbursement
 12 for one hundred percent of the reasonable costs for
 13 the provision of services to recipients of medical
 14 assistance, subject to limitations and exclusions
 15 based on federal law and regulations as determined by
 16 the director."
 17 19. Page 70, by inserting after line 14 the
 18 following:
 19 "5A. Section 10, subsection 5, relating to the
 20 reversion of moneys appropriated for medical contracts
 21 in 1998 Iowa Acts, chapter 1218, section 10."
 22 20. Page 70, by inserting after line 24 the
 23 following:
 24 ". Section 100, amending 1998 Iowa Acts,
 25 chapter 1218, section 33."
 26 21. By renumbering, relettering, or redesignating
 27 and correcting internal references as necessary.

MAGGIE TINSMAN

S-3430

1 Amend the amendment, S-3391, to House File 760, 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 ". Page 23, by striking line 27 and inserting
7 the following:
8 "..... \$ 7,605,000"
9 2. Page 2, by inserting after line 3 the
10 following:
11 ". Page 32, by striking line 4 and inserting
12 the following:
13 "..... \$107,329,521"
14 Page 37, by inserting after line 1 the
15 following:
16 "100. Notwithstanding section 8.33, up to \$120,479
17 of the moneys appropriated in 1998 Iowa Acts, chapter
18 1218, section 15, and allocated in subsection 17 of
19 that section, that remain unencumbered or unobligated
20 at the close of the fiscal year, shall not revert but
21 shall remain available for expenditure to provide
22 clinical assessment services under the appropriation
23 in this section of this Act."
24 3. Page 2, by striking lines 24 through 29 and
25 inserting the following:
26 ". Page 42, by striking lines 19 and 20 and
27 inserting the following:
28 "..... \$ 42,925,479
29 FTEs 856.39"
30 Page 42, by striking lines 24 and 25 and
31 inserting the following:
32 "..... \$ 12,765,479
33 FTEs 249.24"
34 4. Page 3, by inserting after line 31 the
35 following:
36 ". Page 70, by inserting after line 22 the
37 following:
38 ". Section 15, subsection 100, relating to
39 moneys appropriated in 1998 Iowa Acts, chapter 1218,
40 section 15."

MARY LOU FREEMAN

S-3431

- 1 Amend House File 760 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 22, by inserting after line 14, the
4 following:
5 "20. The department shall evaluate the feasibility
6 and fiscal impact of implementing twelve-month
7 continuous eligibility for children eligible for
8 medical assistance pursuant to chapter 249A. If in
9 accordance with federal law, the department may
10 implement the twelve-month continuous eligibility
11 policy on a less than a statewide basis. The
12 department shall submit a report of its evaluation of

- 13 the fiscal impact of the proposed policy and
14 recommendations to the general assembly by October 1,
15 1999.
- 16 21. The department shall develop a process for
17 enrollment that eliminates the face-to-face interview
18 for children eligible for medical assistance only.
19 The department may adopt emergency rules to implement
20 this subsection.
- 21 22. The department may adopt emergency rules to
22 implement section 249A.3, subsection 5A, as enacted by
23 this Act."
- 24 2. Page 69, by striking line 17, and inserting
25 the following:
26 "Sec. ____ Section 249A.3, Code 1999, is amended
27 by adding the following new subsection:
28 **NEW SUBSECTION. 5A.** In determining eligibility
29 for children under subsection 1, paragraphs "b", "f",
30 "g", "j", "k", "n", and "s"; subsection 2, paragraphs
31 "a", "c", "d", "f", and "g"; and subsection 5,
32 paragraph "b", all resources of the family, other than
33 monthly income, shall be disregarded."
34 3. By renumbering as necessary.

MAGGIE TINSMAN
MARY E. KRAMER

S-3432

- 1 Amend House File 760, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 66, line 29, by inserting after the
4 figure "1." the following: "a."
5 2. Page 67, by inserting after line 5, the
6 following:
7 "b. In considering the options for the use of
8 tobacco settlement moneys, the task force shall review
9 the recommendations of the cigarette and tobacco
10 products control advisory committee created in
11 paragraph "c".
12 c. A cigarette and tobacco products control
13 advisory committee is created, consisting of the
14 following members:
15 (1) One representative of the Iowa department of
16 public health, designated by that department.
17 (2) One representative of the department of
18 justice, designated by that department.
19 (3) One representative of the department of
20 management, designated by that department.
21 (4) One representative of the governor's office,
22 designated by the governor.
23 (5) One representative of substance abuse
24 treatment and prevention programs, designated by the

25 administrator of the division of substance abuse of
26 the Iowa department of public health.

27 (6) One person who is recovering from chemical
28 dependency, designated by the director of public
29 health.

30 (7) Two senators and two members of the house of
31 representatives, equally representing both political
32 parties, designated by the legislative council.

33 (8) Three members of the public who represent
34 organizations that have as their primary purpose the
35 reduction of the human, social, or economic damage
36 resulting from the use of cigarettes and tobacco
37 products, designated by the governor.

38 The director of public health shall convene the
39 advisory committee and the Iowa department of public
40 health shall provide support staff to the advisory
41 committee. The duties of the advisory committee shall
42 include recommending options for the use of tobacco
43 settlement moneys. The advisory committee may receive
44 funding from grants, donations, and other
45 contributions. The advisory committee shall submit a
46 report of its recommendations to the task force, the
47 governor, and the general assembly by November 30,
48 1999."

JOHNNIE HAMMOND
JOE BOLKCOM

S-3433

1 Amend House File 760, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 66, line 29, by inserting after the
4 figure "1." the following: "a."

5 2. Page 67, by inserting after line 5, the
6 following:

7 "b. In considering the options for the use of
8 tobacco settlement moneys, the task force shall review
9 the recommendations of the cigarette and tobacco
10 products control advisory committee created in
11 paragraph "c".

12 c. A cigarette and tobacco products control
13 advisory committee is created, consisting of the
14 following members:

15 (1) One representative of the Iowa department of
16 public health, designated by that department.

17 (2) One representative of the department of
18 justice, designated by that department.

19 (3) One representative of the department of
20 management, designated by that department.

21 (4) One representative of the governor's office,
22 designated by the governor.

23 (5) One representative of substance abuse
24 treatment and prevention programs, designated by the
25 administrator of the division of substance abuse of
26 the Iowa department of public health.

27 (6) One person who is recovering from chemical
28 dependency, designated by the director of public
29 health.

30 (7) Four senators and four members of the house of
31 representatives, equally representing both political
32 parties, designated by the legislative council.

33 (8) Three members of the public who represent
34 organizations that have as their primary purpose the
35 reduction of the human, social, or economic damage
36 resulting from the use of cigarettes and tobacco
37 products, designated by the governor.

38 The director of public health shall convene the
39 advisory committee and the Iowa department of public
40 health shall provide support staff to the advisory
41 committee. The duties of the advisory committee shall
42 include recommending options for the use of tobacco
43 settlement moneys. The advisory committee may receive
44 funding from grants, donations, and other
45 contributions. The advisory committee shall submit a
46 report of its recommendations to the task force, the
47 governor, and the general assembly by November 30,
48 1999."

JOHNIE HAMMOND
JOE BOLKCOM

S-3434

1 Amend House File 760, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 67, line 3, by inserting after the word
4 "moneys" the following: ", not to exceed 50 percent
5 of tobacco settlement proceeds".

MATT McCOY

S-3435

1 Amend House File 218, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by striking line 20 and inserting the
4 following: "appointed as follows:

5 a. Three members appointed by the board of
6 supervisors of each county participating in the
7 alliance and at least one of the appointees shall be a
8 member of the board of supervisors of a county
9 participating in the alliance.
10 b. Seven additional voting members who shall be

11 persons with experience in the fields of environmental
12 affairs, conservation, finance, development, tourism,
13 or related fields, and who shall be appointed by the
14 authority."

15 2. Page 2, by striking line 22 and inserting the
16 following: "resident of a county which is eligible
17 for membership in the authority pursuant to section
18 161D.1 and shall".

STEVE KING
NANCY J. BOETTGER
STEVEN D. HANSEN
MICHAEL E. GRONSTAL
DERRYL McLAREN

S-3436

1 Amend the amendment, S-3433 to House File 760, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 43, by inserting after the word
5 "moneys" the following: "on comprehensive tobacco
6 control programs intended to reduce access to and
7 consumption of tobacco products, including but not
8 limited to enhancement of enforcement efforts to
9 identify and prosecute violations of laws prohibiting
10 retail sales to youth".

JOHNIE HAMMOND

S-3437

1 Amend House File 760 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 22, by inserting before line 15, the
4 following:

5 "20. The department shall evaluate the feasibility
6 and fiscal impact of implementing twelve-month
7 continuous eligibility for children eligible for
8 medical assistance pursuant to chapter 249A. If in
9 accordance with federal law, the department may
10 implement the twelve-month continuous eligibility
11 policy on a less than a statewide basis. The
12 department shall submit a report of its evaluation of
13 the fiscal impact of the proposed policy and
14 recommendations to the general assembly by October 1,
15 1999.

16 21. The department shall develop a process for
17 enrollment that eliminates the face-to-face interview
18 for children eligible for medical assistance only.
19 The department may adopt emergency rules to implement
20 this subsection.

- 21 22. The department may adopt emergency rules to
 22 implement section 249A.3, subsection 5A, as enacted by
 23 this Act."
 24 2. Page 69, by inserting before line 18 the
 25 following:
 26 "Sec. ____ Section 249A.3, Code 1999, is amended
 27 by adding the following new subsection:
 28 **NEW SUBSECTION. 5A.** In determining eligibility
 29 for children under subsection 1, paragraphs "b", "f",
 30 "g", "j", "k", "n", and "s"; subsection 2, paragraphs
 31 "a", "c", "d", "f", and "g"; and subsection 5,
 32 paragraph "b", all resources of the family, other than
 33 monthly income, shall be disregarded."
 34 3. By renumbering as necessary.

MAGGIE TINSMAN
 MARY E. KRAMER

S-3438

- 1 Amend House File 760, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 56, by inserting after line 7 the
 4 following:
 5 "Sec. 200. SEXUALLY VIOLENT PREDATORS -- FY 1998-
 6 1999. There is appropriated from the general fund of
 7 the state to the department of human services for the
 8 fiscal year beginning July 1, 1998, and ending June
 9 30, 1999, to supplement the appropriation made in 1998
 10 Iowa Acts, chapter 1218, section 31, the following
 11 amount, or so much thereof as is necessary, to be used
 12 for the purposes designated:
 13 For costs associated with the commitment and
 14 treatment of sexually violent predators and for
 15 salaries and support for not more than the following
 16 full-time equivalent positions:
 17 \$ 115,023
 18 FTEs 6.63
 19 Notwithstanding section 8.62 or any other provision
 20 of law to the contrary, moneys appropriated in this
 21 section that remain unencumbered or unobligated at the
 22 close of the fiscal year shall revert in accordance
 23 with section 8.33."
 24 2. Page 70, by inserting after line 24 the
 25 following:
 26 "... Section 200, providing a fiscal year 1998-
 27 1999 appropriation for costs associated with treatment
 28 and commitment of sexually violent predators."

DERRYL McLAREN

S-3439

- 1 Amend House File 448, 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. 714D.1 RESTRICTIONS ON
6 USE OF ELECTRONIC MAIL -- DAMAGES -- EXCEPTIONS.
- 7 1. DEFINITIONS. For purposes of this section,
8 unless the context otherwise requires:
- 9 a. "Advertisement" means an electronic mail
10 message sent to a computer for the purpose of
11 promoting real property, goods, or services for sale,
12 lease, barter, or auction.
- 13 b. "Computer" means an electronic device that
14 performs logical, arithmetical, and memory functions
15 by manipulations of electronic or magnetic impulses,
16 and includes all input, output, processing, storage,
17 and communication facilities which are connected or
18 related to the computer, including a computer network.
19 As used in this paragraph, "computer" includes any
20 central processing unit, front-end processing unit,
21 miniprocessor, or microprocessor, and related
22 peripheral equipment such as data storage devices,
23 document scanners, data entry terminal controllers,
24 and data terminal equipment and systems for computer
25 networks.
- 26 c. "Computer network" means a set of related,
27 remotely connected devices and communication
28 facilities, including two or more computers with
29 capability to transmit data among them through
30 communication facilities.
- 31 d. "Electronic mail" means an electronic message,
32 file, data, or other electronic information that is
33 transmitted using an internet or intranet computer
34 network to one or more persons.
- 35 e. "Interactive computer service" means an
36 information service, system, or access software
37 provider that provides or enables computer access by
38 multiple users to a computer server, including
39 specifically a service or system that provides access
40 to the internet, and such systems operated or services
41 offered by a library or an educational institution.
- 42 f. "Internet domain name" means a globally unique,
43 hierarchical reference to an internet host or service,
44 assigned through a centralized internet naming
45 authority, comprising a series of character strings
46 separated by periods, with the right-most string
47 specifying the top of the hierarchy.
- 48 g. "Recipient" means a person who receives
49 electronic mail.
- 50 2. PROHIBITED ACTS. It is unlawful for a person

Page 2

- 1 to use an interactive computer service to initiate the
2 sending of bulk electronic mail that the sender knows,
3 or has reason to know, violates any of the following:
- 4 a. Uses the name of a third party in the return
5 address field without permission of the third party.
 - 6 b. Misrepresents any information in identifying
7 the point of origin of the transmission path of the
8 electronic mail.
 - 9 c. Does not contain information identifying the
10 point of origin or the transmission path of the
11 electronic mail message.
 - 12 d. With respect to an unsolicited advertisement,
13 does not, at a minimum, provide an electronic mail
14 address readily identifiable in the advertisement to
15 which the recipient may send a request for declining
16 such electronic mail.
 - 17 e. Demonstrates a pattern of sending unsolicited
18 advertisements to a recipient who has sent the person
19 a request for declining such electronic mail following
20 a reasonable time, which in no event shall be more
21 than five business days, after the receipt by the
22 person of such request.
- 23 3. CIVIL DAMAGES.
- 24 a. (1) Except as provided in paragraph "b", a
25 person who is injured in person or property as a
26 result of a violation of this section may bring an
27 action to recover damages. Such damages shall
28 include, but are not limited to, actual damages
29 including lost profits.
 - 30 (2) Notwithstanding subparagraph (1), a person who
31 transmits or causes to be transmitted electronic mail
32 in violation of subsection 2 is liable to the
33 recipient of the electronic mail for monetary damages
34 in an amount equal to any actual damages, including
35 lost profits, caused by such transmittal. The
36 recipient, in lieu of actual damages, may elect to
37 recover from the person transmitting or causing to be
38 transmitted such electronic mail the greater of ten
39 dollars for each bulk electronic mail message
40 transmitted to the recipient in violation of this
41 section, or five hundred dollars. In addition to the
42 monetary damages, the recipient is also entitled to
43 costs and reasonable attorney fees.
 - 44 b. (1) Notwithstanding paragraph "a", if the
45 person injured is an interactive computer service and
46 such injury arises from a person who transmits bulk
47 electronic mail without authority, such service may
48 recover actual damages, attorney fees, and costs.
49 Such service, in lieu of recovering actual damages,
50 may also elect to recover the greater of ten dollars

Page 3

1 for each unsolicited bulk electronic mail message
2 transmitted in violation of this section, or twenty-
3 five thousand dollars.

4 (2) For purposes of this paragraph, a person is
5 "without authority" when the person has no right or
6 permission of the owner to use a computer, or the
7 person uses the computer in a manner which exceeds the
8 person's right or permission; or the person uses a
9 computer, a computer network, or the computer services
10 or an interactive computer service to transmit
11 unsolicited bulk electronic mail in contravention of
12 the authority granted by or in violation of the
13 policies set by the interactive computer service to
14 the extent the person has received actual notice of
15 such policies. Transmission of electronic mail from
16 an organization or similar entity to the members of
17 such organization or similar entity shall not be
18 deemed to be unsolicited bulk electronic mail.

19 c. In an action brought under this chapter, a
20 court shall preserve the secrecy of an alleged trade
21 secret by reasonable means, including but not limited
22 to granting protective orders in connection with
23 discovery proceedings, holding in-camera hearings,
24 sealing the records of the action, and ordering a
25 person involved in the litigation not to disclose an
26 alleged trade secret without prior court approval.

27 d. This section shall not be construed to limit
28 any person's right to pursue any additional civil
29 remedy otherwise allowed by law.

30 4. INJUNCTION. In addition to any other remedy
31 under this section, a recipient may also petition the
32 district court for an injunction to prohibit the
33 person from transmitting to the recipient any other
34 electronic mail that includes an advertisement.

35 5. JURISDICTION. Transmitting or causing the
36 transmission of unsolicited bulk electronic mail to or
37 through an interactive computer service's computer
38 network located in this state shall constitute an act
39 in this state. When jurisdiction over a person is
40 based solely upon this section, only a cause of action
41 arising from acts enumerated in this section may be
42 asserted against that person. However, this chapter
43 does not limit, restrict, or otherwise affect the
44 jurisdiction of any court of this state over foreign
45 corporations which are subject to service of process
46 pursuant to any other statute, or the jurisdiction of
47 any court of this state over a person for engaging in
48 acts which result in jurisdiction under this section.

49 6. EXCEPTIONS.

50 a. This section does not apply to any of the

Page 4

1 following:

2 (1) A person who provides users with access to a
3 computer network, and as part of that service,
4 transmits electronic mail on behalf of those users,
5 unless such person knowingly transmits electronic mail
6 that includes an advertisement which the person
7 prepared or caused to be prepared.

8 (2) A person who provides users with access to a
9 computer network, and as part of that service,
10 transmits electronic mail on behalf of those users,
11 unless such person transmits electronic mail on behalf
12 of those users which the person knows, or should have
13 known was transmitted in violation of subsection 2.

14 (3) Electronic mail which is accessed by the
15 recipient from an electronic bulletin board.

16 (4) A person who provides users with access at no
17 charge to electronic mail, including receiving and
18 transmitting such electronic mail, and as a condition
19 of providing such access requires such users to
20 receive unsolicited advertisements.

21 b. An interactive computer service is not liable
22 under this section for an action voluntarily taken in
23 good faith to block or prevent the receipt or
24 transmission through its service of any commercial
25 electronic mail which is reasonably believed to be in
26 violation of subsection 2.

27 Sec. 2. NEW SECTION. 714D.2 CIVIL ENFORCEMENT.

28 1. A violation of section 714D.1, subsection 2, is
29 a violation of section 714.16, subsection 2, paragraph
30 "a". All the powers conferred upon the attorney
31 general to accomplish the objectives and carry out the
32 duties prescribed pursuant to section 714.16 are also
33 conferred upon the attorney general to enforce section
34 714D.1, including, but not limited to the power to
35 issue subpoenas, adopt rules which shall have the
36 force of law, and seek injunctive relief and civil
37 penalties.

38 2. In seeking reimbursement pursuant to section
39 714.16, subsection 7, from a person who has committed
40 a violation of section 714D.1, subsection 2, the
41 attorney general may seek an order from the court that
42 the person pay to the attorney general on behalf of
43 consumers the amounts for which the person would be
44 liable under section 714D.1, subsection 3, for each
45 consumer who has a cause of action pursuant to section
46 714D.1, subsection 3. Section 714.16, as it relates
47 to consumer reimbursement, shall apply to consumer
48 reimbursement pursuant to this section."

JOE BOLKCOM
JOHN W. JENSEN

S-3440

1 Amend the House amendment, S-3392, to Senate File
2 460, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 45 the
5 following:
6 ". Page 9, by inserting after line 17 the
7 following:
8 "It is the intent of the general assembly that the
9 sum of \$95,000 and 2 full-time equivalent positions be
10 transferred from the department of economic
11 development to the office of governor for the fiscal
12 year beginning July 1, 2000, and ending June 30, 2001,
13 to fund the volunteerism office."

TOM FLYNN

S-3441

1 Amend the House amendment, S-3392, to Senate File
2 460, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by inserting after line 8 the
5 following:
6 ". Page 15, by striking line 26 and inserting
7 the following:
8 \$ 250,000
9 Of the moneys appropriated in this subsection, the
10 expenditure of any amount exceeding \$130,000 is
11 conditioned upon the receipt of two dollars of private
12 funds for the expenditures for each dollar received of
13 public moneys for the expenditures."

TOM FLYNN

HOUSE AMENDMENT TO
SENATE FILE 468

S-3442

1 Amend Senate File 468, 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 JUSTICE. There is
6 appropriated from the general fund of the state to the
7 department of justice for the fiscal year beginning
8 July 1, 1999, and ending June 30, 2000, the following

9 amounts, or so much thereof as is necessary, to be
10 used for the purposes designated:

11 1. For the general office of attorney general for
12 salaries, support, maintenance, miscellaneous purposes
13 including odometer fraud enforcement, and for not more
14 than the following full-time equivalent positions:

15 \$ 8,207,153
16 FTEs 190.50

17 2. For the prosecuting attorney training program
18 for salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-
20 time equivalent positions:

21 \$ 298,825
22 FTEs 6.00

23 3. In addition to the funds appropriated in
24 subsection 1, there is appropriated from the general
25 fund of the state to the department of justice for the
26 fiscal year beginning July 1, 1999, and ending June
27 30, 2000, an amount not exceeding \$200,000 to be used
28 for the enforcement of the Iowa competition law. The
29 funds appropriated in this subsection are contingent
30 upon receipt by the general fund of the state of an
31 amount at least equal to the expenditure amount from
32 either damages awarded to the state or a political
33 subdivision of the state by a civil judgment under
34 chapter 553, if the judgment authorizes the use of the
35 award for enforcement purposes or costs or attorneys
36 fees awarded the state in state or federal antitrust
37 actions. However, if the amounts received as a result
38 of these judgments are in excess of \$200,000, the
39 excess amounts shall not be appropriated to the
40 department of justice pursuant to this subsection.

41 4. In addition to the funds appropriated in
42 subsection 1, there is appropriated from the general
43 fund of the state to the department of justice for the
44 fiscal year beginning July 1, 1999, and ending June
45 30, 2000, an amount not exceeding \$150,000 to be used
46 for public education relating to consumer fraud and
47 for enforcement of section 714.16, and an amount not
48 exceeding \$75,000 for investigation, prosecution, and
49 consumer education relating to consumer and criminal
50 fraud against older Iowans. The funds appropriated in

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1 this subsection are contingent upon receipt by the
2 general fund of the state of an amount at least equal
3 to the expenditure amount from damages awarded to the
4 state or a political subdivision of the state by a
5 civil consumer fraud judgment or settlement, if the
6 judgment or settlement authorizes the use of the award
7 for public education on consumer fraud. However, if

8 the funds received as a result of these judgments and
 9 settlements are in excess of \$225,000, the excess
 10 funds shall not be appropriated to the department of
 11 justice pursuant to this subsection.

12 5. For victim assistance grants:
 13 \$ 1,935,806

14 a. The funds appropriated in this subsection shall
 15 be used to provide grants to care providers providing
 16 services to crime victims of domestic abuse or to
 17 crime victims of rape and sexual assault.

18 b. Notwithstanding sections 8.33 and 8.39, moneys
 19 appropriated in this subsection that remain
 20 unencumbered or unobligated at the close of the fiscal
 21 year shall not revert but shall remain available for
 22 expenditure during the subsequent fiscal year for the
 23 same purpose, and shall not be transferred to any
 24 other program.

25 6. For the GASA prosecuting attorney program and
 26 for not more than the following full-time equivalent
 27 positions:

28 \$ 128,302
 29 FTEs 2.00

30 7. The balance of the victim compensation fund
 31 established in section 915.94 may be used to provide
 32 salary and support of not more than 17.00 FTEs and to
 33 provide maintenance for the victim compensation
 34 functions of the department of justice.

35 8. The department of justice shall submit monthly
 36 financial statements to the legislative fiscal bureau
 37 and the department of management containing all
 38 appropriated accounts in the same manner as provided
 39 if the monthly financial status reports and personal
 40 services usage reports of the department of revenue
 41 and finance. The monthly financial statements shall
 42 include comparisons of the moneys and percentage spent
 43 of budgeted to actual revenues and expenditures on a
 44 cumulative basis for full-time equivalent positions
 45 and available moneys.

46 9. a. The department of justice, in submitting
 47 budget estimates for the fiscal year commencing July
 48 1, 2000, pursuant to section 8.23, shall include a
 49 report of funding from sources other than amounts
 50 appropriated directly from the general fund of the

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1 state to the department of justice or to the office of
 2 consumer advocate. These funding sources shall
 3 include, but are not limited to, reimbursements from
 4 other state agencies, commissions, boards, or similar
 5 entities, and reimbursements from special funds or
 6 internal accounts within the department of justice.

7 The department of justice shall report actual
8 reimbursements for the fiscal year commencing July 1,
9 1998, and actual and expected reimbursements for the
10 fiscal year commencing July 1, 1999.

11 b. The department of justice shall include the
12 report required under paragraph "a", as well as
13 information regarding any revisions occurring as a
14 result of reimbursements actually received or expected
15 at a later date, in a report to the co-chairpersons
16 and ranking members of the joint appropriations
17 subcommittee on the justice system and the legislative
18 fiscal bureau. The department of justice shall submit
19 the report on or before January 15, 2000.

20 10. For legal services for persons in poverty
21 grants as provided in section 13.34:

22 \$ 600,000

23 As a condition for accepting a grant funded
24 pursuant to this subsection, an organization receiving
25 a grant shall submit a report to the general assembly
26 by January 1, 2000, concerning the use of any grants
27 received during the previous fiscal year and efforts
28 made by the organization to find alternative sources
29 of revenue to replace any reductions in federal
30 funding for the organization.

31 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL
32 CRIMES INVESTIGATION AND PROSECUTION -- FUNDING.

33 There is appropriated from the environmental crime
34 fund of the department of justice, consisting of
35 court-ordered fines and penalties awarded to the
36 department arising out of the prosecution of
37 environmental crimes, to the department of justice for
38 the fiscal year beginning July 1, 1999, and ending
39 June 30, 2000, an amount not exceeding \$20,000 to be
40 used by the department, at the discretion of the
41 attorney general, for the investigation and
42 prosecution of environmental crimes, including the
43 reimbursement of expenses incurred by county,
44 municipal, and other local governmental agencies
45 cooperating with the department in the investigation
46 and prosecution of environmental crimes.

47 The funds appropriated in this section are
48 contingent upon receipt by the environmental crime
49 fund of the department of justice of an amount at
50 least equal to the appropriations made in this section

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1 and received from contributions, court-ordered
2 restitution as part of judgments in criminal cases,
3 and consent decrees entered into as part of civil or
4 regulatory enforcement actions. However, if the funds
5 received during the fiscal year are in excess of

6 \$20,000, the excess funds shall be deposited in the
7 general fund of the state.

8 Notwithstanding section 8.33, moneys appropriated
9 in this section that remain unexpended or unobligated
10 at the close of the fiscal year shall not revert to
11 the environmental crime fund but shall remain
12 available for expenditure for the purpose designated
13 until the close of the succeeding fiscal year.

14 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
15 appropriated from the general fund of the state to the
16 office of consumer advocate of the department of
17 justice for the fiscal year beginning July 1, 1999,
18 and ending June 30, 2000, the following amount, or so
19 much thereof as is necessary, to be used for the
20 purposes designated:

21 For salaries, support, maintenance, miscellaneous
22 purposes, and for not more than the following full-
23 time equivalent positions:

24 \$ 2,623,170
25 FTEs 32.00

26 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES.

27 There is appropriated from the general fund of the
28 state to the department of corrections for the fiscal
29 year beginning July 1, 1999, and ending June 30, 2000,
30 the following amounts, or so much thereof as is
31 necessary, to be used for the purposes designated:

32 1. For the operation of adult correctional
33 institutions, reimbursement of counties for certain
34 confinement costs, and federal prison reimbursement,
35 to be allocated as follows:

36 a. For the operation of the Fort Madison
37 correctional facility, including salaries, support,
38 maintenance, employment of correctional officers,
39 miscellaneous purposes, and for not more than the
40 following full-time equivalent positions:

41 \$ 28,459,808
42 FTEs 502.00

43 b. For the operation of the Anamosa correctional
44 facility, including salaries, support, maintenance,
45 employment of correctional officers and a part-time
46 chaplain to provide religious counseling to inmates of
47 a minority race, miscellaneous purposes, and for not
48 more than the following full-time equivalent
49 positions:

50 \$ 23,133,514

1 FTEs 394.25

2 Moneys are provided within this appropriation for
3 two full-time substance abuse counselors for the
4 Luster Heights facility, for the purpose of

5 certification of a substance abuse program at that
6 facility.

7 c. For the operation of the Oakdale correctional
8 facility, including salaries, support, maintenance,
9 employment of correctional officers, miscellaneous
10 purposes, and for not more than the following full-
11 time equivalent positions:

12 \$ 19,975,313
13 FTEs 338.80

14 d. For the operation of the Newton correctional
15 facility, including salaries, support, maintenance,
16 employment of correctional officers, miscellaneous
17 purposes, and for not more than the following full-
18 time equivalent positions:

19 \$ 22,024,146
20 FTEs 392.25

21 e. For the operation of the Mt. Pleasant
22 correctional facility, including salaries, support,
23 maintenance, employment of correctional officers and a
24 full-time chaplain to provide religious counseling at
25 the Oakdale and Mt. Pleasant correctional facilities,
26 miscellaneous purposes, and for not more than the
27 following full-time equivalent positions:

28 \$ 19,766,574
29 FTEs 337.26

30 f. For the operation of the Rockwell City
31 correctional facility, including salaries, support,
32 maintenance, employment of correctional officers,
33 miscellaneous purposes, and for not more than the
34 following full-time equivalent positions:

35 \$ 6,934,936
36 FTEs 121.00

37 g. For the operation of the Clarinda correctional
38 facility, including salaries, support, maintenance,
39 employment of correctional officers, miscellaneous
40 purposes, and for not more than the following full-
41 time equivalent positions:

42 \$ 17,455,368
43 FTEs 292.75

44 Moneys received by the department of corrections as
45 reimbursement for services provided to the Clarinda
46 youth corporation are appropriated to the department
47 and shall be used for the purpose of operating the
48 Clarinda correctional facility.

49 h. For the operation of the Mitchellville
50 correctional facility, including salaries, support,

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1 maintenance, employment of correctional officers,
2 miscellaneous purposes, and for not more than the
3 following full-time equivalent positions:

4 \$ 10,353,659
5 FTEs 191.00
6 i. For the operation of the Fort Dodge
7 correctional facility, including salaries, support,
8 maintenance, employment of correctional officers,
9 miscellaneous purposes, and for not more than the
10 following full-time equivalent positions:
11 \$ 22,208,114
12 FTEs 358.00
13 j. For reimbursement of counties for temporary
14 confinement of work release and parole violators, as
15 provided in sections 901.7, 904.908, and 906.17 and
16 for offenders confined pursuant to section 904.513:
17 \$ 524,038
18 k. For federal prison reimbursement,
19 reimbursements for out-of-state placements, and
20 miscellaneous contracts:
21 \$ 341,334
22 The department of corrections shall use funds
23 appropriated in this subsection to continue to
24 contract for the services of a Muslim imam.
25 2. a. If the inmate tort claim fund for inmate
26 claims of less than \$100 is exhausted during the
27 fiscal year, sufficient funds shall be transferred
28 from the institutional budgets to pay approved tort
29 claims for the balance of the fiscal year. The warden
30 or superintendent of each institution or correctional
31 facility shall designate an employee to receive,
32 investigate, and recommend whether to pay any properly
33 filed inmate tort claim for less than the above
34 amount. The designee's recommendation shall be
35 approved or denied by the warden or superintendent and
36 forwarded to the department of corrections for final
37 approval and payment. The amounts appropriated to
38 this fund pursuant to 1987 Iowa Acts, chapter 234,
39 section 304, subsection 2, are not subject to
40 reversion under section 8.33.
41 b. Tort claims denied at the institution shall be
42 forwarded to the state appeal board for their
43 consideration as if originally filed with that body.
44 This procedure shall be used in lieu of chapter 669
45 for inmate tort claims of less than \$100.
46 3. It is the intent of the general assembly that
47 the department of corrections shall timely fill
48 correctional positions authorized for correctional
49 facilities pursuant to this section.
50 Sec. 5. DEPARTMENT OF CORRECTIONS --

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1 ADMINISTRATION. There is appropriated from the
2 general fund of the state to the department of

3 corrections for the fiscal year beginning July 1,
 4 1999, and ending June 30, 2000, the following amounts,
 5 or so much thereof as is necessary, to be used for the
 6 purposes designated:

7 1. For general administration, including salaries,
 8 support, maintenance, employment of an education
 9 director and clerk to administer a centralized
 10 education program for the correctional system,
 11 miscellaneous purposes, and for not more than the
 12 following full-time equivalent positions:

13 \$ 4,416,916
 14 FTEs 37.18

15 The department shall monitor the use of the
 16 classification model by the judicial district
 17 departments of correctional services and has the
 18 authority to override a district department's decision
 19 regarding classification of community-based clients.
 20 The department shall notify a district department of
 21 the reasons for the override.

22 It is the intent of the general assembly that as a
 23 condition of receiving the appropriation provided in
 24 this subsection, the department of corrections shall
 25 not enter into a new contract, unless the contract is
 26 a renewal of an existing contract, for the expenditure
 27 of moneys in excess of \$100,000 during the fiscal year
 28 beginning July 1, 1999, for the privatization of
 29 services performed by the department using state
 30 employees as of July 1, 1999, or for the privatization
 31 of new services by the department, without prior
 32 consultation with any applicable state employee
 33 organization affected by the proposed new contract and
 34 prior notification of the co-chairpersons and ranking
 35 members of the joint appropriations subcommittee on
 36 the justice system.

37 The department of general services shall,
 38 notwithstanding any provisions of law or rule to the
 39 contrary, permit the department of corrections the
 40 opportunity to acquire, at no cost, computers that
 41 would otherwise be disposed of by the department of
 42 general services. The department of corrections shall
 43 use computers acquired under this paragraph to provide
 44 educational training and programs for inmates.

45 It is the intent of the general assembly that each
 46 lease negotiated by the department of corrections with
 47 a private corporation for the purpose of providing
 48 private industry employment of inmates in a
 49 correctional institution shall prohibit the private
 50 corporation from utilizing inmate labor for partisan

1 political purposes for any person seeking election to
2 public office in this state and that a violation of
3 this requirement shall result in a termination of the
4 lease agreement.

5 It is the intent of the general assembly that as a
6 condition of receiving the appropriation provided in
7 this subsection, the department of corrections shall
8 not enter into a lease or contractual agreement
9 pursuant to section 904.809 with a private corporation
10 for the use of building space for the purpose of
11 providing inmate employment without providing that the
12 terms of the lease or contract establish safeguards to
13 restrict, to the greatest extent feasible, access by
14 inmates working for the private corporation to
15 personal identifying information of citizens.

16 It is the intent of the general assembly that as a
17 condition of receiving the appropriation provided in
18 this subsection, the department of corrections shall
19 not enter into any new agreement with a private for-
20 profit agency or corporation for the purpose of
21 transferring inmates under the custody of the
22 department to a jail or correctional facility or
23 institution in this state which is established,
24 maintained, or operated by a private for-profit agency
25 or corporation without prior approval by the general
26 assembly.

27 2. For salaries, support, maintenance,
28 miscellaneous purposes, and for not more than the
29 following full-time equivalent positions at the
30 correctional training center at Mt. Pleasant:

31 \$ 486,847

32 FTEs 8.07

33 3. For annual payment relating to the financial
34 arrangement for the construction of expansion in
35 prison capacity as provided in 1990 Iowa Acts, chapter
36 1257, section 24:

37 \$ 3,180,815

38 4. For educational programs for inmates at state
39 penal institutions:

40 \$ 3,294,775

41 It is the intent of the general assembly that
42 moneys appropriated in this subsection shall be used
43 solely for the purpose indicated and that the moneys
44 shall not be transferred for any other purpose. In
45 addition, it is the intent of the general assembly
46 that the department shall consult with the community
47 colleges in the areas in which the institutions are
48 located to utilize moneys appropriated in this
49 subsection to fund the high school completion, high
50 school equivalency diploma, adult literacy, and adult

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1 basic education programs in a manner so as to maintain
2 these programs at the institutions.

3 To maximize the funding for educational programs,
4 the department shall establish guidelines and
5 procedures to prioritize the availability of
6 educational and vocational training for inmates based
7 upon the goal of facilitating an inmate's successful
8 release from the correctional institution.

9 Notwithstanding section 8.33, moneys appropriated
10 in this subsection that remain unobligated or
11 unexpended at the close of the fiscal year shall not
12 revert but shall remain available for expenditure only
13 for the purposes designated in this subsection until
14 the close of the succeeding fiscal year.

15 5. The department of corrections shall submit a
16 report to the general assembly on January 1, 2000,
17 concerning progress made in implementing the
18 requirements of section 904.701, concerning hard labor
19 by inmates.

20 6. It is the intent of the general assembly that
21 the department of corrections shall continue to
22 operate the correctional farms under the control of
23 the department at the same or greater level of
24 participation and involvement as existed as of January
25 1, 1999, shall not enter into any rental agreement or
26 contract concerning any farm land under the control of
27 the department that is not subject to a rental
28 agreement or contract as of January 1, 1999, without
29 prior legislative approval, and shall further attempt
30 to provide job opportunities at the farms for inmates.
31 The department shall attempt to provide job
32 opportunities at the farms for inmates by encouraging
33 labor-intensive farming or gardening where
34 appropriate, using inmates to grow produce and meat
35 for institutional consumption, researching the
36 possibility of instituting food canning and cook-and-
37 chill operations, and exploring opportunities for
38 organic farming and gardening, livestock ventures,
39 horticulture, and specialized crops.

40 7. The department of corrections shall submit a
41 report to the general assembly by January 1, 2000,
42 concerning moneys recouped from inmate earnings for
43 the reimbursement of operational expenses of the
44 applicable facility during the fiscal year beginning
45 July 1, 1998, for each correctional institution and
46 judicial district department of correctional services.
47 In addition, each correctional institution and
48 judicial district department of correctional services
49 shall continue to submit a report to each member of
50 the joint appropriations subcommittee on the justice

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1 system and the legislative fiscal bureau on a monthly
2 basis concerning moneys recouped from inmate earnings
3 for the reimbursement of operational expenses for each
4 correctional institution and district department
5 during the previous calendar month.

6 8. The department of corrections shall submit a
7 report to the general assembly by January 10, 2000,
8 concerning the medical treatment of inmates at the
9 Fort Madison correctional facility. The study shall
10 examine the current method of providing medical
11 treatment and care to inmates through a contract with
12 a private entity and shall particularly study the
13 costs associated with providing care through the
14 private contract and the level of care provided to
15 inmates pursuant to that contract. The department
16 shall compare the costs and care provided at Fort
17 Madison with the costs and care provided at other
18 correctional facilities that do not provide the care
19 through a private contract. In addition, the
20 department shall solicit input from medical care
21 professionals, including those professionals within
22 the department and others, if applicable, concerning
23 the level of care provided to inmates at Fort Madison
24 and to solicit suggestions for providing a high level
25 of care at the facility at reasonable cost. The study
26 shall include a report of the findings and
27 recommendations of the department.

28 9. It is the intent of the general assembly that
29 the department of corrections, in submitting its
30 proposed budget request for the fiscal year beginning
31 July 1, 2000, exclude requests for full-time
32 equivalent positions, and the moneys for those
33 positions, which would otherwise be included for the
34 sole purpose of providing the department with
35 additional moneys to operate the department and not
36 for the purpose of providing additional full-time
37 equivalent positions. In addition, the department of
38 corrections shall submit a report to the general
39 assembly by January 31, 2000, listing full-time
40 equivalent positions authorized by this Act and not
41 filled during the period from July 1, 1999, to January
42 1, 2000. For any position that is unfilled as of
43 January 1, 2000, the department shall indicate why the
44 position remains unfilled, whether the department
45 intends to fill the position, and, if applicable, what
46 efforts are being made, or will be made, to fill the
47 position.

48 Sec. 6. DEPARTMENT OF CORRECTIONS -- PRISON
49 INFRASTRUCTURE FUND. Notwithstanding sections 8.33,
50 8.39, and 602.8108A, the department of corrections

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1 shall direct the treasurer of state to transfer on
2 June 30, 1999, \$1,500,000 of the unused balance of
3 moneys in the Iowa prison infrastructure fund created
4 in section 602.8108A, to the department of corrections
5 and the moneys transferred are appropriated to be used
6 for the purposes designated:

7 1. For one-time start-up costs for equipment and
8 furnishings at the Iowa correctional institution for
9 women:

10 \$ 500,000

11 2. For one-time start-up costs for equipment and
12 furnishings at the Fort Dodge correctional facility:

13 \$ 1,000,000

14 Sec. 7. DEPARTMENT OF CORRECTIONS -- SUPPLEMENTAL

15 APPROPRIATIONS. There is appropriated from the
16 general fund of the state to the department of
17 corrections for the fiscal year beginning July 1,
18 1998, and ending June 30, 1999, to supplement the
19 appropriation made in 1998 Iowa Acts, chapter 1222,
20 section 4, the following amounts, or so much thereof
21 as is necessary, to be used for the purposes
22 designated:

23 1. For payment of contracts to house female
24 prisoners out of state:

25 \$ 547,000

26 2. For the establishment of a 100-bed special
27 needs unit for women at the Mt. Pleasant correctional
28 facility:

29 \$ 284,000

30 3. For offset of revenue budgeted for private
31 sector employment of inmates:

32 \$ 762,756

33 Sec. 8. JUDICIAL DISTRICT DEPARTMENTS OF
34 CORRECTIONAL SERVICES.

35 1. There is appropriated from the general fund of
36 the state to the department of corrections for the
37 fiscal year beginning July 1, 1999, and ending June
38 30, 2000, the following amounts, or so much thereof as
39 is necessary, to be allocated as follows:

40 a. For the first judicial district department of
41 correctional services, including the treatment and
42 supervision of probation and parole violators who have
43 been released from the department of corrections
44 violator program, the following amount, or so much
45 thereof as is necessary:

46 \$ 8,162,258

47 b. For the second judicial district department of
48 correctional services, including the treatment and
49 supervision of probation and parole violators who have
50 been released from the department of corrections

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- 1 violator program, the following amount, or so much
 2 thereof as is necessary:
 3 \$ 6,450,779
- 4 c. For the third judicial district department of
 5 correctional services, including the treatment and
 6 supervision of probation and parole violators who have
 7 been released from the department of corrections
 8 violator program, the following amount, or so much
 9 thereof as is necessary:
 10 \$ 4,051,516
- 11 d. For the fourth judicial district department of
 12 correctional services, including the treatment and
 13 supervision of probation and parole violators who have
 14 been released from the department of corrections
 15 violator program, the following amount, or so much
 16 thereof as is necessary:
 17 \$ 3,016,517
- 18 e. For the fifth judicial district department of
 19 correctional services, including the treatment and
 20 supervision of probation and parole violators who have
 21 been released from the department of corrections
 22 violator program, the following amount, or so much
 23 thereof as is necessary:
 24 \$ 11,394,621
- 25 f. For the sixth judicial district department of
 26 correctional services, including the treatment and
 27 supervision of probation and parole violators who have
 28 been released from the department of corrections
 29 violator program, the following amount, or so much
 30 thereof as is necessary:
 31 \$ 8,421,871
- 32 g. For the seventh judicial district department of
 33 correctional services, including the treatment and
 34 supervision of probation and parole violators who have
 35 been released from the department of corrections
 36 violator program, the following amount, or so much
 37 thereof as is necessary:
 38 \$ 5,033,673
- 39 h. For the eighth judicial district department of
 40 correctional services, including the treatment and
 41 supervision of probation and parole violators who have
 42 been released from the department of corrections
 43 violator program, the following amount, or so much
 44 thereof as is necessary:
 45 \$ 4,884,454
- 46 i. For the department of corrections for the
 47 assistance and support of each judicial district
 48 department of correctional services, the following
 49 amount, or so much thereof as is necessary:
 50 \$ 83,576

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- 1 2. Each judicial district department of
2 correctional services shall continue programs and
3 plans established within that district to provide for
4 intensive supervision, sex offender treatment,
5 diversion of low-risk offenders to the least
6 restrictive sanction available, job development, and
7 expanded use of intermediate criminal sanctions.
- 8 3. The department of corrections shall continue to
9 contract with a judicial district department of
10 correctional services to provide for the rental of
11 electronic monitoring equipment which shall be
12 available statewide.
- 13 4. Each judicial district department of
14 correctional services and the department of
15 corrections shall continue the treatment alternatives
16 to street crime programs established in 1989 Iowa
17 Acts, chapter 225, section 9.
- 18 5. The governor's alliance on substance abuse
19 shall consider federal grants made to the department
20 of corrections for the benefit of each of the eight
21 judicial district departments of correctional services
22 as local government grants, as defined pursuant to
23 federal regulations.
- 24 6. Each judicial district department of
25 correctional services shall provide a report
26 concerning the treatment and supervision of probation
27 and parole violators who have been released from the
28 department of corrections violator program, to the co-
29 chairpersons and ranking members of the joint
30 appropriations subcommittee on the justice system and
31 the legislative fiscal bureau, on or before January
32 15, 2000.
- 33 7. In addition to the requirements of section
34 8.39, the department of corrections shall not make an
35 intradepartmental transfer of moneys appropriated to
36 the department, unless notice of the intradepartmental
37 transfer is given prior to its effective date to the
38 legislative fiscal bureau. The notice shall include
39 information on the department's rationale for making
40 the transfer and details concerning the work load and
41 performance measures upon which the transfers are
42 based.
- 43 8. Each judicial district department of
44 correctional services shall submit a report to the
45 general assembly by January 8, 2000, concerning what
46 action, if any, the district department has taken in
47 order to implement, or not implement, an intermediate
48 criminal sanctions program as provided by section
49 901B.1. If the district department has implemented
50 such a program, the report shall include information

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1 as to the effectiveness of the program.

2 Sec. 9. CORRECTIONAL INSTITUTIONS -- VOCATIONAL
3 TRAINING.

4 1. The state prison industries board and the
5 department of corrections shall continue the
6 implementation of a plan to enhance vocational
7 training opportunities within the correctional
8 institutions listed in section 904.102, as provided in
9 1993 Iowa Acts, chapter 171, section 12. The plan
10 shall provide for increased vocational training
11 opportunities within the correctional institutions,
12 including the possibility of approving community
13 college credit for inmates working in prison
14 industries. The department of corrections shall
15 provide a report concerning the implementation of the
16 plan to the co-chairpersons and ranking members of the
17 joint appropriations subcommittee on the justice
18 system and the legislative fiscal bureau, on or before
19 January 15, 2000.

20 2. It is the intent of the general assembly that
21 each correctional facility make all reasonable efforts
22 to maintain vocational education programs for inmates
23 and to identify available funding sources to continue
24 these programs. The department of corrections shall
25 submit a report to the general assembly by January 1,
26 2000, concerning the efforts made by each correctional
27 facility in maintaining vocational education programs
28 for inmates.

29 Sec. 10. STATE AGENCY PURCHASES FROM PRISON
30 INDUSTRIES.

31 1. As used in this section, unless the context
32 otherwise requires, "state agency" means the
33 government of the state of Iowa, including but not
34 limited to all executive departments, agencies,
35 boards, bureaus, and commissions, the judicial branch,
36 the general assembly and all legislative agencies,
37 institutions within the purview of the state board of
38 regents, and any corporation whose primary function is
39 to act as an instrumentality of the state.

40 2. State agencies are hereby encouraged to
41 purchase products from Iowa state industries, as
42 defined in section 904.802, when purchases are
43 required and the products are available from Iowa
44 state industries.

45 3. State agencies shall submit to the legislative
46 fiscal bureau by January 15, 2000, a report of the
47 dollar value of products and services purchased from
48 Iowa state industries by the state agency during the
49 fiscal year beginning July 1, 1998, and ending June
50 30, 1999.

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1 Sec. 11. STATE PUBLIC DEFENDER. There is
 2 appropriated from the general fund of the state to the
 3 office of the state public defender of the department
 4 of inspections and appeals for the fiscal year
 5 beginning July 1, 1999, and ending June 30, 2000, the
 6 following amount, or so much thereof as is necessary,
 7 for the purposes designated:

8 \$ 33,790,652

9 The funds appropriated and full-time equivalent
 10 positions authorized in this section are allocated as
 11 follows:

12 1. For salaries, support, maintenance, and
 13 miscellaneous purposes, and for not more than the
 14 following full-time equivalent positions:

15 \$ 13,389,276

16 FTEs 201.00

17 2. For the fees of court-appointed attorneys for
 18 indigent adults and juveniles, in accordance with
 19 section 232.141 and chapter 815:

20 \$ 20,401,376

21 Sec. 12. JUDICIAL BRANCH. There is appropriated
 22 from the general fund of the state to the judicial
 23 branch for the fiscal year beginning July 1, 1999, and
 24 ending June 30, 2000, the following amounts, or so
 25 much thereof as is necessary, to be used for the
 26 purposes designated:

27 1. For salaries of supreme court justices,
 28 appellate court judges, district court judges,
 29 district associate judges, judicial magistrates and
 30 staff, state court administrator, clerk of the supreme
 31 court, district court administrators, clerks of the
 32 district court, juvenile court officers, board of law
 33 examiners and board of examiners of shorthand
 34 reporters and judicial qualifications commission,
 35 receipt and disbursement of child support payments,
 36 reimbursement of the auditor of state for expenses
 37 incurred in completing audits of the offices of the
 38 clerks of the district court during the fiscal year
 39 beginning July 1, 1999, and maintenance, equipment,
 40 and miscellaneous purposes:

41 \$105,045,862

42 a. The judicial branch, except for purposes of
 43 internal processing, shall use the current state
 44 budget system, the state payroll system, and the Iowa
 45 finance and accounting system in administration of
 46 programs and payments for services, and shall not
 47 duplicate the state payroll, accounting, and budgeting
 48 systems.

49 b. The judicial branch shall submit monthly
 50 financial statements to the legislative fiscal bureau

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1 and the department of management containing all
2 appropriated accounts in the same manner as provided
3 in the monthly financial status reports and personal
4 services usage reports of the department of revenue
5 and finance. The monthly financial statements shall
6 include a comparison of the dollars and percentage
7 spent of budgeted versus actual revenues and
8 expenditures on a cumulative basis for full-time
9 equivalent positions and dollars.

10 c. The judicial branch shall continue to assist in
11 the development and implementation of a justice data
12 warehouse which shall include in the Iowa court
13 information system starting with appointments of
14 counsel made on or after July 1, 1999, the means to
15 identify any case where the court has determined
16 indigence, and whether the case is handled by a public
17 defender or other court-appointed counsel.

18 d. Of the funds appropriated in this subsection,
19 not more than \$1,897,728 may be transferred into the
20 revolving fund established pursuant to section
21 602.1302, subsection 3, to be used for the payment of
22 jury and witness fees and mileage.

23 e. The judicial branch shall focus efforts upon
24 the collection of delinquent fines, penalties, court
25 costs, fees, surcharges, or similar amounts.

26 f. It is the intent of the general assembly that
27 the offices of the clerks of the district court
28 operate in all ninety-nine counties and be accessible
29 to the public as much as is reasonably possible in
30 order to address the relative needs of the citizens of
31 each county.

32 g. In addition to the requirements for transfers
33 under section 8.39, the judicial branch shall not
34 change the appropriations from the amounts
35 appropriated to the branch in this Act, unless notice
36 of the revisions is given prior to their effective
37 date to the legislative fiscal bureau. The notice
38 shall include information on the branch's rationale
39 for making the changes and details concerning the work
40 load and performance measures upon which the changes
41 are based.

42 h. The judicial branch shall provide to the co-
43 chairpersons and ranking members of the joint
44 appropriations subcommittee on the justice system and
45 to the legislative fiscal bureau by January 15, 2000,
46 an annual report concerning the operation and use of
47 the Iowa court information system and any
48 recommendations to improve the utilization of the
49 system. The annual report shall include information
50 specifying the amounts of fines, surcharges, and court

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1 costs collected using the system and how the system is
2 used to improve the collection process. The report
3 shall also include information concerning efforts made
4 by the judicial branch to facilitate the sharing of
5 vital sentencing and other information with other
6 state departments and governmental agencies involved
7 in the criminal justice system through the Iowa court
8 information system. In addition, the judicial branch
9 shall submit a semiannual update to the co-
10 chairpersons and ranking members specifying the
11 amounts of fines, surcharges, and court costs
12 collected using the Iowa court information system
13 since the last report.

14 i. Of the funds appropriated in this subsection,
15 the judicial branch shall use not more than \$585,270
16 for an additional 3 district court judges, 3 court
17 reporters, and 3 court attendants. Of the additional
18 district court judges, one additional district court
19 judge shall be assigned, one each, to judicial
20 election subdistricts one-B and five-C and to judicial
21 election district 7.

22 j. The judicial branch shall provide a report to
23 the general assembly by January 1, 2000, concerning
24 the amounts received and expended from the enhanced
25 court collections fund created in section 602.1304 and
26 the court technology and modernization fund created in
27 section 602.8108, subsection 4, during the fiscal year
28 beginning July 1, 1998, and ending June 30, 1999, and
29 the plans for expenditures from each fund during the
30 fiscal year beginning July 1, 1999, and ending June
31 30, 2000.

32 k. The judicial branch shall conduct a study on
33 the method of allocating district court judges and
34 district associate judges and shall submit a report to
35 the general assembly by January 1, 2000, with its
36 findings and recommendations. In conducting its
37 study, the judicial branch shall examine the current
38 method of allocating district court judges and
39 district associate judges as provided in Code sections
40 602.6201 and 602.6301, and shall make findings and
41 recommendations as to whether or not the methods
42 provided in those sections represent the best
43 mechanism for allocating judges amongst judicial
44 districts and counties.

45 2. For the juvenile victim restitution program:

46 § 210,291

47 Sec. 13. ENHANCED COURT COLLECTIONS FUND.

48 Notwithstanding section 602.1304, subsection 2, for
49 the fiscal year beginning July 1, 1999, and ending
50 June 30, 2000, the maximum deposit amount for the

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1 enhanced court collections fund shall be \$5,000,000.
2 For succeeding fiscal years, the maximum deposit
3 amount shall be determined in accordance with section
4 602.1304, subsection 2, and the maximum deposit amount
5 shall not be increased due to the increase made in
6 this section.

7 Sec. 14. JUDICIAL RETIREMENT FUND. There is
8 appropriated from the general fund of the state to the
9 judicial retirement fund for the fiscal year beginning
10 July 1, 1999, and ending June 30, 2000, the following
11 amount, or so much thereof as is necessary, to be used
12 for the purpose designated:

13 For the state's contribution to the judicial
14 retirement fund established in section 602.9104, in
15 the amount of 23.7 percent of the basic salaries of
16 the judges covered under chapter 602, article 9:
17 \$ 4,202,697

18 Sec. 15. INDIGENT DEFENSE COSTS. The supreme
19 court shall submit a written report for the preceding
20 fiscal year no later than January 1, 2000, indicating
21 the amounts collected pursuant to section 815.9A,
22 relating to recovery of indigent defense costs. The
23 report shall include the total amount collected by all
24 courts, as well as the amounts collected by each
25 judicial district. The supreme court shall also
26 submit a written report quarterly indicating the
27 number of criminal and juvenile filings which occur in
28 each judicial district for purposes of estimating
29 indigent defense costs. A copy of each report shall
30 be provided to the public defender, the department of
31 management, and the legislative fiscal bureau. The
32 judicial branch shall continue to assist in the
33 development of an automated data system for use in the
34 sharing of information utilizing the generic program
35 interface for legislative and executive branch uses.

36 Sec. 16. IOWA CORRECTIONS OFFENDER NETWORK DATA
37 SYSTEM. The department of corrections shall submit a
38 report to the co-chairpersons and ranking members of
39 the joint appropriations subcommittee on the justice
40 system and the legislative fiscal bureau, on or before
41 January 15, 2000, concerning the development and
42 implementation of the Iowa corrections offender
43 network (ICON) data system. The report shall include
44 a description of the system and functions, a plan for
45 implementation of the system, including a timeline,
46 resource and staffing requirements for the system, and
47 a current status and progress report concerning the
48 implementation of the system. In addition, the report
49 shall specifically address the ability of the system
50 to receive and transmit data between prisons,

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1 community-based corrections district departments, the
 2 judicial branch, board of parole, the criminal and
 3 juvenile justice planning division of the department
 4 of human rights, the department of public safety, and
 5 other applicable governmental agencies. The report
 6 should include a detailed discussion of the
 7 cooperation with other state agencies and the judicial
 8 branch in the development and implementation of the
 9 system.

10 Sec. 17. IOWA LAW ENFORCEMENT ACADEMY. There is
 11 appropriated from the general fund of the state to the
 12 Iowa law enforcement academy for the fiscal year
 13 beginning July 1, 1999, and ending June 30, 2000, the
 14 following amounts, or so much thereof as is necessary,
 15 to be used for the purposes designated:

16 1. For salaries, support, maintenance,
 17 miscellaneous purposes, including jailer training and
 18 technical assistance, and for not more than the
 19 following full-time equivalent positions:

20 \$ 1,329,629
 21 FTEs 30.55

22 It is the intent of the general assembly that the
 23 Iowa law enforcement academy may provide training of
 24 state and local law enforcement personnel concerning
 25 the recognition of and response to persons with
 26 Alzheimer's disease.

27 2. For salaries, support, maintenance, and
 28 miscellaneous purposes to provide statewide
 29 coordination of the drug abuse resistance education
 30 (D.A.R.E.) program:

31 \$ 80,000

32 3. The Iowa law enforcement academy may select at
 33 least five automobiles of the department of public
 34 safety, division of the Iowa state patrol, prior to
 35 turning over the automobiles to the state fleet
 36 administrator to be disposed of by public auction and
 37 the Iowa law enforcement academy may exchange any
 38 automobile owned by the academy for each automobile
 39 selected if the selected automobile is used in
 40 training law enforcement officers at the academy.
 41 However, any automobile exchanged by the academy shall
 42 be substituted for the selected vehicle of the
 43 department of public safety and sold by public auction
 44 with the receipts being deposited in the depreciation
 45 fund to the credit of the department of public safety,
 46 division of the Iowa state patrol.

47 Sec. 18. BOARD OF PAROLE. There is appropriated
 48 from the general fund of the state to the board of
 49 parole for the fiscal year beginning July 1, 1999, and
 50 ending June 30, 2000, the following amount, or so much

1 thereof as is necessary, to be used for the purposes
 2 designated:
 3 For salaries, support, maintenance, including
 4 maintenance of an automated docket and the board's
 5 automated risk assessment model, employment of two
 6 statistical research analysts to assist with the
 7 application of the risk assessment model in the parole
 8 decision-making process, miscellaneous purposes, and
 9 for not more than the following full-time equivalent
 10 positions:

11 \$ 1,018,547
 12 FTEs 18.00

13 A portion of the funds appropriated in this section
 14 shall be used to continue a pilot program for
 15 probation violations in the sixth judicial district
 16 department of correctional services. Data shall be
 17 maintained to evaluate the pilot program.

18 Sec. 19. DEPARTMENT OF PUBLIC DEFENSE. There is
 19 appropriated from the general fund of the state to the
 20 department of public defense for the fiscal year
 21 beginning July 1, 1999, and ending June 30, 2000, the
 22 following amounts, or so much thereof as is necessary,
 23 to be used for the purposes designated:

24 1. MILITARY DIVISION

25 For salaries, support, maintenance, miscellaneous
 26 purposes, and for not more than the following full-
 27 time equivalent positions:

28 \$ 4,696,387
 29 FTEs 224.76

30 If there is a surplus in the general fund of the
 31 state for the fiscal year ending June 30, 2000, within
 32 60 days after the close of the fiscal year, the
 33 military division may incur up to an additional
 34 \$500,000 in expenditures from the surplus prior to
 35 transfer of the surplus pursuant to section 8.57.

36 2. EMERGENCY MANAGEMENT DIVISION

37 For salaries, support, maintenance, miscellaneous
 38 purposes, and for not more than the following full-
 39 time equivalent positions:

40 \$ 898,541
 41 FTEs 25.25

42 Sec. 20. DEPARTMENT OF PUBLIC SAFETY. There is
 43 appropriated from the general fund of the state to the
 44 department of public safety for the fiscal year
 45 beginning July 1, 1999, and ending June 30, 2000, the
 46 following amounts, or so much thereof as is necessary,
 47 to be used for the purposes designated:

48 1. For the department's administrative functions,
 49 including the criminal justice information system, and
 50 for not more than the following full-time equivalent

1 positions:
 2 \$ 2,474,051
 3 FTEs 38.80
 4 2. For the division of criminal investigation and
 5 bureau of identification including the state's
 6 contribution to the peace officers' retirement,
 7 accident, and disability system provided in chapter
 8 97A in the amount of 17 percent of the salaries for
 9 which the funds are appropriated, to meet federal fund
 10 matching requirements, and for not more than the
 11 following full-time equivalent positions:

12 \$ 11,759,610
 13 FTEs 227.50

14 Riverboat enforcement costs shall be billed in
 15 accordance with section 99F.10, subsection 4. The
 16 costs shall be not more than the department's
 17 estimated expenditures, including salary adjustment,
 18 for riverboat enforcement for the fiscal year.
 19 The department of public safety, with the approval
 20 of the department of management, may employ no more
 21 than two special agents and four gaming enforcement
 22 officers for each additional riverboat regulated after
 23 July 1, 1999, and one special agent for each racing
 24 facility which becomes operational during the fiscal
 25 year which begins July 1, 1999. One additional gaming
 26 enforcement officer, up to a total of four per boat,
 27 may be employed for each riverboat that has extended
 28 operations to 24 hours and has not previously operated
 29 with a 24-hour schedule. Positions authorized in this
 30 paragraph are in addition to the full-time equivalent
 31 positions authorized in this subsection.

32 3. a. For the division of narcotics enforcement,
 33 including the state's contribution to the peace
 34 officers' retirement, accident, and disability system
 35 provided in chapter 97A in the amount of 17 percent of
 36 the salaries for which the funds are appropriated, to
 37 meet federal fund matching requirements, and for not
 38 more than the following full-time equivalent
 39 positions:

40 \$ 2,845,587
 41 FTEs 48.00

42 b. For the division of narcotics enforcement for
 43 undercover purchases:

44 \$ 139,202

45 4. For the state fire marshal's office, including
 46 the state's contribution to the peace officers'
 47 retirement, accident, and disability system provided
 48 in chapter 97A in the amount of 17 percent of the
 49 salaries for which the funds are appropriated, and for
 50 not more than the following full-time equivalent

Page 22

1 positions:

2 \$ 1,629,621

3 FTEs 31.80

4 5. For the capitol security division, including
 5 the state's contribution to the peace officers'
 6 retirement, accident, and disability system provided
 7 in chapter 97A in the amount of 17 percent of the
 8 salaries for which the funds are appropriated and for
 9 not more than the following full-time equivalent

10 positions:

11 \$ 1,307,615

12 FTEs 27.00

13 6. For the division of the Iowa state patrol of
 14 the department of public safety, for salaries,
 15 support, maintenance, workers' compensation costs, and
 16 miscellaneous purposes, including the state's
 17 contribution to the peace officers' retirement,
 18 accident, and disability system provided in chapter
 19 97A in the amount of 17 percent of the salaries for
 20 which the funds are appropriated, and for not more
 21 than the following full-time equivalent positions:

22 \$ 37,090,282

23 FTEs 574.25

24 7. For costs associated with the maintenance of
 25 the automated fingerprint information system (AFIS):

26 \$ 269,425

27 8. An employee of the department of public safety
 28 who retires after July 1, 1999, but prior to June 30,
 29 2000, is eligible for payment of life or health
 30 insurance premiums as provided for in the collective
 31 bargaining agreement covering the public safety
 32 bargaining unit at the time of retirement if that
 33 employee previously served in a position which would
 34 have been covered by the agreement. The employee
 35 shall be given credit for the service in that prior
 36 position as though it were covered by that agreement.
 37 The provisions of this subsection shall not operate to
 38 reduce any retirement benefits an employee may have
 39 earned under other collective bargaining agreements or
 40 retirement programs.

41 9. For costs associated with the training and
 42 equipment needs of volunteer fire fighters and for not
 43 more than the following full-time equivalent
 44 positions:

45 \$ 709,405

46 FTEs 1.00

47 Notwithstanding section 8.33, moneys appropriated
 48 in this subsection that remain unobligated or
 49 unexpended at the close of the fiscal year shall not
 50 revert but shall remain available for expenditure only

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1 for the purpose designated in this subsection until
2 the close of the succeeding fiscal year.

3 10. For the state medical examiner and for not
4 more than the following full-time equivalent
5 positions:

6 \$ 532,700
7 FTEs 5.00

8 Any fees collected by the department of public
9 safety, or the department of public health, if
10 applicable, for autopsies performed by the office of
11 the state medical examiner shall be deposited in the
12 general fund of the state.

13 If 1999 Iowa Acts, Senate File 376, or other
14 legislation transferring the medical examiner office
15 and associated appropriations, is enacted, the moneys
16 appropriated in this subsection shall instead be
17 appropriated as provided in that Act.

18 11. The department of public safety shall conduct
19 a study, and submit a report of its findings and
20 recommendations, to the general assembly by January
21 10, 2000, concerning the feasibility of providing
22 members of the Iowa state patrol with cellular, or
23 other similar wireless, telephones and accompanying
24 service. In conducting its study, the department
25 shall examine and include findings on the cost of
26 providing the telephones and service to members of the
27 state patrol and on what type of telephone and service
28 would be the most effective in assisting members of
29 the state patrol. The department shall consult with
30 members of the Iowa state patrol in conducting its
31 study.

32 Sec. 21. Section 423.24, subsection 2, Code 1999,
33 is amended to read as follows:

34 2. Notwithstanding any other provision of this
35 section that provides that all revenue derived from
36 the use tax on motor vehicles, trailers, and motor
37 vehicle accessories and equipment as collected
38 pursuant to section 423.7 shall be deposited and
39 credited to the road use tax fund, twenty percent of
40 the revenues shall be credited and deposited as
41 follows: one-half to the road use tax fund and one-
42 half to the primary road fund to be used for the
43 commercial and industrial highway network, ~~except to~~
44 ~~the extent that the department directs that moneys are~~
45 ~~deposited in the highway safety patrol fund created in~~
46 ~~section 80.41 to fund the appropriations made from the~~
47 ~~highway safety patrol fund in accordance with the~~
48 ~~provisions of section 80.41. The department shall~~
49 ~~determine the amount of moneys to be credited under~~
50 ~~this subsection to the highway safety patrol fund and~~

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1 ~~shall deposit that amount into the highway safety~~
2 ~~patrol fund.~~

3 Sec. 22. Section 602.6201, subsection 10, Code
4 1999, is amended to read as follows:

5 10. Notwithstanding the formula for determining
6 the number of judgeships in this section, the number
7 of district judges shall not exceed one hundred ~~twelve~~
8 fifteen during the period commencing July 1, ~~1997~~
9 1999.

10 Sec. 23. Section 904.508A, Code 1999, is amended
11 to read as follows:

12 904.508A INMATE TELEPHONE REBATE FUND.

13 The department is authorized to establish and
14 maintain an inmate telephone rebate fund in each
15 institution for the deposit of moneys received for
16 inmate telephone rebates. All funds deposited in this
17 fund shall be used for the benefit of inmates. The
18 director shall adopt rules providing for the
19 disbursement of moneys from the fund. The rules shall
20 provide that all disbursements of moneys from the fund
21 shall be subject to approval, in writing, by a
22 committee comprised of the director, a deputy director
23 for the department as designated by the director, and
24 the citizens' aide, or designee of the citizens' aide.

25 Sec. 24. 1995 Iowa Acts, chapter 220, section 20,
26 subsection 4, is amended by striking the subsection.

27 Sec. 25. 1998 Iowa Acts, chapter 1101, section 15,
28 subsection 2, is amended to read as follows:

29 2. a. There is appropriated from surcharge moneys
30 received by the E911 administrator and deposited into
31 the wireless E911 emergency communications fund, for
32 the fiscal year beginning July 1, 1998, and ~~ending~~
33 June 30, for the fiscal year beginning July 1, 1999,
34 an amount not to exceed two hundred thousand dollars
35 to be used for the implementation, support, and
36 maintenance of the functions of the E911
37 administrator. The amount appropriated in this
38 paragraph includes any amounts necessary to reimburse
39 the division of emergency management of the department
40 of public defense pursuant to paragraph "b".

41 b. Notwithstanding the distribution formula in
42 section 34A.7A, as enacted in this Act, and prior to
43 any such distribution, of the initial surcharge moneys
44 received by the E911 administrator and deposited into
45 the wireless E911 emergency communications fund, for
46 the fiscal year beginning July 1, 1998, and ~~ending~~
47 June 30, for the fiscal year beginning July 1, 1999,
48 an amount shall be transferred to the division of
49 emergency management of the department of public
50 defense as necessary to reimburse the division for

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- 1 amounts expended for the implementation, support, and
 2 maintenance of the E911 administrator, including the
 3 E911 administrator's salary.
 4 Sec. 26. 1998 Iowa Acts, chapter 1222, section 25,
 5 subsection 3, is amended to read as follows:
 6 3. For the installation of perimeter fencing and
 7 physical plant improvements at the Mt. Pleasant
 8 correctional facility:
 9 \$ 300,000
 10 Sec. 27. Section 80.41, Code 1999, is repealed.
 11 Sec. 28. EFFECTIVE DATES.
 12 1. Section 7 of this Act, providing for
 13 supplemental appropriations to the department of
 14 corrections, being deemed of immediate importance,
 15 takes effect upon enactment.
 16 2. Section 26 of this Act, amending 1998 Iowa
 17 Acts, chapter 1222, being deemed of immediate
 18 importance, takes effect upon enactment."

S-3443

- 1 Amend Senate File 466 as follows:
 2 1. Page 1, by striking lines 1 through 12.
 3 2. Page 1, line 13, by striking the figure
 4 "455L.1" and inserting the following: "161.1".
 5 3. Page 1, line 16, by striking the figure
 6 "455L.2" and inserting the following: "161.2".
 7 4. Page 1, line 33, by striking the figure
 8 "455L.3" and inserting the following: "161.3".
 9 5. Page 2, by striking lines 9 through 13 and
 10 inserting the following:
 11 ". "Fertilizer site" means a place where
 12 containers used for storing or mixing a fertilizer, if
 13 any of the following applies:
 14 a. The container holds one thousand gallons or
 15 more of a liquid fertilizer or one thousand pounds or
 16 more of a dry fertilizer.
 17 b. The container is in the process of being
 18 transported."
 19 6. Page 2, line 15, by striking the figure
 20 "455L.8" and inserting the following: "161.8".
 21 7. By striking page 2, line 24, through page 3,
 22 line 7, and inserting the following:
 23 ". "Pesticide site" means a place where a
 24 container used for storing or mixing a pesticide is
 25 located, if any of the following applies:
 26 a. The container holds fifty gallons or more of a
 27 liquid pesticide or two hundred pounds or more of a
 28 dry pesticide.
 29 b. The container is in the process of being

30 transported."

31 8. Page 4, line 15, by striking the figure
32 "455L.3" and inserting the following: "161.3".

33 9. Page 4, line 18, by striking the word "seven"
34 and inserting the following: "eight".

35 10. Page 4, by inserting after line 19 the
36 following:

37 ". The secretary of agriculture or the
38 secretary's designee who shall serve as a nonvoting ex
39 officio member."

40 11. Page 4, line 20, by striking the word "Five"
41 and inserting the following: "Six".

42 12. Page 4, by striking lines 26 and 27 and
43 inserting the following:

44 "(2) Two members who are actively engaged in
45 producing agricultural crops."

46 13. Page 5, by striking lines 5 through 14 and
47 inserting the following:

48 ". The director of the department of natural
49 resources who shall serve as a voting member.

50 . The appointed members shall serve terms of

Page 2

1 three years beginning and ending as provided in
2 section 69.19. However,".

3 14. Page 6, line 4, by striking the figure
4 "455L.4" and inserting the following: "161.4".

5 15. Page 6, line 9, by striking the figure
6 "455L.9" and inserting the following: "161.9".

7 16. Page 6, line 9, by striking the figure
8 "455L.10" and inserting the following: "161.10".

9 17. Page 6, line 12, by inserting after the word
10 "hundred" the following: "and fifty".

11 18. Page 6, line 16, by striking the figure
12 "455L.5" and inserting the following: "161.5".

13 19. Page 6, by striking line 17, and inserting
14 the following:

15 ". Consult with the department in the adoption
16 of rules necessary for the".

17 20. Page 6, line 25, by striking the figure
18 "455L.5" and inserting the following: "161.5".

19 21. Page 6, line 27, by striking the figure
20 "455L.7" and inserting the following: "161.7".

21 22. Page 6, line 29, by striking the figure
22 "455L.10" and inserting the following: "161.10".

23 23. Page 6, line 30, by striking the figure
24 "455L.5" and inserting the following: "161.5".

25 24. Page 7, line 28, by striking the figure
26 "455L.6" and inserting the following: "161.6".

27 25. Page 10, line 3, by striking the figure
28 "455L.7" and inserting the following: "161.7".

29 26. Page 11, line 26, by striking the figure
 30 "455L.8" and inserting the following: "161.8".
 31 27. Page 12, line 21, by striking the figure
 32 "455L.9" and inserting the following: "161.9".
 33 28. Page 13, line 25, by striking the figure
 34 "455L.10" and inserting the following: "161.10".
 35 29. Page 13, line 32, by striking the figure
 36 "455L.9" and inserting the following: "161.9".
 37 30. Page 14, line 12, by striking the figure
 38 "455L.9" and inserting the following: "161.9".
 39 31. Page 16, line 11, by striking the figure
 40 "455L.11" and inserting the following: "161.11".
 41 32. Page 16, by inserting after line 17 the
 42 following:
 43 "Sec. . NEW SECTION. 200.8A AGRICHEMICAL
 44 REMEDIATION FEES.
 45 A person licensed to sell or distribute commercial
 46 fertilizers and soil conditioners who is required to
 47 pay an inspection fee under section 200.8 shall pay an
 48 agrichemical remediation fee as required pursuant to
 49 section 161.7.
 50 Sec. . NEW SECTION. 206.13A AGRICHEMICAL

Page 3

1 REMEDIATION FEES.
 2 A person required to register a pesticide for
 3 agricultural or horticultural use in this state under
 4 section 206.12 shall pay an agrichemical remediation
 5 fee as required pursuant to section 161.7."
 6 33. Page 16, line 24, by striking the figure
 7 "455L" and inserting the following: "161".
 8 34. Page 16, line 27, by striking the figure
 9 "1.00" and inserting the following: "2.00".
 10 35. By renumbering as necessary.

MIKE SEXTON

S-3444

1 Amend House File 343, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 12 through 15 and
 4 inserting the following: "jurisdiction. The court
 5 may award a prevailing county reasonable attorney fees
 6 incurred by the county, to be paid by the railroad
 7 company and taxed as part of the costs of the action."

MARK SHEARER

S-3345

- 1 Amend the Committee amendment, S-3204, to House
- 2 File 696, as amended, passed, and reprinted by the
- 3 House, as follows:
- 4 1. By striking page 1, line 34, through page 3,
- 5 line 2, and inserting the following: "IDENTIFICATION.
- 6 The department, pursuant to this division, shall
- 7 consult with municipalities and industrial national
- 8 pollution discharge elimination system permit holders
- 9 regarding public identification of sites where
- 10 national pollution discharge elimination system
- 11 permitted discharges occur to state waters."

MERLIN E. BARTZ
JOE BOLKCOM
BILL FINK
JoANN JOHNSON
DAVID MILLER

S-3446

- 1 Amend the amendment, S-3445, to Senate File 470
- 2 as follows:
- 3 1. By striking page 1, line 1, through page 12,
- 4 line 10, and inserting the following:
- 5 "Amend Senate File 470 as follows:
- 6 ". By striking everything after the enacting
- 7 clause and inserting the following:
- 8 "Section 1. Section 20.26, Code 1999, is amended
- 9 by adding the following new unnumbered paragraph:
- 10 NEW UNNUMBERED PARAGRAPH. All contributions by or
- 11 through employee organizations shall also comply with
- 12 the provisions of section 56.15B.
- 13 Sec. 2. Section 56.2, Code 1999, is amended by
- 14 adding the following new subsections:
- 15 NEW SUBSECTION. 5A. "Clearly identified" means
- 16 that a communication contains an unambiguous reference
- 17 to a particular candidate or ballot issue, including
- 18 but not limited to one or more of the following:
- 19 a. Use of the name of the candidate or ballot
- 20 issue.
- 21 b. Use of a photograph or drawing of the
- 22 candidate, or the use of a particular symbol
- 23 associated with a specific ballot issue.
- 24 c. Use of a candidate's initials, nickname,
- 25 office, or status as a candidate, or use of acronym,
- 26 popular name, or characterization of a ballot issue.
- 27 NEW SUBSECTION. 12A. "Express advocacy" or to
- 28 "expressly advocate" means communication that can be
- 29 characterized according to at least one of the
- 30 following descriptions:

- 31 a. The communication is political speech made in
32 the form of a contribution.
- 33 b. In advocating the election or defeat of one or
34 more clearly identified candidates or the passage or
35 defeat of one or more clearly identified ballot
36 issues, the communication includes explicit words that
37 unambiguously indicate that the communication is
38 recommending or supporting a particular outcome in the
39 election with regard to any clearly identified
40 candidate or ballot issue.
- 41 c. When taken as a whole and with limited
42 reference to external events such as the proximity to
43 the election, the communication could only be
44 interpreted by a reasonable person as supporting or
45 recommending the election, passage, or defeat of one
46 or more clearly identified candidates or ballot issues
47 because both of the following conditions are met:
- 48 (1) The communication, as it relates to the
49 election or defeat of the candidate or ballot issue,
50 is unmistakable, unambiguous, and suggestive of only

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- 1 one meaning.
- 2 (2) Reasonable minds could not differ as to
3 whether the communication encourages action to
4 nominate, elect, approve, or defeat one or more
5 clearly identified candidates or a ballot issue or
6 whether the communication encourages some other kind
7 of action.
- 8 Sec. 3. Section 56.2, subsections 16 and 17, Code
9 1999, are amended to read as follows:
- 10 16. "Political committee" means a either of the
11 following:
- 12 a. A committee, but not a candidate's committee,
13 which that accepts contributions in excess of five
14 hundred dollars in the aggregate, makes expenditures
15 in excess of five hundred dollars in the aggregate, or
16 incurs indebtedness in excess of five hundred dollars
17 in the aggregate in any one calendar year ~~for the~~
18 ~~purpose of supporting or opposing to expressly~~
19 ~~advocate the nomination, election, or defeat of a~~
20 candidate for public office, or ~~for the purpose of~~
21 ~~supporting or opposing to expressly advocate the~~
22 ~~passage or defeat of a ballot issue;~~ "political
23 committee" also means an:
- 24 b. An association, lodge, society, cooperative,
25 union, fraternity, sorority, educational institution,
26 civic organization, labor organization, religious
27 organization, or professional organization which that
28 accepts contributions in excess of five hundred
29 dollars in the aggregate, makes expenditures in excess

30 of five hundred dollars in the aggregate, or incurs
 31 indebtedness in excess of five hundred dollars in the
 32 aggregate in any one calendar year ~~for the purpose of~~
 33 ~~supporting or opposing to expressly advocate the~~
 34 nomination, election, or defeat of a candidate for
 35 public office, or for the purpose of supporting or
 36 opposing to expressly advocate the passage or defeat
 37 of a ballot issue. "Political committee" also
 38 ~~includes a committee which accepts contributions in~~
 39 ~~excess of five hundred dollars in the aggregate, makes~~
 40 ~~expenditures in excess of five hundred dollars in the~~
 41 ~~aggregate, or incurs indebtedness in excess of five~~
 42 ~~hundred dollars in the aggregate in a calendar year to~~
 43 ~~cause the publication or broadcasting of material in~~
 44 ~~which the public policy positions or voting record of~~
 45 ~~an identifiable candidate is discussed and in which a~~
 46 ~~reasonable person could find commentary favorable or~~
 47 ~~unfavorable to those public policy positions or voting~~
 48 ~~record.~~
 49 17. "Political purpose" or "political purposes"
 50 means the support or opposition express advocacy of a

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1 candidate or ballot issue.
 2 Sec. 4. Section 56.4, unnumbered paragraphs 2 and
 3 3, Code 1999, are amended to read as follows:
 4 Political committees ~~supporting or opposing~~
 5 expressly advocating the nomination, election, or
 6 defeat of candidates for both federal office and any
 7 elected office created by law or the Constitution of
 8 the state of Iowa shall file statements and reports
 9 with the board in addition to any federal reports
 10 required to be filed with the board. However, a
 11 political committee which is registered and filing
 12 full disclosure reports of all financial activities
 13 with the federal election commission may file verified
 14 statements as provided in section 56.5.
 15 Political committees ~~supporting or opposing~~
 16 expressly advocating the nomination, election, or
 17 defeat of candidates or the passage or defeat of
 18 ballot issues for statewide elections and for county,
 19 municipal or school elections may file all activity on
 20 one report with the board and shall send a copy to the
 21 commissioner responsible under section 47.2 for
 22 conducting the election.
 23 Sec. 5. Section 56.5, subsection 2, paragraph f,
 24 Code 1999, is amended to read as follows:
 25 f. A signed statement by the treasurer of the
 26 committee and the candidate, in the case of a
 27 candidate's committee, which shall verify that they
 28 are aware of the requirement to file disclosure

29 reports if the committee, the committee officers, the
30 candidate, or both the committee officers and the
31 candidate receive contributions in excess of five
32 hundred dollars in the aggregate, make expenditures in
33 excess of five hundred dollars in the aggregate, or
34 incur indebtedness in excess of five hundred dollars
35 in the aggregate in a calendar year ~~for the purpose of~~
36 ~~supporting or opposing to expressly advocate the~~
37 nomination, election, or defeat of any candidate for
38 public office. In the case of political committees,
39 statements shall be made by the treasurer of the
40 committee and the chairperson.

41 Sec. 6. Section 56.5A, Code 1999, is amended to
42 read as follows:

43 56.5A CANDIDATE'S COMMITTEE.

44 1. Each candidate for state, county, city, or
45 school office shall organize one, and only one,
46 candidate's committee for a specific office sought
47 when the candidate receives contributions in excess of
48 five hundred dollars in the aggregate, makes
49 expenditures in excess of five hundred dollars in the
50 aggregate, or incurs indebtedness in excess of five

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1 hundred dollars in the aggregate in a calendar year.
2 2. A political committee shall not be established
3 to ~~support or oppose expressly advocate the~~
4 nomination, election, or defeat of only one candidate
5 for office, except that a political committee may be
6 established to ~~support or oppose expressly advocate~~
7 the passage or defeat of approval of a single judge
8 standing for retention.

9 Sec. 7. Section 56.6, subsection 1, paragraph d,
10 Code 1999, is amended to read as follows:

11 d. Committees for municipal and school elective
12 offices and local ballot issues shall file their first
13 reports five days prior to any election in which the
14 name of the candidate or the local ballot issue which
15 they ~~support or oppose expressly advocate~~ appears on
16 the printed ballot and shall file their next report on
17 the first day of the month following the final
18 election in a calendar year in which the candidate's
19 name or the ballot issue appears on the ballot. A
20 committee ~~supporting or opposing expressly advocating~~
21 the nomination, election, or defeat of a candidate for
22 a municipal or school elective office or the passage
23 or defeat of a local ballot issue shall also file
24 disclosure reports on the nineteenth day of January
25 and October of each year in which the candidate or
26 ballot issue does not appear on the ballot and on the
27 nineteenth day of January, May, and July of each year.

28 in which the candidate or ballot issue appears on the
29 ballot, until the committee dissolves. These reports
30 shall be current to five days prior to the filing
31 deadline and are considered timely filed if mailed
32 bearing a United States postal service postmark on or
33 before the due date.

34 Sec. 8. Section 56.12A, unnumbered paragraph 1,
35 Code 1999, is amended to read as follows:

36 The state and the governing body of a county, city,
37 or other political subdivision of the state shall not
38 expend or permit the expenditure of public moneys for
39 political purposes, including ~~supporting or opposing~~
40 expressly advocating the passage or defeat of a ballot
41 issue.

42 Sec. 9. Section 56.13, subsections 1, 2, and 3,
43 Code 1999, are amended to read as follows:

44 1. Action involving a contribution or expenditure
45 which must be reported under this chapter and which is
46 taken by any person, candidate's committee or
47 political committee on behalf of a candidate, if known
48 and approved by the candidate, shall be deemed action
49 by the candidate and reported by the candidate's
50 committee. It shall be presumed that a candidate

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1 approves the action if the candidate had knowledge of
2 it and failed to file a statement of disavowal with
3 the commissioner or board and take corrective action
4 within seventy-two hours of the action. A person,
5 candidate's committee or political committee taking
6 such action independently of that candidate's
7 committee shall notify that candidate's committee in
8 writing within twenty-four hours of taking the action.
9 The notification shall provide that candidate's
10 committee with the cost of the promotion at fair
11 market value. A copy of the notification shall be
12 sent to the board.

13 Any person who makes expenditures or incurs
14 indebtedness, other than incidental expenses incurred
15 in performing volunteer work, ~~in support or opposition~~
16 to expressly advocate the nomination, election, or
17 defeat of a candidate for public office shall notify
18 the appropriate committee and provide necessary
19 information for disclosure reports.

20 2. If a person, other than a political committee,
21 makes one or more expenditures in excess of five
22 hundred dollars in the aggregate, or incurs
23 indebtedness in excess of five hundred dollars in the
24 aggregate, in any one calendar year ~~for purposes of~~
25 ~~supporting or opposing~~ to expressly advocate the
26 passage or defeat of a ballot issue, the person shall

27 file a statement of activity within ten days of taking
28 the action exceeding the threshold. The statement
29 shall contain information identifying the person
30 filing the statement, identifying the ballot issue,
31 and indicating the position urged by the person with
32 regard to the ballot issue. The person shall file
33 reports indicating the dates on which the expenditures
34 or incurrence of indebtedness took place; a
35 description of the nature of the action taken which
36 resulted in the expenditures or debt; and the cost of
37 the promotion at fair market value. For a local
38 ballot issue, the reports shall be filed five days
39 prior to any election in which the ballot issue
40 appears and on the first day of the month following
41 the election, as well as on the nineteenth day of
42 January, May, and July of each year in which the
43 ballot issue appears on the ballot and on the
44 nineteenth day of January and October of each year in
45 which the ballot issue does not appear on the ballot.
46 For a statewide ballot issue, reports shall be filed
47 on the nineteenth day of January, May, and July of
48 each year. The reports shall be current to five days
49 prior to the filing deadline, and are considered
50 timely filed if mailed bearing a United States postal

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1 service postmark on or before the due date. Filing
2 obligations shall cease when the person files a
3 statement of discontinuation indicating that the
4 person's financial activity ~~in support of or in~~
5 opposition to expressly advocate the passage or defeat
6 of the ballot issue has ceased. Statements and
7 reports shall be filed with the commissioner
8 responsible under section 47.2 for conducting the
9 election at which the issue is voted upon, except that
10 reports on a statewide ballot issue shall be filed
11 with the board.

12 3. A person taking action involving the making of
13 an expenditure or incurrence of indebtedness ~~in~~
14 ~~support or opposition to expressly advocate the~~
15 passage or defeat of a ballot issue independently of a
16 political committee shall, within seventy-two hours of
17 taking the action, notify in writing any political
18 committee which advocates the same position with
19 regard to the ballot issue as the person taking the
20 action. The notification shall provide the political
21 committee with the cost of the promotion at fair
22 market value. A copy of the notification shall be
23 sent to the board. It shall be presumed that a
24 benefited committee approves the action if the
25 committee fails to file a statement of disavowal with

26 the commissioner or board and takes corrective action
27 within ten days of the action. Action approved by a
28 committee shall be reported as a contribution by the
29 committee.

30 Sec. 10. Section 56.14, subsection 1, paragraph a,
31 Code 1999, is amended to read as follows:

32 a. A person who causes the publication or
33 distribution of published material designed to ~~promote~~
34 ~~or defeat~~ expressly advocate the nomination, ~~or~~
35 ~~election, or defeat~~ of a candidate for public office
36 or the passage ~~or defeat~~ of a constitutional amendment
37 or public measure shall include conspicuously on the
38 published material the identity and address of the
39 person responsible for the material. If the person
40 responsible is an organization, the name of one
41 officer of the organization shall appear on the
42 material. However, if the organization is a committee
43 which has filed a statement of organization under this
44 chapter, only the name of the committee is required to
45 be included on the published material. Published
46 material designed to ~~promote or defeat~~ expressly
47 advocate the nomination, ~~or~~ election, ~~or defeat~~ of a
48 candidate for public office or the passage ~~or defeat~~
49 of a constitutional amendment or public measure which
50 contains language or depictions which a reasonable

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1 person would understand as asserting that an entity
2 which is incorporated or is a registered committee had
3 authored the material shall, if the entity is not
4 incorporated or a registered committee, include
5 conspicuously on the published material a statement
6 that the apparent organization or committee is not
7 incorporated or a registered committee in addition to
8 the attribution statement required by this section.
9 For purposes of this section, "registered committee"
10 means a committee which has an active statement of
11 organization filed under section 56.5.

12 Sec. 11. Section 56.15, subsections 1, 2, and 4,
13 Code 1999, are amended to read as follows:

14 1. Except as provided in subsections 3 and 4, it
15 is unlawful for an insurance company, savings and loan
16 association, bank, credit union, or corporation
17 organized pursuant to the laws of this state, the
18 United States, or any other state, territory, or
19 foreign country, whether for profit or not, or an
20 officer, agent, or representative acting for such
21 insurance company, savings and loan association, bank,
22 credit union, or corporation, to contribute any money,
23 property, labor, or thing of value, directly or
24 indirectly, to a committee, or ~~for the purpose of~~

25 influencing to expressly advocate that the vote of an
26 elector be used to nominate, elect, or defeat a
27 candidate for public office, except that such
28 resources may be so expended in connection with a
29 utility franchise election held pursuant to section
30 364.2, subsection 4, or a ballot issue. All such
31 expenditures are subject to the disclosure
32 requirements of this chapter.

33 2. Except as provided in subsection 3, it is
34 unlawful for a member of a committee, or its employee
35 or representative, except a ballot issue committee, or
36 for a candidate for office or the representative of
37 the candidate, to solicit, request, or knowingly
38 receive from an insurance company, savings and loan
39 association, bank, credit union, or corporation
40 organized pursuant to the laws of this state, the
41 United States, or any other state, territory, or
42 foreign country, whether for profit or not, or its
43 officer, agent, or representative, any money,
44 property, or thing of value belonging to the insurance
45 company, savings and loan association, bank, or
46 corporation for campaign expenses, or ~~for the purpose~~
47 of influencing to expressly advocate that the vote of
48 an elector be used to nominate, elect, or defeat a
49 candidate for public office. This section does not
50 restrain or abridge the freedom of the press or

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1 prohibit the consideration and discussion in the press
2 of candidacies, nominations, public officers, or
3 public questions.

4 4. The restrictions imposed by this section
5 relative to making, soliciting or receiving
6 contributions shall not apply to a nonprofit
7 corporation or organization which uses those
8 contributions to encourage registration of voters and
9 participation in the political process, or to
10 publicize public issues, or both, but does not use any
11 part of those contributions to ~~endorse or oppose~~
12 expressly advocate the nomination, election, or defeat
13 of any candidate for public office. A nonprofit
14 corporation or organization may use contributions
15 solicited or received to ~~support or oppose~~ expressly
16 advocate the passage or defeat of ballot issues but
17 the expenditures shall be disclosed by the nonprofit
18 corporation or organization in the manner provided for
19 a permanent organization temporarily engaged in a
20 political activity under section 56.6.

21 This section does not prohibit a family farm
22 corporation, as defined in section 9H.1, from placing
23 a yard sign on agricultural land, and does not

24 prohibit the placement of yard signs, with the prior
 25 written permission of the individual property owner,
 26 on property rented or leased by a corporation from
 27 private individuals, subject to the requirements of
 28 section 56.14. This section also does not prohibit
 29 the placement of a yard sign on residential property
 30 that is owned by a corporation, but rented or leased
 31 to a private individual, if the prior permission of
 32 the renter or lessee is obtained.

33 Sec. 12. Section 56.15, Code 1999, is amended by
 34 adding the following new subsection:

35 NEW SUBSECTION. 4A. For purposes of this section,
 36 "committee" shall include statutory political
 37 committees organized under chapter 43, and nonparty
 38 political organizations organized under chapter 44.

39 Sec. 13. NEW SECTION. 56.15B CONTRIBUTIONS FROM
 40 NEGATIVE CHECK-OFF PLANS PROHIBITED.

41 1. As used in this section, unless the context
 42 otherwise requires:

43 a. "Legislative objective" means action related to
 44 the passage, defeat, approval, veto, or modification
 45 of legislation, a rule, or an executive order, or
 46 another official action by the members of the general
 47 assembly, a state agency, or another elected or
 48 appointed official or body of officials.

49 b. "Negative check-off plan" means a plan under
 50 which an individual is deemed to have agreed to a

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1 payment, deduction, or allocation of moneys, or a
 2 series of payments, deductions, or allocations of
 3 moneys, by means of the individual's inaction or
 4 failure to object to such payment, deduction, or
 5 allocation of moneys.

6 c. "Voluntary" means an action or choice freely
 7 made by an individual that is evidenced by a written
 8 authorization executed on at least an annual basis on
 9 a document that includes only the signature indicating
 10 agreement and a conspicuous disclosure in plain
 11 language, written in at least twelve point type, that
 12 includes the following information:

13 (1) An explanation regarding the kind of payment
 14 or regular deduction the individual is authorizing.

15 (2) The entity that will be receiving the moneys.

16 (3) The fact that such moneys may be used for
 17 political purposes or legislative objectives.

18 (4) A statement that such authorization is purely
 19 voluntary, that the individual has the right to
 20 inquire regarding the exact political purposes or
 21 legislative objectives for which the moneys may be
 22 used, and that no actions can be taken against an

23 individual who does not sign such an authorization
24 because of the refusal to sign.

25 2. A person shall not solicit or receive moneys
26 for any political purpose or legislative objective
27 from an individual in the course of the person's
28 business, vocation, occupation, charity, fellowship,
29 or other group or organizational activity unless the
30 moneys have been voluntarily contributed, given, or
31 otherwise authorized by the individual.

32 a. A violation of this subsection is a fraudulent
33 practice under section 714.8.

34 b. A payment, deduction, or allocation of moneys
35 made pursuant to a negative check-off plan shall not
36 be considered to have been voluntarily made by an
37 individual. A negative check-off plan is void as
38 against public policy.

39 c. This subsection shall not apply to payments,
40 deductions, or allocations of moneys required by
41 federal law, by state tax laws, or by court order or
42 other court-approved agreement or decree.

43 3. A person other than a candidate, candidate's
44 committee, or political committee shall not knowingly
45 receive or use funds collected in violation of
46 subsection 2 for any political purpose or legislative
47 objective.

48 4. A candidate, candidate's committee, or
49 political committee shall not knowingly receive or use
50 moneys collected in violation of subsection 2.

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1 Sec. 14. Section 56.22, subsection 2, Code 1999,
2 is amended to read as follows:

3 2. Funds distributed to statutory political
4 committees pursuant to this chapter shall not be used
5 to ~~support or oppose~~ expressly advocate the
6 nomination, election, or defeat of any candidate.
7 Nothing in this subsection shall be construed to
8 prohibit a statutory political committee from using
9 such funds to pay expenses incurred in arranging and
10 holding a nominating convention.

11 Sec. 15. Section 731.5, Code 1999, is amended by
12 adding the following new unnumbered paragraph:
13 NEW UNNUMBERED PARAGRAPH. All deductions from an
14 employee's earnings, wages, or compensation shall also
15 comply with the provisions of section 56.15B.

16 Sec. 16. SEVERABILITY. If any section of this
17 Act, or any portion of any section of this Act, is
18 found unconstitutional or otherwise unenforceable by a
19 court, the remaining sections and portions of sections
20 shall be given effect to the fullest extent possible.

21 Sec. 17. APPLICABILITY AND EFFECTIVE DATE.

22 Section 13 of this Act, enacting new section 56.15B,
23 being deemed of immediate importance, takes effect
24 upon enactment, and shall apply to any deduction or
25 allocation of moneys related to or conducted in
26 conjunction with annual dues assessment and billing
27 for the entity's next annual dues cycle, or other
28 annual contribution or allocation cycle, but in any
29 event shall apply to all actual deductions by all
30 affected entities that occur on or after July 1, 1999,
31 regardless of when the annual dues are assessed or
32 billed or the contribution is otherwise allocated or
33 solicited.

34 Sec. 18. CAMPAIGN FINANCE COMMISSION. A campaign
35 finance commission is established to study campaign
36 finance disclosure and related laws and to recommend
37 reforms in these laws, according to the following:

38 1. APPOINTMENT. The commission shall be composed
39 of six members, bipartisan and gender-balanced in
40 accordance with sections 69.16 and 69.16A, and
41 appointed as follows:

42 a. Two members shall be the state chairs of each
43 of the political parties, as defined in section 43.2,
44 or their designees.

45 b. Four members shall be jointly appointed by the
46 majority and minority leaders of the senate and house.
47 These members shall be appointed from nonpartisan
48 organizations which have researched, studied, and
49 advocated the issue of political campaign finance
50 reform for fifteen years or more, or who are specially

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1 qualified to serve on the commission because of
2 training or experience.

3 c. The commission shall elect a chair and vice
4 chair at its first meetings.

5 2. TERMS. The members of the commission shall
6 serve for the life of the commission.

7 3. VACANCIES. A vacancy in the commission shall
8 be filled in the manner in which the original
9 appointment was made.

10 Sec. 19. POWERS AND DUTIES OF THE COMMISSION.

11 1. HEARINGS. The commission may hold hearings
12 which shall be open and announced in advance to the
13 public, take testimony, and receive evidence as the
14 commission considers appropriate. Activities of the
15 commission shall be held in accordance with chapter
16 21.

17 The commission shall hold at least one hearing in
18 each congressional district within the state
19 specifically to obtain public input on the issue of
20 campaign finance reform.

21 2. QUORUM. Four members of the commission shall
22 constitute a quorum, but a lesser number may hold
23 hearings.

24 3. REPORT. Not later than December 15, 1999, the
25 commission shall submit to the general assembly a
26 report of the activities of the commission, together
27 with a draft of legislation recommended by the
28 commission to reform the campaign finance disclosure
29 and related laws for consideration by the general
30 assembly in the year 2000 according to the provisions
31 of this Act.

32 4. MATTERS TO BE CONSIDERED. In holding hearings
33 and preparing the report required under subsection 3,
34 the commission shall consider all issues related to
35 the reform of campaign finance disclosure and related
36 laws. The commission may secure directly from any
37 department or agency such information as the
38 commission considers necessary, and the department or
39 agency shall promptly furnish such information to the
40 commission.

41 5. STAFFING. Assistance shall be provided to the
42 commission by the central nonpartisan legislative
43 staff bureaus. The commission may utilize the
44 services of the legislative service bureau in
45 formulating a draft of legislation. The attorney
46 general's office and the ethics and campaign
47 disclosure board shall serve as consultants, and
48 advise the commission as necessary.

49 Sec. 20. ASSIGNMENT OF LEGISLATION. The
50 legislation drafted by the commission shall be filed

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1 with each chamber on the first day of the legislative
2 session beginning in the year 2000, and immediately
3 assigned to the committee on state government in each
4 chamber.

5 Sec. 21. TERMINATION. The commission shall cease
6 to exist one month after the submission of its report
7 under section 19 of this Act."

8 Title page, line 1, by inserting after the
9 word "disclosure" the following: ", including the
10 study of campaign finance disclosure and related
11 laws,".

12 Title page, line 4, by inserting after the
13 word "fees," the following: "establishing a
14 commission to study campaign finance disclosure and
15 related laws,".

S-3447

- 1 Amend House File 322, 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. 8E.1 DEFINITIONS.
- 6 As used in this chapter, unless the context
7 otherwise requires:
- 8 1. "Active contractor" means a person who owns a
9 commodity that is produced by a contract producer at
10 the contract producer's contract operation pursuant to
11 a production contract executed pursuant to section
12 8E.2.
- 13 2. "Commodity" means livestock, raw milk, or a
14 crop.
- 15 3. "Contract crop field" means farmland where a
16 crop is produced according to a production contract
17 executed pursuant to section 8E.2 by a contract
18 producer who holds a legal interest in the farmland.
- 19 4. "Contract livestock facility" means an animal
20 feeding operation as defined in section 455B.161, in
21 which livestock or raw milk is produced according to a
22 production contract executed pursuant to section 8E.2
23 by a contract producer who holds a legal interest in
24 the animal feeding operation. "Contract livestock
25 facility" includes a confinement feeding operation as
26 defined in section 455B.161, an open feedlot, or an
27 area which is used for the raising of crops or other
28 vegetation and upon which livestock is fed for
29 slaughter or is allowed to graze or feed.
- 30 5. "Contract operation" means a contract livestock
31 facility or contract crop field.
- 32 6. "Contract producer" means a person who holds a
33 legal interest in a contract operation and who
34 produces a commodity at the contract producer's
35 contract operation under a production contract
36 executed pursuant to section 8E.2.
- 37 7. "Contractor" means an active contractor or a
38 passive contractor.
- 39 8. a. "Crop" means a plant used for food, animal
40 feed, fiber, or oil, if the plant is classified as a
41 forage or cereal plant, including but not limited to
42 alfalfa, barley, buckwheat, corn, flax, forage,
43 millet, oats, popcorn, rye, sorghum, soybeans,
44 sunflowers, wheat, and grasses used for forage or
45 silage.
- 46 b. A "crop" does not include trees or nuts or
47 fruit grown on trees; sod; shrubs; greenhouse plants;
48 or plants or plant parts produced for precommercial,
49 experimental, or research purposes.
- 50 9. "Farmland" means agricultural land that is

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1 suitable for use in farming as defined in section
2 9H.1.

3 10. "Livestock" means beef cattle, dairy cattle,
4 sheep, or swine.

5 11. "Open feedlot" means an unroofed or partially
6 roofed animal feeding operation in which no crop,
7 vegetation, or forage growth or residue cover is
8 maintained during the period that animals are confined
9 in the operation.

10 12. "Passive contractor" means a person who
11 furnishes management services to a contract producer,
12 and who does not own a commodity that is produced by
13 the contract producer at the contract producer's
14 contract operation according to a production contract
15 which is executed pursuant to section 8E.2.

16 13. "Produce" means to do any of the following:

17 a. Provide feed or services relating to the care
18 and feeding of livestock. If the livestock is dairy
19 cattle, "produce" includes milking the dairy cattle
20 and storing raw milk at the contract producer's
21 contract livestock facility.

22 b. Provide for planting, raising, harvesting, and
23 storing a crop. "Produce" includes preparing the soil
24 for planting and nurturing the crop by the application
25 of fertilizers or soil conditioners as defined in
26 section 200.3 or pesticides as defined in section
27 206.2.

28 14. "Production contract" means an oral or written
29 agreement executed pursuant to section 8E.2 that
30 provides for the production of a commodity or the
31 provision of management services relating to the
32 production of a commodity by a contract producer.

33 **Sec. 2. NEW SECTION. 8E.2 PRODUCTION CONTRACTS**
34 **GOVERNED BY THIS CHAPTER.**

35 1. This chapter applies to a production contract
36 that relates to the production of a commodity owned by
37 an active contractor and produced by a contract
38 producer at the contract producer's contract
39 operation, if one of the following applies:

40 a. The contract is executed by an active
41 contractor and a contract producer for the production
42 of the commodity.

43 b. The contract is executed by an active
44 contractor and a passive contractor for the provision
45 of management services to the contract producer in the
46 production of the commodity.

47 c. The contract is executed by a passive
48 contractor and a contract producer, if all of the
49 following apply:

50 (1) The contract provides for management services

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1 furnished by the passive contractor to the contract
2 producer in the production of the commodity.

3 (2) The passive contractor has a contractual
4 relationship with the active contractor involving the
5 production of the commodity.

6 2. A production contract is executed when it is
7 signed or orally agreed to by each party or by a
8 person who is authorized by a party to act on the
9 party's behalf.

10 Sec. 3. NEW SECTION. 8E.3 PRODUCTION CONTRACTS
11 -- CONFIDENTIALITY PROHIBITED.

12 1. A contractor shall not execute a production
13 contract after the effective date of this Act, if the
14 production contract includes a provision which
15 provides that information contained in the production
16 contract is confidential.

17 2. A provision which is part of a production
18 contract is void, if the provision states that
19 information contained in the production contract is
20 confidential. The confidentiality provision is void
21 whether the confidentiality provision is express or
22 implied; oral or written; required or conditional;
23 contained in the production contract, another
24 production contract, or in a related document, policy,
25 or agreement. This section does not affect other
26 provisions of a production contract or a related
27 document, policy, or agreement which can be given
28 effect without the voided provision. This section
29 does not require a party to a production contract to
30 divulge the information in the production contract to
31 another person.

32 Sec. 4. NEW SECTION. 8E.4 ENFORCEMENT.

33 1. The attorney general's office is the primary
34 agency responsible for enforcing this chapter.

35 2. In enforcing the provisions of this chapter,
36 the attorney general may do all of the following:

37 a. Apply to the district court for an injunction
38 to do any of the following:

39 (1) Restrain a contractor from engaging in conduct
40 or practices in violation of this chapter.

41 (2) Require a contractor to comply with a
42 provision of this chapter.

43 b. Apply to district court for the issuance of a
44 subpoena to obtain a production contract for purposes
45 of enforcing this chapter.

46 c. Bring an action in district court to enforce
47 penalties provided in section 8E.5, including the
48 assessment and collection of civil penalties.

49 Sec. 5. NEW SECTION. 8E.5 PENALTIES.

50 A contractor who executes a production contract

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1 that includes a confidentiality provision in a
2 production contract in violation of section 8E.3 is
3 guilty of a fraudulent practice as provided in section
4 714.8.

5 Sec. 6. Section 579A.1, subsections 2, 3, and 4,
6 Code 1999, are amended to read as follows:

7 2. "Custom cattle feedlot" means a feedlot where
8 cattle owned by a person are ~~subject to care and~~
9 ~~feeding performed~~ provided feed and care by another
10 person.

11 3. "Custom cattle feedlot operator" means the
12 owner of a custom cattle feedlot or ~~a person managing~~
13 ~~the custom cattle feedlot, if the person is authorized~~
14 ~~by the owner to file and enforce a lien under this~~
15 ~~chapter~~ the owner's personal representative.

16 4. "Feedlot" means ~~the same as defined in section~~
17 ~~472D.1 a lot, yard, corral, building, or other area in~~
18 ~~which cattle are confined and fed and maintained for~~
19 ~~forty-five days or more in any twelve-month period.~~

20 Sec. 7. Section 579A.1, Code 1999, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 4A. "Personal representative"
23 means a person who is authorized by the owner of a
24 custom cattle feedlot to act on behalf of the owner,
25 including by executing an agreement, managing a custom
26 cattle feedlot, or filing and enforcing liens under
27 this chapter.

28 Sec. 8. Section 579A.2, subsection 1, Code 1999,
29 is amended to read as follows:

30 1. A custom cattle feedlot operator shall have a
31 lien upon the cattle and the identifiable cash
32 proceeds from the sale of the cattle for the amount of
33 the contract price for the feed and care of the
34 ~~livestock~~ cattle at the custom cattle feedlot ~~agreed~~
35 ~~upon pursuant to a written or oral agreement~~ by the
36 custom cattle feedlot operator and the person who owns
37 the cattle, which may be enforced as provided in
38 section 579A.3.

39 Sec. 9. Section 579A.2, subsection 2, paragraph e,
40 Code 1999, is amended to read as follows:

41 e. The printed name and signature of the person
42 filing the form.

43 Sec. 10. Section 579A.2, subsection 3, Code 1999,
44 is amended to read as follows:

45 3. Except as provided in chapter 581, a lien
46 created under this section until preserved and a lien
47 preserved under this section is superior to and shall
48 have priority over a conflicting lien or security
49 interest in the cattle, including a lien or security
50 interest that was perfected prior to the creation of

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1 the lien provided under this section.

2 Sec. 11. NEW SECTION. 579A.4 WAIVERS

3 UNENFORCEABLE.

4 A waiver of a right created by this chapter,
5 including but not limited to, a waiver of the right to
6 file a lien pursuant to this chapter is void and
7 unenforceable. This section does not affect other
8 provisions of a contract, including a production
9 contract or a related document, policy, or agreement
10 which can be given effect without the voided
11 provision.

12 Sec. 12. NEW SECTION. 579A.5 ALTERNATE LIEN
13 PROCEDURE.

14 A person who is a custom cattle feedlot operator
15 may file and enforce a lien as a contract producer
16 under this chapter or chapter 579B, but not both.

17 Sec. 13. NEW SECTION. 579B.1 DEFINITIONS.

18 As used in this chapter, unless the context
19 otherwise requires:

20 1. "Commodity" means livestock, raw milk, or a
21 crop.

22 2. "Contract crop field" means farmland where a
23 crop is produced according to a production contract
24 executed pursuant to section 579B.2 by a contract
25 producer who holds a legal interest in the farmland.

26 3. "Contract livestock facility" means an animal
27 feeding operation as defined in section 455B.161, in
28 which livestock or raw milk is produced according to a
29 production contract executed pursuant to section
30 579B.2 by a contract producer who holds a legal
31 interest in the animal feeding operation. "Contract
32 livestock facility" includes a confinement feeding
33 operation as defined in section 455B.161, an open
34 feedlot, or an area which is used for the raising of
35 crops or other vegetation and upon which livestock is
36 fed for slaughter or is allowed to graze or feed.

37 4. "Contract operation" means a contract livestock
38 facility or contract crop field.

39 5. "Contract producer" means a person who holds a
40 legal interest in a contract operation and who
41 produces a commodity under a production contract
42 executed pursuant to section 579B.2.

43 6. "Contractor" means a person who owns a
44 commodity at the time that the commodity is under the
45 authority of the contract producer as provided in
46 section 579B.3 pursuant to a production contract
47 executed pursuant to section 579B.2.

48 7. a. "Crop" means a plant used for food, animal
49 feed, fiber, or oil, if the plant is classified as a
50 forage or cereal plant, including but not limited to

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1 alfalfa, barley, buckwheat, corn, flax, forage,
2 millet, oats, popcorn, rye, sorghum, soybeans,
3 sunflowers, wheat, and grasses used for forage or
4 silage.

5 b. A "crop" does not include trees or nuts or
6 fruit grown on trees; sod; shrubs; greenhouse plants;
7 or plants or plant parts produced for precommercial,
8 experimental, or research purposes.

9 8. "Farmland" means agricultural land suitable for
10 use in farming as defined in section 9H.1.

11 9. "Livestock" means beef cattle, dairy cattle,
12 sheep, or swine.

13 10. "Open feedlot" means the same as defined in
14 section 8E.1.

15 11. "Personal representative" means a person who
16 is authorized by a contract producer to act on behalf
17 of the contract producer, including by executing an
18 agreement, managing a contract operation, or filing
19 and enforcing a lien as provided in this chapter.

20 12. "Processor" means a person engaged in the
21 business of manufacturing goods from commodities,
22 including by slaughtering or processing livestock,
23 processing raw milk, or processing crops.

24 13. "Produce" means to do any of the following:

25 a. Provide feed or services relating to the care
26 and feeding of livestock. If the livestock is dairy
27 cattle, "produce" includes milking the dairy cattle
28 and storing raw milk at the contract producer's
29 contract livestock facility.

30 b. Provide for planting, raising, harvesting, and
31 storing crop. "Produce" includes preparing the soil
32 for planting and nurturing the crop by the application
33 of fertilizers or soil conditioners as defined in
34 section 200.3 or pesticides as defined in section
35 206.2.

36 14. "Production contract" means an oral or written
37 agreement executed pursuant to section 579B.2 that
38 provides for the production of a commodity by a
39 contract producer.

40 Sec. 14. NEW SECTION. 579B.2 LIEN DEPENDS UPON
41 PRODUCTION CONTRACTS.

42 1. A lien established under section 579B.3 depends
43 upon the execution of a production contract that
44 provides for producing a commodity owned by a
45 contractor by a contract producer at the contract
46 producer's contract operation.

47 2. A production contract is executed when it is
48 signed or orally agreed to by each party to the
49 contract or by a person authorized by a party to act
50 on the party's behalf, including the contract

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1 producer's personal representative.

2 3. This chapter applies to any production contract
3 that is in force on or after the effective date of
4 this Act, regardless of the date that the production
5 contract is executed.

6 Sec. 15. NEW SECTION. 579B.3 ESTABLISHMENT OF
7 LIEN -- PRIORITY.

8 A contract producer who is a party to a production
9 contract executed pursuant to section 579B.2 shall
10 have a lien as provided in this section. The amount
11 of the lien shall be the amount owed to the contract
12 producer pursuant to the terms of the production
13 contract, which may be enforced as provided in section
14 579B.5.

15 1. a. If the production contract is for the
16 production of livestock or raw milk, all of the
17 following shall apply:

18 (1) For livestock, the lien shall apply to all of
19 the following:

20 (a) If the livestock is not sold or slaughtered by
21 the contract producer, the lien shall be on the
22 livestock.

23 (b) If the livestock is sold by the contractor,
24 the lien shall be on cash proceeds from the sale. For
25 purposes of this subparagraph, cash held by the
26 contractor shall be deemed to be cash proceeds from
27 the sale regardless of whether it is identifiable cash
28 proceeds.

29 (c) If the livestock is slaughtered by the
30 contractor, the lien shall be on any property of the
31 contractor that may be subject to a security interest
32 as provided in section 554.9102.

33 (2) For raw milk, the lien shall apply to all of
34 the following:

35 (a) If the raw milk is not sold or processed by
36 the contract producer, the lien shall be on the raw
37 milk.

38 (b) If the raw milk is sold by the contractor, the
39 lien shall be on cash proceeds from the sale. For
40 purposes of this subparagraph, cash held by the
41 contractor shall be deemed to be cash proceeds from
42 the sale regardless of whether it is identifiable cash
43 proceeds.

44 (c) If the raw milk is processed by the
45 contractor, the lien shall be on any property of the
46 contractor that may be subject to a security interest
47 as provided in section 554.9102.

48 b. The lien on livestock or raw milk is created at
49 the time the livestock arrives at the contract
50 livestock facility and continues for one year after

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1 the livestock is no longer under the authority of the
2 contract producer. For purposes of this section,
3 livestock is no longer under the authority of the
4 contract producer when the livestock leaves the
5 contract livestock facility.

6 2. a. If the production contract is for the
7 production of crops, all of the following shall apply:

8 (1) If the crop is not sold or processed by the
9 contractor, the lien shall be on the crop.

10 (2) If the crop is sold by the contractor, the
11 lien shall be on cash proceeds from the sale. For
12 purposes of this subparagraph, cash held by the
13 contractor shall be deemed to be cash proceeds from
14 the sale regardless of whether it is identifiable cash
15 proceeds.

16 (3) If the crop is processed by the contractor,
17 the lien shall be on any property of the contractor
18 that may be subject to a security interest as provided
19 in section 554.9102.

20 b. The lien on a crop is created at the time the
21 crop is planted and continues for one year after the
22 crop is no longer under the authority of the contract
23 producer. For purposes of this section, a crop is no
24 longer under the authority of the contract producer
25 when the crop or a warehouse receipt issued by a
26 warehouse operator licensed under chapter 203C for
27 grain from the crop is no longer under the custody or
28 control of the contract producer.

29 Sec. 16. NEW SECTION. 579B.4 PRESERVING THE LIEN
30 -- FILING REQUIREMENTS.

31 1. In order to preserve a lien created pursuant to
32 section 579B.3, a contract producer must file in the
33 office of the secretary of state a lien statement on a
34 form prescribed by the secretary of state. If the
35 lien arises out of producing livestock or raw milk,
36 the contract producer must file the lien within forty-
37 five days after the day that the livestock first
38 arrives at the contract livestock facility. If the
39 lien arises out of producing a crop, the contract
40 producer must file the lien within forty-five days
41 after the day that the crop is first planted. The
42 secretary of state shall charge a fee of not more than
43 ten dollars for filing the statement. The secretary
44 of state may adopt rules pursuant to chapter 17A for
45 the electronic filing of the statements.

46 2. The statement must include all of the
47 following:

48 a. An estimate of the amount owed pursuant to the
49 production contract.

50 b. The date when the livestock arrives at the

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- 1 contract livestock facility or the date when the crop
2 was planted.
- 3 c. The estimated duration of the period when the
4 commodity will be under the authority of the contract
5 producer.
- 6 d. The name of the party to the production
7 contract whose commodity is produced pursuant to the
8 production contract.
- 9 e. The description of the location of the contract
10 operation, by county and township.
- 11 f. The printed name and signature of the person
12 filing the form.
- 13 3. Except as provided in chapter 581, a lien
14 created under this section until preserved and a lien
15 preserved under this section is superior to and shall
16 have priority over a conflicting lien or security
17 interest in the commodity, including a lien or
18 security interest that was perfected prior to the
19 creation of the lien under this chapter.
- 20 Sec. 17. NEW SECTION. 579B.5 ENFORCEMENT.
21 Before a commodity leaves the authority of the
22 contract producer as provided in section 579B.3, the
23 contract producer may foreclose a lien created in that
24 section in the manner provided for the foreclosure of
25 secured transactions as provided in sections 554.9504,
26 554.9506, and 554.9507. After the commodity is no
27 longer under the authority of the contract producer,
28 the contract producer may enforce the lien in the
29 manner provided in chapter 554, article 9, part 5.
- 30 Sec. 18. NEW SECTION. 579B.6 WAIVERS
31 UNENFORCEABLE.
32 A waiver of a right created by this chapter,
33 including but not limited to a waiver of the right to
34 file a lien pursuant to this chapter, is void and
35 unenforceable. This section does not affect other
36 provisions of a contract, including a production
37 contract or a related document, policy, or agreement
38 which can be given effect without the voided
39 provision.
- 40 Sec. 19. NEW SECTION. 579B.7 ALTERNATE LIEN
41 PROCEDURE.
42 A person who is a custom cattle feedlot operator as
43 defined in section 579A.1 may file and enforce a lien
44 as a contract producer under this chapter or chapter
45 579A, but not both.
- 46 Sec. 20. Section 714.8, Code 1999, is amended by
47 adding the following new subsection:
48 NEW SUBSECTION. 17. A contractor who executes a
49 production contract that includes a confidentiality
50 provision in violation of section 8E.3.

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- 1 Sec. 21. SEVERABILITY. If any provision of this
 2 Act or the application of this Act to any person or
 3 circumstance is held invalid, the invalidity does not
 4 affect other provisions or applications of this Act
 5 which shall be given effect without the invalid
 6 provision or application, and to this end the
 7 provisions of this Act are severable.
- 8 Sec. 22. DIRECTIONS TO CODE EDITOR. The Code
 9 editor may codify the provisions of chapter 8E as
 10 enacted in this Act into another chapter or combine
 11 the provisions of chapter 8E as enacted in this Act
 12 with the provisions of chapter 172C as enacted in 1999
 13 Iowa Acts, Senate File 436, into one chapter with
 14 multiple subchapters, if Senate File 436 is enacted by
 15 the 1999 Session of the Seventy-eighth General
 16 Assembly.
- 17 Sec. 23. EFFECTIVE DATE. This Act, being deemed
 18 of immediate importance, takes effect upon enactment."

MERLIN E. BARTZ

S-3448

- 1 Amend the amendment, S-3386, to Senate File 470, as
 2 follows:
- 3 1. By striking page 1, line 1, through page 8,
 4 line 42, and inserting the following:
 5 "Amend Senate File 470 as follows:
 6 By striking everything after the enacting
 7 clause and inserting the following:
 8 "Section 1. Section 20.26, Code 1999, is amended
 9 by adding the following new unnumbered paragraph:
 10 NEW UNNUMBERED PARAGRAPH. All contributions by or
 11 through employee organizations shall also comply with
 12 the provisions of section 56.15B.
- 13 Sec. 2. Section 56.2, Code 1999, is amended by
 14 adding the following new subsections:
 15 NEW SUBSECTION. 5A. "Clearly identified" means
 16 that a communication contains an unambiguous reference
 17 to a particular candidate or ballot issue, including
 18 but not limited to one or more of the following:
 19 a. Use of the name of the candidate or ballot
 20 issue.
 21 b. Use of a photograph or drawing of the
 22 candidate, or the use of a particular symbol
 23 associated with a specific ballot issue.
 24 c. Use of a candidate's initials, nickname,
 25 office, or status as a candidate, or use of acronym,
 26 popular name, or characterization of a ballot issue.
 27 NEW SUBSECTION. 12A. "Express advocacy" or to

28 "expressly advocate" means communication that can be
29 characterized according to at least one of the
30 following descriptions:
31 a. The communication is political speech made in
32 the form of a contribution.
33 b. In advocating the election or defeat of one or
34 more clearly identified candidates or the passage or
35 defeat of one or more clearly identified ballot
36 issues, the communication includes explicit words that
37 unambiguously indicate that the communication is
38 recommending or supporting a particular outcome in the
39 election with regard to any clearly identified
40 candidate or ballot issue.
41 c. When taken as a whole and with limited
42 reference to external events such as the proximity to
43 the election, the communication could only be
44 interpreted by a reasonable person as supporting or
45 recommending the election, passage, or defeat of one
46 or more clearly identified candidates or ballot issues
47 because both of the following conditions are met:
48 (1) The communication, as it relates to the
49 election or defeat of the candidate or ballot issue,
50 is unmistakable, unambiguous, and suggestive of only

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1 one meaning.
2 (2) Reasonable minds could not differ as to
3 whether the communication encourages action to
4 nominate, elect, approve, or defeat one or more
5 clearly identified candidates or a ballot issue or
6 whether the communication encourages some other kind
7 of action.
8 Sec. 3. Section 56.2, subsections 16 and 17, Code
9 1999, are amended to read as follows:
10 16. "Political committee" means either of the
11 following:
12 a. A committee, but not a candidate's committee,
13 which that accepts contributions in excess of five
14 hundred dollars in the aggregate, makes expenditures
15 in excess of five hundred dollars in the aggregate, or
16 incurs indebtedness in excess of five hundred dollars
17 in the aggregate in any one calendar year for the
18 purpose of supporting or opposing to expressly
19 advocate the nomination, election, or defeat of a
20 candidate for public office, or for the purpose of
21 supporting or opposing to expressly advocate the
22 passage or defeat of a ballot issue; "political
23 committee" also means an:
24 b. An association, lodge, society, cooperative,
25 union, fraternity, sorority, educational institution,
26 civic organization, labor organization, religious

27 organization, or professional organization which that
 28 accepts contributions in excess of five hundred
 29 dollars in the aggregate, makes expenditures in excess
 30 of five hundred dollars in the aggregate, or incurs
 31 indebtedness in excess of five hundred dollars in the
 32 aggregate in any one calendar year ~~for the purpose of~~
 33 ~~supporting or opposing to expressly advocate the~~
 34 ~~nomination, election, or defeat of a candidate for~~
 35 ~~public office, or for the purpose of supporting or~~
 36 ~~opposing to expressly advocate the passage or defeat~~
 37 ~~of a ballot issue. "Political committee" also~~
 38 ~~includes a committee which accepts contributions in~~
 39 ~~excess of five hundred dollars in the aggregate, makes~~
 40 ~~expenditures in excess of five hundred dollars in the~~
 41 ~~aggregate, or incurs indebtedness in excess of five~~
 42 ~~hundred dollars in the aggregate in a calendar year to~~
 43 ~~cause the publication or broadcasting of material in~~
 44 ~~which the public policy positions or voting record of~~
 45 ~~an identifiable candidate is discussed and in which a~~
 46 ~~reasonable person could find commentary favorable or~~
 47 ~~unfavorable to those public policy positions or voting~~
 48 ~~record.~~
 49 17. "Political purpose" or "political purposes"
 50 means the ~~support or opposition~~ express advocacy of a

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1 candidate or ballot issue.
 2 Sec. 4. Section 56.4, unnumbered paragraphs 2 and
 3 3, Code 1999, are amended to read as follows:
 4 Political committees ~~supporting or opposing~~
 5 expressly advocating the nomination, election, or
 6 defeat of candidates for both federal office and any
 7 elected office created by law or the Constitution of
 8 the state of Iowa shall file statements and reports
 9 with the board in addition to any federal reports
 10 required to be filed with the board. However, a
 11 political committee which is registered and filing
 12 full disclosure reports of all financial activities
 13 with the federal election commission may file verified
 14 statements as provided in section 56.5.
 15 Political committees ~~supporting or opposing~~
 16 expressly advocating the nomination, election, or
 17 defeat of candidates or the passage or defeat of
 18 ballot issues for statewide elections and for county,
 19 municipal or school elections may file all activity on
 20 one report with the board and shall send a copy to the
 21 commissioner responsible under section 47.2 for
 22 conducting the election.
 23 Sec. 5. Section 56.5, subsection 2, paragraph f,
 24 Code 1999, is amended to read as follows:
 25 f. A signed statement by the treasurer of the

26 committee and the candidate, in the case of a
27 candidate's committee, which shall verify that they
28 are aware of the requirement to file disclosure
29 reports if the committee, the committee officers, the
30 candidate, or both the committee officers and the
31 candidate receive contributions in excess of five
32 hundred dollars in the aggregate, make expenditures in
33 excess of five hundred dollars in the aggregate, or
34 incur indebtedness in excess of five hundred dollars
35 in the aggregate in a calendar year ~~for the purpose of~~
36 ~~supporting or opposing to expressly advocate the~~
37 nomination, election, or defeat of any candidate for
38 public office. In the case of political committees,
39 statements shall be made by the treasurer of the
40 committee and the chairperson.

41 Sec. 6. Section 56.5A, Code 1999, is amended to
42 read as follows:

43 56.5A CANDIDATE'S COMMITTEE.

44 1. Each candidate for state, county, city, or
45 school office shall organize one, and only one,
46 candidate's committee for a specific office sought
47 when the candidate receives contributions in excess of
48 five hundred dollars in the aggregate, makes
49 expenditures in excess of five hundred dollars in the
50 aggregate, or incurs indebtedness in excess of five

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1 hundred dollars in the aggregate in a calendar year.
2 2. A political committee shall not be established
3 to ~~support or oppose~~ expressly advocate the
4 nomination, election, or defeat of only one candidate
5 for office, except that a political committee may be
6 established to ~~support or oppose~~ expressly advocate
7 the passage or defeat of approval of a single judge
8 standing for retention.

9 Sec. 7. Section 56.6, subsection 1, paragraph d,
10 Code 1999, is amended to read as follows:

11 d. Committees for municipal and school elective
12 offices and local ballot issues shall file their first
13 reports five days prior to any election in which the
14 name of the candidate or the local ballot issue which
15 they ~~support or oppose~~ expressly advocate appears on
16 the printed ballot and shall file their next report on
17 the first day of the month following the final
18 election in a calendar year in which the candidate's
19 name or the ballot issue appears on the ballot. A
20 committee ~~supporting or opposing expressly advocating~~
21 the nomination, election, or defeat of a candidate for
22 a municipal or school elective office or the passage
23 or defeat of a local ballot issue shall also file
24 disclosure reports on the nineteenth day of January

25 and October of each year in which the candidate or
26 ballot issue does not appear on the ballot and on the
27 nineteenth day of January, May, and July of each year
28 in which the candidate or ballot issue appears on the
29 ballot, until the committee dissolves. These reports
30 shall be current to five days prior to the filing
31 deadline and are considered timely filed if mailed
32 bearing a United States postal service postmark on or
33 before the due date.

34 Sec. 8. Section 56.12A, unnumbered paragraph 1,
35 Code 1999, is amended to read as follows:

36 The state and the governing body of a county, city,
37 or other political subdivision of the state shall not
38 expend or permit the expenditure of public moneys for
39 political purposes, including ~~supporting or opposing~~
40 expressly advocating the passage or defeat of a ballot
41 issue.

42 Sec. 9. Section 56.13, subsections 1, 2, and 3,
43 Code 1999, are amended to read as follows:

44 1. Action involving a contribution or expenditure
45 which must be reported under this chapter and which is
46 taken by any person, candidate's committee or
47 political committee on behalf of a candidate, if known
48 and approved by the candidate, shall be deemed action
49 by the candidate and reported by the candidate's
50 committee. It shall be presumed that a candidate

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1 approves the action if the candidate had knowledge of
2 it and failed to file a statement of disavowal with
3 the commissioner or board and take corrective action
4 within seventy-two hours of the action. A person,
5 candidate's committee or political committee taking
6 such action independently of that candidate's
7 committee shall notify that candidate's committee in
8 writing within twenty-four hours of taking the action.
9 The notification shall provide that candidate's
10 committee with the cost of the promotion at fair
11 market value. A copy of the notification shall be
12 sent to the board.

13 Any person who makes expenditures or incurs
14 indebtedness, other than incidental expenses incurred
15 in performing volunteer work, ~~in support or opposition~~
16 to expressly advocate the nomination, election, or
17 defeat of a candidate for public office shall notify
18 the appropriate committee and provide necessary
19 information for disclosure reports.

20 2. If a person, other than a political committee,
21 makes one or more expenditures in excess of five
22 hundred dollars in the aggregate, or incurs
23 indebtedness in excess of five hundred dollars in the

24 aggregate, in any one calendar year ~~for purposes of~~
 25 ~~supporting or opposing to expressly advocate the~~
 26 ~~passage or defeat of~~ a ballot issue, the person shall
 27 file a statement of activity within ten days of taking
 28 the action exceeding the threshold. The statement
 29 shall contain information identifying the person
 30 filing the statement, identifying the ballot issue,
 31 and indicating the position urged by the person with
 32 regard to the ballot issue. The person shall file
 33 reports indicating the dates on which the expenditures
 34 or incurrence of indebtedness took place; a
 35 description of the nature of the action taken which
 36 resulted in the expenditures or debt; and the cost of
 37 the promotion at fair market value. For a local
 38 ballot issue, the reports shall be filed five days
 39 prior to any election in which the ballot issue
 40 appears and on the first day of the month following
 41 the election, as well as on the nineteenth day of
 42 January, May, and July of each year in which the
 43 ballot issue appears on the ballot and on the
 44 nineteenth day of January and October of each year in
 45 which the ballot issue does not appear on the ballot.
 46 For a statewide ballot issue, reports shall be filed
 47 on the nineteenth day of January, May, and July of
 48 each year. The reports shall be current to five days
 49 prior to the filing deadline, and are considered
 50 timely filed if mailed bearing a United States postal

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1 service postmark on or before the due date. Filing
 2 obligations shall cease when the person files a
 3 statement of discontinuation indicating that the
 4 person's financial activity ~~in support of or in~~
 5 ~~opposition to expressly advocate the passage or defeat~~
 6 ~~of~~ the ballot issue has ceased. Statements and
 7 reports shall be filed with the commissioner
 8 responsible under section 47.2 for conducting the
 9 election at which the issue is voted upon, except that
 10 reports on a statewide ballot issue shall be filed
 11 with the board.

12 3. A person taking action involving the making of
 13 an expenditure or incurrence of indebtedness ~~in~~
 14 ~~support or opposition to expressly advocate the~~
 15 ~~passage or defeat of~~ a ballot issue independently of a
 16 political committee shall, within seventy-two hours of
 17 taking the action, notify in writing any political
 18 committee which advocates the same position with
 19 regard to the ballot issue as the person taking the
 20 action. The notification shall provide the political
 21 committee with the cost of the promotion at fair
 22 market value. A copy of the notification shall be

23 sent to the board. It shall be presumed that a
24 benefited committee approves the action if the
25 committee fails to file a statement of disavowal with
26 the commissioner or board and takes corrective action
27 within ten days of the action. Action approved by a
28 committee shall be reported as a contribution by the
29 committee.

30 Sec. 10. Section 56.14, subsection 1, paragraph a,
31 Code 1999, is amended to read as follows:

32 1. a. A person who causes the publication or
33 distribution of published material designed to ~~promote~~
34 ~~or defeat~~ expressly advocate the nomination, ~~or~~
35 election, or defeat of a candidate for public office
36 or the passage ~~or defeat~~ of a constitutional amendment
37 or public measure shall include conspicuously on the
38 published material the identity and address of the
39 person responsible for the material. If the person
40 responsible is an organization, the name of one
41 officer of the organization shall appear on the
42 material. However, if the organization is a committee
43 which has filed a statement of organization under this
44 chapter, only the name of the committee is required to
45 be included on the published material. Published
46 material designed to ~~promote or defeat~~ expressly
47 advocate the nomination, ~~or~~ election, ~~or defeat~~ of a
48 candidate for public office or the passage ~~or defeat~~
49 of a constitutional amendment or public measure which
50 contains language or depictions which a reasonable

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1 person would understand as asserting that an entity
2 which is incorporated or is a registered committee had
3 authored the material shall, if the entity is not
4 incorporated or a registered committee, include
5 conspicuously on the published material a statement
6 that the apparent organization or committee is not
7 incorporated or a registered committee in addition to
8 the attribution statement required by this section.
9 For purposes of this section, "registered committee"
10 means a committee which has an active statement of
11 organization filed under section 56.5.

12 Sec. 11. Section 56.15, subsections 1, 2, and 4,
13 Code 1999, are amended to read as follows:

14 1. Except as provided in subsections 3 and 4, it
15 is unlawful for an insurance company, savings and loan
16 association, bank, credit union, or corporation
17 organized pursuant to the laws of this state, the
18 United States, or any other state, territory, or
19 foreign country, whether for profit or not, or an
20 officer, agent, or representative acting for such
21 insurance company, savings and loan association, bank,

22 credit union, or corporation, to contribute any money,
23 property, labor, or thing of value, directly or
24 indirectly, to a committee, or ~~for the purpose of~~
25 ~~influencing to expressly advocate that~~ the vote of an
26 elector be used to nominate, elect, or defeat a
27 candidate for public office, except that such
28 resources may be so expended in connection with a
29 utility franchise election held pursuant to section
30 364.2, subsection 4, or a ballot issue. All such
31 expenditures are subject to the disclosure
32 requirements of this chapter.

33 2. Except as provided in subsection 3, it is
34 unlawful for a member of a committee, or its employee
35 or representative, except a ballot issue committee, or
36 for a candidate for office or the representative of
37 the candidate, to solicit, request, or knowingly
38 receive from an insurance company, savings and loan
39 association, bank, credit union, or corporation
40 organized pursuant to the laws of this state, the
41 United States, or any other state, territory, or
42 foreign country, whether for profit or not, or its
43 officer, agent, or representative, any money,
44 property, or thing of value belonging to the insurance
45 company, savings and loan association, bank, or
46 corporation for campaign expenses, or ~~for the purpose~~
47 ~~of influencing to expressly advocate that~~ the vote of
48 an elector be used to nominate, elect, or defeat a
49 candidate for public office. This section does not
50 restrain or abridge the freedom of the press or

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1 prohibit the consideration and discussion in the press
2 of candidacies, nominations, public officers, or
3 public questions.

4 4. The restrictions imposed by this section
5 relative to making, soliciting or receiving
6 contributions shall not apply to a nonprofit
7 corporation or organization which uses those
8 contributions to encourage registration of voters and
9 participation in the political process, or to
10 publicize public issues, or both, but does not use any
11 part of those contributions to ~~endorse or oppose~~
12 expressly advocate the nomination, election, or defeat
13 of any candidate for public office. A nonprofit
14 corporation or organization may use contributions
15 solicited or received to ~~support or oppose~~ expressly
16 advocate the passage or defeat of ballot issues but
17 the expenditures shall be disclosed by the nonprofit
18 corporation or organization in the manner provided for
19 a permanent organization temporarily engaged in a
20 political activity under section 56.6.

21 This section does not prohibit a family farm
22 corporation, as defined in section 9H.1, from placing
23 a yard sign on agricultural land, and does not
24 prohibit the placement of yard signs, with the prior
25 written permission of the individual property owner,
26 on property rented or leased by a corporation from
27 private individuals, subject to the requirements of
28 section 56.14. This section also does not prohibit
29 the placement of a yard sign on residential property
30 that is owned by a corporation, but rented or leased
31 to a private individual, if the prior permission of
32 the renter or lessee is obtained.

33 Sec. 12. Section 56.15, Code 1999, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 4A. For purposes of this section,
36 "committee" shall include statutory political
37 committees organized under chapter 43, and nonparty
38 political organizations organized under chapter 44.

39 Sec. 13. NEW SECTION. 56.15B CONTRIBUTIONS FROM
40 NEGATIVE CHECK-OFF PLANS PROHIBITED.

41 1. As used in this section, unless the context
42 otherwise requires:

43 a. "Legislative objective" means action related to
44 the passage, defeat, approval, veto, or modification
45 of legislation, a rule, or an executive order, or
46 another official action by the members of the general
47 assembly, a state agency, or another elected or
48 appointed official or body of officials.

49 b. "Negative check-off plan" means a plan under
50 which an individual is deemed to have agreed to a

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1 payment, deduction, or allocation of moneys, or a
2 series of payments, deductions, or allocations of
3 moneys, by means of the individual's inaction or
4 failure to object to such payment, deduction, or
5 allocation of moneys.

6 c. "Voluntary" means an action or choice freely
7 made by an individual that is evidenced by a written
8 authorization executed on at least an annual basis on
9 a document that includes only the signature indicating
10 agreement and a conspicuous disclosure in plain
11 language, written in at least twelve point type, that
12 includes the following information:

13 (1) An explanation regarding the kind of payment
14 or regular deduction the individual is authorizing.

15 (2) The entity that will be receiving the moneys.

16 (3) The fact that such moneys may be used for
17 political purposes or legislative objectives.

18 (4) A statement that such authorization is purely
19 voluntary, that the individual has the right to

20 inquire regarding the exact political purposes or
21 legislative objectives for which the moneys may be
22 used, and that no actions can be taken against an
23 individual who does not sign such an authorization
24 because of the refusal to sign.

25 2. A person shall not solicit or receive moneys
26 for any political purpose or legislative objective
27 from an individual in the course of the person's
28 business, vocation, occupation, charity, fellowship,
29 or other group or organizational activity unless the
30 moneys have been voluntarily contributed, given, or
31 otherwise authorized by the individual.

32 a. A violation of this subsection is a fraudulent
33 practice under section 714.8.

34 b. A payment, deduction, or allocation of moneys
35 made pursuant to a negative check-off plan shall not
36 be considered to have been voluntarily made by an
37 individual. A negative check-off plan is void as
38 against public policy.

39 c. This subsection shall not apply to payments,
40 deductions, or allocations of moneys required by
41 federal law, by state tax laws, or by court order or
42 other court-approved agreement or decree.

43 3. A person other than a candidate, candidate's
44 committee, or political committee shall not knowingly
45 receive or use funds collected in violation of
46 subsection 2 for any political purpose or legislative
47 objective.

48 4. A candidate, candidate's committee, or
49 political committee shall not knowingly receive or use
50 moneys collected in violation of subsection 2.

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1 Sec. 14. Section 56.22, subsection 2, Code 1999,
2 is amended to read as follows:

3 2. Funds distributed to statutory political
4 committees pursuant to this chapter shall not be used
5 to ~~support or oppose~~ expressly advocate the
6 nomination, election, or defeat of any candidate.
7 Nothing in this subsection shall be construed to
8 prohibit a statutory political committee from using
9 such funds to pay expenses incurred in arranging and
10 holding a nominating convention.

11 Sec. 15. Section 731.5, Code 1999, is amended by
12 adding the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. All deductions from an
14 employee's earnings, wages, or compensation shall also
15 comply with the provisions of section 56.15B.

16 Sec. 16. CAMPAIGN FINANCE COMMISSION. A campaign
17 finance commission is established to study campaign
18 finance disclosure and related laws and to recommend

19 reforms in these laws, according to the following:

20 1. APPOINTMENT. The commission shall be composed
21 of six members, bipartisan and gender-balanced in
22 accordance with sections 69.16 and 69.16A, and
23 appointed as follows:

24 a. Two members shall be the state chairs of each
25 of the political parties, as defined in section 43.2,
26 or their designees.

27 b. Four members shall be jointly appointed by the
28 majority and minority leaders of the senate and house.
29 These members shall be appointed from nonpartisan
30 organizations which have researched, studied, and
31 advocated the issue of political campaign finance
32 reform for fifteen years or more, or who are specially
33 qualified to serve on the commission because of
34 training or experience.

35 c. The commission shall elect a chair and vice
36 chair at its first meetings.

37 2. TERMS. The members of the commission shall
38 serve for the life of the commission.

39 3. VACANCIES. A vacancy in the commission shall
40 be filled in the manner in which the original
41 appointment was made.

42 Sec. 17. POWERS AND DUTIES OF THE COMMISSION.

43 1. HEARINGS. The commission may hold hearings
44 which shall be open and announced in advance to the
45 public, take testimony, and receive evidence as the
46 commission considers appropriate. Activities of the
47 commission shall be held in accordance with chapter
48 21.

49 The commission shall hold at least one hearing in
50 each congressional district within the state

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1 specifically to obtain public input on the issue of
2 campaign finance reform.

3 2. QUORUM. Four members of the commission shall
4 constitute a quorum, but a lesser number may hold
5 hearings.

6 3. REPORT. Not later than December 15, 1999, the
7 commission shall submit to the general assembly a
8 report of the activities of the commission, together
9 with a draft of legislation recommended by the
10 commission to reform the campaign finance disclosure
11 and related laws for consideration by the general
12 assembly in the year 2000 according to the provisions
13 of this Act.

14 4. MATTERS TO BE CONSIDERED. In holding hearings
15 and preparing the report required under subsection 3,
16 the commission shall consider all issues related to
17 the reform of campaign finance disclosure and related

18 laws. The commission may secure directly from any
19 department or agency such information as the
20 commission considers necessary, and the department or
21 agency shall promptly furnish such information to the
22 commission.

23 5. STAFFING. Assistance shall be provided to the
24 commission by the central nonpartisan legislative
25 staff bureaus. The commission may utilize the
26 services of the legislative service bureau in
27 formulating a draft of legislation. The attorney
28 general's office and the ethics and campaign
29 disclosure board shall serve as consultants, and
30 advise the commission as necessary.

31 Sec. 18. ASSIGNMENT OF LEGISLATION. The
32 legislation drafted by the commission shall be filed
33 with each chamber on the first day of the legislative
34 session beginning in the year 2000, and immediately
35 assigned to the committee on state government in each
36 chamber.

37 Sec. 19. TERMINATION. The commission shall cease
38 to exist one month after the submission of its report
39 under section 17 of this Act.

40 Sec. 20. SEVERABILITY. If any section of this
41 Act, or any portion of any section of this Act, is
42 found unconstitutional or otherwise unenforceable by a
43 court, the remaining sections and portions of sections
44 shall be given effect to the fullest extent possible.

45 Sec. 21. APPLICABILITY AND EFFECTIVE DATE.
46 Section 13 of this Act, enacting new section 56.15B,
47 being deemed of immediate importance, takes effect
48 upon enactment, and shall apply to any deduction or
49 allocation of moneys related to or conducted in
50 conjunction with annual dues assessment and billing

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1 for the entity's next annual dues cycle, or other
2 annual contribution or allocation cycle, but in any
3 event shall apply to all actual deductions by all
4 affected entities that occur on or after July 1, 1999,
5 regardless of when the annual dues are assessed or
6 billed or the contribution is otherwise allocated or
7 solicited."

8. Title page, line 1, by inserting after the
9 word "disclosure" the following: ", including the
10 study of campaign finance disclosure and related
11 laws,".

12. Title page, line 4, by inserting after the
13 word "fees," the following: "establishing a
14 commission to study campaign finance disclosure and

- 15 related laws,"
16 . By renumbering as necessary."

JEFF LAMBERTI

HOUSE AMENDMENT TO
SENATE FILE 337

S-3449

1 Amend Senate File 337, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 555B.1, subsection 2, Code
6 1999, is amended to read as follows:

7 2. "Claimant" includes but is not limited to any
8 government subdivision with authority to levy a tax on
9 abandoned personal property. "Claimant" also includes
10 a holder of a lien as defined in section 555B.2.

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

13 "Sec. . Section 555C.2, Code 1999, is amended
14 to read as follows:

15 555C.2 REMOVAL OR TRANSFER OF TITLE OF VALUELESS
16 HOME -- PRESUMPTION OF VALUE.

17 1. An owner of a mobile home park may remove, or
18 cause to be removed, from the mobile home park a
19 valueless home and personal property associated with
20 the home at any time following a determination of
21 abandonment by the mobile home park owner in
22 accordance with section 562B.27, subsection 1, and an
23 order of removal pursuant to chapter 648 without
24 further notice to the owner or occupant of the
25 valueless home. Within ten days of the removal or
26 transfer of title, the mobile home park owner shall
27 give written notice to the county treasurer for the
28 county in which the mobile home park is located by
29 affidavit which shall include a description of the
30 valueless home, its owner or occupant, if known, the
31 date of removal or transfer of title, and if
32 applicable, the name and address of any third party to
33 whom a new title shall be issued.

34 2. A valueless home and any personal property
35 associated with the valueless home shall be
36 conclusively deemed in value to be equal to or less
37 than the reasonable cost of disposal plus all sums
38 owing to the mobile home park owner pertaining to the
39 valueless home, if the mobile home park owner or an
40 agent of the owner removes the home and personal
41 property to a demolisher, sanitary landfill, or other
42 lawful disposal site or if the mobile home park owner

43 allows a disinterested third party to remove the
44 valueless home and personal property or to leave the
45 home in the mobile home park in a transaction in which
46 the mobile home park owner receives no consideration.
47 Sec. . Section 555C.3, Code 1999, is amended to
48 read as follows:
49 555C.3 NEW TITLE -- THIRD PARTY.
50 If a new title to a valueless home is to be issued

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1 to a third party ~~who is removing a valueless home~~, the
2 county treasurer shall issue, upon receipt of the
3 affidavit required in section 555C.2, a new title upon
4 payment of a fee equal to the fee specified in section
5 321.42 for replacement certificates of title for
6 vehicles. Any tax lien levied pursuant to chapter 435
7 is canceled and the ownership interest of the previous
8 owner or occupant of the valueless home is terminated
9 as of the date of issuance of the new title. The new
10 title owner shall take the title free of all rights
11 and interests even though the mobile home park owner
12 fails to comply with the requirements of this chapter
13 or any judicial proceedings, if the new title owner
14 acts in good faith.

15 Sec. . Section 555C.5, Code 1999, is amended to
16 read as follows:

17 555C.5 LIABILITY LIMITED.

18 A person who removes or allows the removal of a
19 valueless home or transfers title or allows the
20 transfer of title of a valueless home as provided in
21 this chapter is not liable to the previous owner of
22 the valueless home due to the removal or transfer of
23 title of the valueless home."

24 3. Page 3, line 17, by inserting after the word
25 "services." the following: "This subsection shall not
26 apply to a tenant who does not own the mobile home."

27 4. Page 3, by inserting after line 17 the
28 following:

29 "Sec. . Section 562B.27, subsection 2,
30 paragraph a, Code 1999, is amended to read as follows:

31 a. If a tenant abandons a mobile home on a mobile
32 home space, the landlord shall notify the mobile home
33 owner or other claimant of the mobile home and
34 communicate to that person that the person is liable
35 for any costs incurred for the mobile home space,
36 including rent and utilities due and owing. A
37 claimant includes a holder of a lien as defined in
38 section 555B.2. However, the person is only liable
39 for costs incurred ninety days before the landlord's
40 communication. After the landlord's communication,
41 costs for which liability is incurred shall then

42 become the responsibility of the mobile home owner or
 43 other claimant of the mobile home. The mobile home
 44 shall not be removed from the mobile home space
 45 without a signed written agreement from the landlord
 46 showing clearance for removal, and that all debts are
 47 paid in full, or an agreement reached with the mobile
 48 home owner or other claimant and the landlord."
 49 5. Title page, line 3, by inserting after the
 50 word "facilities," the following: "issuing new titles

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1 for valueless homes to third parties,"
 2 6. By renumbering, relettering, or redesignating
 3 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 449

S-3450

1 Amend Senate File 449, 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 84A.5, subsection 6, Code
 6 1999, is amended by adding the following new
 7 paragraph:
 8 NEW PARAGRAPH. f. The centers for new Iowans
 9 established under section 84A.10.
 10 Sec. 2. NEW SECTION. 84A.10 CENTERS FOR NEW
 11 IOWANS.
 12 1. For the purposes of this section, unless the
 13 context otherwise requires, "foreign national" means a
 14 person who is not a citizen of the United States,
 15 including but not limited to a refugee, asylum seeker,
 16 lawful permanent resident, and holder of a temporary
 17 visa.
 18 2. a. The department shall establish centers for
 19 new Iowans to provide immigration counseling,
 20 technical assistance, and referral services to persons
 21 who are legal immigrants or foreign nationals who want
 22 to work and reside or temporarily stay in this state.
 23 A center shall be located so as to work in association
 24 with each workforce development center established
 25 under chapter 84B. The location of a center for new
 26 Iowans and the provider of that center's services
 27 shall be determined by the regional advisory board for
 28 the service delivery area in which the associated
 29 workforce development center is located.
 30 b. A center may collaborate with the bureau of
 31 refugee services in the department of human services,

32 with corporations, or with any other person in
33 providing assistance to refugees, but shall not
34 duplicate services to refugees. The department may
35 contract with a nonprofit agency for the
36 administration and operation of a center.
37 c. The department shall allocate funding among the
38 service delivery areas defined in section 84B.2 in
39 proportion to the number of legal immigrants and
40 foreign nationals in each service delivery area who
41 have not resided in Iowa for more than five years as
42 compared to the total number of legal immigrants and
43 foreign nationals in the state as a whole who have not
44 resided in Iowa for more than five years. The
45 department may reallocate funds which remain
46 unobligated as of March 1 of the fiscal year, based
47 upon demand. The department may use any relevant
48 source of information to determine the number of legal
49 immigrants and foreign nationals in the service
50 delivery areas and in the state.

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1 3. A center's services and activities to persons
2 who are legal immigrants or foreign nationals shall
3 include but are not limited to all of the following:
4 a. Providing such persons with the name, address,
5 and telephone number of all providers of appropriate
6 English language instruction in the area. The center
7 may also directly or indirectly provide English
8 language instruction.
9 b. Providing information and assistance concerning
10 current immigration trends and laws.
11 c. Acting as a referral center to connect such
12 persons with appropriate support agencies and
13 programs. Services and programs may include but are
14 not limited to any of the following:
15 (1) Legal aid.
16 (2) Client outreach information and referral.
17 (3) Employment assistance in cooperation with
18 workforce development centers. This assistance may
19 include training center staff to assist legal
20 immigrants and foreign nationals in understanding
21 social and cultural mores, etiquette, business
22 practices, health care services, and other fundamental
23 information for living in Iowa.
24 (4) Liaison services with the United States
25 immigration and naturalization service and
26 congressional offices.
27 (5) Language translation of brochures and other
28 information directly relating to programs and services
29 for legal immigrants and foreign nationals that are
30 distributed by public and private agencies.

- 31 d. Serving as an educational resource to employers
32 and the public regarding concerns and issues connected
33 with employment of legal immigrants and foreign
34 nationals.
- 35 e. Providing language translation services to
36 assist legal immigrants and foreign nationals with
37 health care needs.
- 38 f. Providing language translation services to
39 assist legal immigrants and foreign nationals with
40 legal issues, including dealing with civil cases and
41 working cooperatively with Iowa legal aid societies
42 and other providers of legal services to provide the
43 assistance.
- 44 4. Staffing for a center may include a licensed
45 attorney who is knowledgeable regarding immigration
46 law, an education and referral counselor, support
47 staff, and other necessary employees.
- 48 5. A center may charge fees for services.
- 49 6. A center may receive funding from any public or
50 private source and expend the funding for any purpose

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- 1 authorized in this section.
- 2 7. This section is repealed on July 1, 2004."
- 3 2. Title Page, by striking lines 1 and 2, and
4 inserting the following: "An Act relating to
5 assistance to legal immigrants and foreign".
- 6 3. By renumbering as necessary.

S-3451

- 1 Amend Senate File 459 as follows:
- 2 1. Page 2, line 7, by striking the words "had
3 funded" and inserting the following: "has requested
4 and received approval to fund".
- 5 2. Page 2, line 9, by striking the figure "1998"
6 and inserting the following: "1999".
- 7 3. Page 2, line 12, by inserting after the word
8 "dollars." the following: "For purposes of
9 determining the amount of a budget adjustment as
10 defined in section 257.14, for a school district which
11 calculated allowable growth for the budget year
12 beginning July 1, 1999, pursuant to this subsection,
13 thirty-eight dollars shall be subtracted from the
14 school district's regular program cost per pupil for
15 the budget year beginning July 1, 1999, prior to
16 determining the amount of the adjustment."
- 17 4. Page 2, line 13, by striking the word "had"
18 and inserting the following: "has".
- 19 5. Page 2, line 14, by striking the word "funded"
20 and inserting the following: "requested and received

- 21 approval to fund".
- 22 6. Page 2, line 15, by striking the figure "1998"
- 23 and inserting the following: "1999".
- 24 7. Page 2, line 18, by striking the word "had"
- 25 and inserting the following: "has".
- 26 8. Page 2, line 19, by striking the word "funded"
- 27 and inserting the following: "requested and received"
- 28 approval to fund".
- 29 9. Page 2, line 20, by striking the figure "1998"
- 30 and inserting the following: "1999".
- 31 10. Page 5, line 35, by striking the word "sixty-
- 32 six".
- 33 11. Page 6, line 1, by striking the words "and
- 34 two-thirds" and inserting the following: "eighty".
- 35 12. Page 6, lines 2 and 3, by striking the words
- 36 "thirty-three and one-third" and inserting the
- 37 following: "sixty".
- 38 13. Page 6, line 4, by striking the word "zero"
- 39 and inserting the following: "forty".
- 40 14. Page 6, by inserting after line 5 the
- 41 following:
- 42 "d. For the budget year beginning July 1, 2002,
- 43 twenty percent.
- 44 e. For the budget year beginning July 1, 2003,
- 45 zero percent."
- 46 15. Page 7, by striking lines 5 and 6 and
- 47 inserting the following:
- 48 "Sec. . Section 257.20, subsection 2, paragraph
- 49 a, Code 1999, is amended to read as follows:
- 50 a. However, moneys appropriated under this

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- 1 subsection shall not exceed the amount of moneys
- 2 appropriated as instructional support state aid for
- 3 the budget year which commenced on July 1, 1992, plus
- 4 an additional seven million dollars."
- 5 16. Page 7, by inserting before line 7 the
- 6 following:
- 7 "Sec. . Section 257.42, unnumbered paragraphs
- 8 1, 4, and 5, Code 1999, are amended to read as
- 9 follows:
- 10 Boards of school districts, individually or jointly
- 11 with the boards of other school districts, ~~requesting~~
- 12 ~~to use additional allowable growth for gifted and~~
- 13 ~~talented children programs, may shall~~ annually submit
- 14 program plans for gifted and talented children
- 15 programs and budget costs, ~~including requests for~~
- 16 ~~additional allowable growth for funding the programs,~~
- 17 to the department of education and to the applicable
- 18 gifted and talented children advisory council, if an
- 19 advisory council has been established, as provided in

20 this chapter.

21 The department of education shall adopt rules under
22 chapter 17A relating to the administration of sections
23 257.42 through 257.49. The rules shall prescribe the
24 format of program plans submitted under section 257.43
25 and shall require that programs fulfill specified
26 objectives. The department shall encourage and assist
27 school districts to provide programs for gifted and
28 talented children ~~whether or not additional allowable~~
29 ~~growth is requested under this chapter.~~

30 The department may request that the staff of the
31 auditor of state conduct an independent program audit
32 to verify that the gifted and talented programs ~~funded~~
33 ~~by additional allowable growth~~ conform to a district's
34 program plans.

35 Sec. . Section 257.43, Code 1999, is amended to
36 read as follows:

37 257.43 PROGRAM PLANS.

38 The program plans submitted by school districts
39 shall be part of the school improvement plan submitted
40 pursuant to section 256.7, subsection 21, paragraph
41 "a", and shall include all of the following:

- 42 1. Program goals, objectives, and activities to
43 meet the needs of gifted and talented children.
- 44 2. Student identification criteria and procedures.
- 45 3. Staff in-service education design.
- 46 4. Staff utilization plans.
- 47 5. Evaluation criteria and procedures and
48 performance measures.
- 49 6. Program budget.
- 50 7. Qualifications required of personnel

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1 administering the program.

2 8. Other factors the department requires.

3 Sec. . Section 257.45, subsection 1, Code 1999,
4 is amended to read as follows:

- 5 1. The board of directors of a school district
6 ~~requesting to use additional allowable growth for~~
7 ~~gifted and talented children programs~~ shall submit
8 applications for approval for the programs to the
9 department not later than November 1 preceding the
10 fiscal year during which the program will be offered.
11 The board shall also submit a copy of the program
12 plans to the gifted and talented children advisory
13 council, if an advisory council has been established.
14 The department shall review the program plans and
15 shall prior to January 15 either grant approval for
16 the program or return the request for approval with
17 comments of the department included. Any unapproved
18 request for a program may be resubmitted with

19 modifications to the department not later than a date
20 established by the department. Not later than
21 February 15 the department shall notify the department
22 of management and the school budget review committee
23 of the names of the school districts for which gifted
24 and talented children programs using additional
25 allowable growth for funding have been approved and
26 the approved budget of each program listed separately
27 for each school district having an approved program.
28 Sec. . Section 257.46, Code 1999, is amended to
29 read as follows:

30 257.46 FUNDING.

31 1. The budget of an approved gifted and talented
32 children program for a school district, after
33 subtracting funds received from other sources for that
34 purpose, shall be funded annually on a basis of one-
35 fourth or more from the district cost of the school
36 district and up to three-fourths by an increase in
37 allowable growth as defined in section 257.8. The
38 approved budget for a gifted and talented children
39 program shall not exceed an amount equal to one and
40 twenty-four hundredths percent of the district cost
41 per pupil of the district for the base year multiplied
42 by the budget enrollment of the district for the
43 budget year. Annually, the department of management
44 shall establish a modified allowable growth for each
45 such district equal to the difference between the
46 approved budget for the gifted and talented children
47 program for that district and the sum of the amount
48 funded from the district cost of the school district
49 plus funds received from other sources.
50 2. The remaining portion of the budget shall be

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1 funded by the thirty-eight dollar increase in
2 allowable growth for the school budget year beginning
3 July 1, 1999, increased by the growth of the regular
4 program district cost each year, or by modified
5 allowable growth received from the school budget
6 review committee, pursuant to the applicable
7 provisions of section 257.8. School districts shall
8 annually report the amount expended for a gifted and
9 talented program to the department of education. The
10 proportion of a school district's budget which
11 corresponds to the thirty-eight dollar increase in
12 allowable growth for the school budget year beginning
13 July 1, 1999, if applicable, or the modified allowable
14 growth, added to the amount in subsection 1, shall be
15 utilized exclusively for a school district's talented
16 and gifted program.
17 3. If any portion of the gifted and talented

18 program budget remains unexpended at the end of the
 19 budget year, the part of the remainder equal to the
 20 proportion of the original budget which was funded by
 21 an increase in allowable growth, as defined in section
 22 257-8, shall be carried over to the subsequent budget
 23 year and added to the gifted and talented program
 24 budget for that year."

25 17. By striking page 7, line 31, through page 8,
 26 line 1.

27 18. Page 8, line 2, by striking the figure "(2)"
 28 and inserting the following: "3. a."

29 19. Page 8, line 3, by striking the figure "2000"
 30 and inserting the following: "1999".

31 20. Page 8, line 16, by striking the words ",
 32 after taking into account funds" and inserting the
 33 following: "was".

34 21. Page 11, by striking lines 16 and 17.

35 22. Page 11, line 19, by striking the word and
 36 figure "and 17".

COMMITTEE ON APPROPRIATIONS
 DERRYL McLAREN, Chairperson

S-3452

1 Amend Senate File 459 as follows:

2 1. Page 1, by striking lines 10 through 14 and
 3 inserting the following: "~~regular program state cost~~
 4 ~~per pupil. For the budget year commencing July 1,~~
 5 ~~1991, and for each succeeding budget year the special~~
 6 ~~education support services foundation base is seventy-~~
 7 ~~nine percent of the special education support services~~
 8 ~~state cost per pupil. For the budget year beginning~~
 9 ~~July 1, 1999, the regular program foundation base per~~
 10 ~~pupil for the portion of weighted enrollment that is~~
 11 ~~additional enrollment because of special education is~~
 12 ~~eighty-three and five-tenths percent, and the special~~
 13 ~~education support services foundation base is eighty-~~
 14 ~~three and five-tenths percent of the special education~~
 15 ~~support services state cost per pupil. For the budget~~
 16 ~~year beginning July 1, 2000, 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 eighty-eight percent, and the~~
 20 ~~special education support services foundation base is~~
 21 ~~eighty-eight percent of the special education support~~
 22 ~~services state cost per pupil. The combined".~~

23 2. Page 11, by inserting after line 15 the
 24 following:

25 "Sec. 100. There is appropriated for the fiscal
 26 year beginning July 1, 1999, from the general fund of
 27 the state to the department of education, an amount

28 equivalent to the difference between the amount which
29 would have been received had the portion of weighted
30 enrollment that is additional enrollment because of
31 special education, and special education support
32 services, been funded at a level of eighty-eight
33 percent, and the foundation aid received pursuant to
34 section 257.1 attributable to the foundation base
35 levels of eighty-three and five-tenths percent
36 attributable to the portion of weighted enrollment
37 that is additional enrollment because of special
38 education and attributable to special education
39 support services. The amount appropriated shall be
40 used by the department to provide low-interest loans
41 to school districts for kindergarten through grade
42 twelve school infrastructure improvements. The
43 department shall adopt rules regarding awarding of the
44 loans."

MICHAEL W. CONNOLLY

S-3453

1 Amend Senate File 470 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 56.2, Code 1999, is amended by
5 adding the following new subsections:
6 NEW SUBSECTION. 5A. "Clearly identified" means
7 that a communication contains an unambiguous reference
8 to a particular candidate or ballot issue, including
9 but not limited to one or more of the following:
10 a. Use of the name of the candidate or ballot
11 issue.
12 b. Use of a photograph or drawing of the
13 candidate, or the use of a particular symbol
14 associated with a specific ballot issue.
15 c. Use of a candidate's initials, nickname,
16 office, or status as a candidate, or use of acronym,
17 popular name, or characterization of a ballot issue.
18 NEW SUBSECTION. 12A. "Express advocacy" or to
19 "expressly advocate" means communication that can be
20 characterized according to at least one of the
21 following descriptions:
22 a. The communication is political speech made in
23 the form of a contribution.
24 b. In advocating the election or defeat of one or
25 more clearly identified candidates or the passage or
26 defeat of one or more clearly identified ballot
27 issues, the communication includes explicit words that
28 unambiguously indicate that the communication is
29 recommending or supporting a particular outcome in the
30 election with regard to any clearly identified

31 candidate or ballot issue.
32 c. When taken as a whole and with limited
33 reference to external events such as the proximity to
34 the election, the communication could only be
35 interpreted by a reasonable person as supporting or
36 recommending the election, passage, or defeat of one
37 or more clearly identified candidates or ballot issues
38 because both of the following conditions are met:
39 (1) The communication, as it relates to the
40 election or defeat of the candidate or ballot issue,
41 is unmistakable, unambiguous, and suggestive of only
42 one meaning.
43 (2) Reasonable minds could not differ as to
44 whether the communication encourages action to
45 nominate, elect, approve, or defeat one or more
46 clearly identified candidates or a ballot issue or
47 whether the communication encourages some other kind
48 of action.
49 Sec. 2. Section 56.2, subsections 16 and 17, Code
50 1999, are amended to read as follows:

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1 16. "Political committee" means a either of the
2 following:
3 a. A committee, but not a candidate's committee,
4 which that accepts contributions in excess of five
5 hundred dollars in the aggregate, makes expenditures
6 in excess of five hundred dollars in the aggregate, or
7 incurs indebtedness in excess of five hundred dollars
8 in the aggregate in any one calendar year ~~for the~~
9 purpose of supporting or opposing to expressly
10 advocate the nomination, election, or defeat of a
11 candidate for public office, or for the purpose of
12 supporting or opposing to expressly advocate the
13 passage or defeat of a ballot issue; "political
14 ~~committee" also means an~~
15 b. An association, lodge, society, cooperative,
16 union, fraternity, sorority, educational institution,
17 civic organization, labor organization, religious
18 organization, or professional organization which that
19 accepts contributions in excess of five hundred
20 dollars in the aggregate, makes expenditures in excess
21 of five hundred dollars in the aggregate, or incurs
22 indebtedness in excess of five hundred dollars in the
23 aggregate in any one calendar year ~~for the purpose of~~
24 supporting or opposing to expressly advocate the
25 nomination, election, or defeat of a candidate for
26 public office, or for the purpose of supporting or
27 opposing to expressly advocate the passage or defeat
28 of a ballot issue. "Political committee" also
29 includes a committee which accepts contributions in

30 excess of five hundred dollars in the aggregate, makes
31 expenditures in excess of five hundred dollars in the
32 aggregate, or incurs indebtedness in excess of five
33 hundred dollars in the aggregate in a calendar year to
34 cause the publication or broadcasting of material in
35 which the public policy positions or voting record of
36 an identifiable candidate is discussed and in which a
37 reasonable person could find commentary favorable or
38 unfavorable to those public policy positions or voting
39 record.

40 17. "Political purpose" or "political purposes"
41 means the ~~support or opposition~~ express advocacy of a
42 candidate or ballot issue.

43 Sec. 3. Section 56.4, unnumbered paragraphs 2 and
44 3, Code 1999, are amended to read as follows:

45 Political committees ~~supporting or opposing~~
46 expressly advocating the nomination, election, or
47 defeat of candidates for both federal office and any
48 elected office created by law or the Constitution of
49 the state of Iowa shall file statements and reports
50 with the board in addition to any federal reports

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1 required to be filed with the board. However, a
2 political committee which is registered and filing
3 full disclosure reports of all financial activities
4 with the federal election commission may file verified
5 statements as provided in section 56.5.

6 Political committees ~~supporting or opposing~~
7 expressly advocating the nomination, election, or
8 defeat of candidates or the passage or defeat of
9 ballot issues for statewide elections and for county,
10 municipal or school elections may file all activity on
11 one report with the board and shall send a copy to the
12 commissioner responsible under section 47.2 for
13 conducting the election.

14 Sec. 4. Section 56.5, subsection 2, paragraph f,
15 Code 1999, is amended to read as follows:

16 f. A signed statement by the treasurer of the
17 committee and the candidate, in the case of a
18 candidate's committee, which shall verify that they
19 are aware of the requirement to file disclosure
20 reports if the committee, the committee officers, the
21 candidate, or both the committee officers and the
22 candidate receive contributions in excess of five
23 hundred dollars in the aggregate, make expenditures in
24 excess of five hundred dollars in the aggregate, or
25 incur indebtedness in excess of five hundred dollars
26 in the aggregate in a calendar year ~~for the purpose of~~
27 supporting or opposing to expressly advocate the
28 nomination, election, or defeat of any candidate for

29 public office. In the case of political committees,
30 statements shall be made by the treasurer of the
31 committee and the chairperson.
32 Sec. 5. Section 56.5A, Code 1999, is amended to
33 read as follows:
34 56.5A CANDIDATE'S COMMITTEE.
35 1. Each candidate for state, county, city, or
36 school office shall organize one, and only one,
37 candidate's committee for a specific office sought
38 when the candidate receives contributions in excess of
39 five hundred dollars in the aggregate, makes
40 expenditures in excess of five hundred dollars in the
41 aggregate, or incurs indebtedness in excess of five
42 hundred dollars in the aggregate in a calendar year.
43 2. A political committee shall not be established
44 ~~to support or oppose~~ expressly advocate the
45 nomination, election, or defeat of only one candidate
46 for office, except that a political committee may be
47 established to ~~support or oppose~~ expressly advocate
48 the passage or defeat of approval of a single judge
49 standing for retention.
50 Sec. 6. Section 56.6, subsection 1, paragraph d,

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1 Code 1999, is amended to read as follows:
2 d. Committees for municipal and school elective
3 offices and local ballot issues shall file their first
4 reports five days prior to any election in which the
5 name of the candidate or the local ballot issue which
6 they ~~support or oppose~~ expressly advocate appears on
7 the printed ballot and shall file their next report on
8 the first day of the month following the final
9 election in a calendar year in which the candidate's
10 name or the ballot issue appears on the ballot. A
11 committee ~~supporting or opposing~~ expressly advocating
12 the nomination, election, or defeat of a candidate for
13 a municipal or school elective office or the passage
14 or defeat of a local ballot issue shall also file
15 disclosure reports on the nineteenth day of January
16 and October of each year in which the candidate or
17 ballot issue does not appear on the ballot and on the
18 nineteenth day of January, May, and July of each year
19 in which the candidate or ballot issue appears on the
20 ballot, until the committee dissolves. These reports
21 shall be current to five days prior to the filing
22 deadline and are considered timely filed if mailed
23 bearing a United States postal service postmark on or
24 before the due date.
25 Sec. 7. Section 56.12A, unnumbered paragraph 1,
26 Code 1999, is amended to read as follows:
27 The state and the governing body of a county, city,

28 or other political subdivision of the state shall not
29 expend or permit the expenditure of public moneys for
30 political purposes, including ~~supporting or opposing~~
31 expressly advocating the passage or defeat of a ballot
32 issue.

33 Sec. 8. Section 56.13, subsections 1, 2, and 3,
34 Code 1999, are amended to read as follows:

35 1. Action involving a contribution or expenditure
36 which must be reported under this chapter and which is
37 taken by any person, candidate's committee or
38 political committee on behalf of a candidate, if known
39 and approved by the candidate, shall be deemed action
40 by the candidate and reported by the candidate's
41 committee. It shall be presumed that a candidate
42 approves the action if the candidate had knowledge of
43 it and failed to file a statement of disavowal with
44 the commissioner or board and take corrective action
45 within seventy-two hours of the action. A person,
46 candidate's committee or political committee taking
47 such action independently of that candidate's
48 committee shall notify that candidate's committee in
49 writing within twenty-four hours of taking the action.
50 The notification shall provide that candidate's

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1 committee with the cost of the promotion at fair
2 market value. A copy of the notification shall be
3 sent to the board.

4 Any person who makes expenditures or incurs
5 indebtedness, other than incidental expenses incurred
6 in performing volunteer work, ~~in support or opposition~~
7 to expressly advocate the nomination, election, or
8 defeat of a candidate for public office shall notify
9 the appropriate committee and provide necessary
10 information for disclosure reports.

11 2. If a person, other than a political committee,
12 makes one or more expenditures in excess of five
13 hundred dollars in the aggregate, or incurs
14 indebtedness in excess of five hundred dollars in the
15 aggregate, in any one calendar year ~~for purposes of~~
16 ~~supporting or opposing~~ to expressly advocate the
17 passage or defeat of a ballot issue, the person shall
18 file a statement of activity within ten days of taking
19 the action exceeding the threshold. The statement
20 shall contain information identifying the person
21 filing the statement, identifying the ballot issue,
22 and indicating the position urged by the person with
23 regard to the ballot issue. The person shall file
24 reports indicating the dates on which the expenditures
25 or incurrance of indebtedness took place; a
26 description of the nature of the action taken which

27 resulted in the expenditures or debt; and the cost of
28 the promotion at fair market value. For a local
29 ballot issue, the reports shall be filed five days
30 prior to any election in which the ballot issue
31 appears and on the first day of the month following
32 the election, as well as on the nineteenth day of
33 January, May, and July of each year in which the
34 ballot issue appears on the ballot and on the
35 nineteenth day of January and October of each year in
36 which the ballot issue does not appear on the ballot.
37 For a statewide ballot issue, reports shall be filed
38 on the nineteenth day of January, May, and July of
39 each year. The reports shall be current to five days
40 prior to the filing deadline, and are considered
41 timely filed if mailed bearing a United States postal
42 service postmark on or before the due date. Filing
43 obligations shall cease when the person files a
44 statement of discontinuation indicating that the
45 person's financial activity ~~in support of or in~~
46 opposition to expressly advocate the passage or defeat
47 of the ballot issue has ceased. Statements and
48 reports shall be filed with the commissioner
49 responsible under section 47.2 for conducting the
50 election at which the issue is voted upon, except that

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1 reports on a statewide ballot issue shall be filed
2 with the board.
3 3. A person taking action involving the making of
4 an expenditure or incurrence of indebtedness ~~in~~
5 ~~support or opposition to~~ expressly advocate the
6 passage or defeat of a ballot issue independently of a
7 political committee shall, within seventy-two hours of
8 taking the action, notify in writing any political
9 committee which advocates the same position with
10 regard to the ballot issue as the person taking the
11 action. The notification shall provide the political
12 committee with the cost of the promotion at fair
13 market value. A copy of the notification shall be
14 sent to the board. It shall be presumed that a
15 benefited committee approves the action if the
16 committee fails to file a statement of disavowal with
17 the commissioner or board and takes corrective action
18 within ten days of the action. Action approved by a
19 committee shall be reported as a contribution by the
20 committee.
21 Sec. 9. Section 56.14, subsection 1, paragraph a,
22 Code 1999, is amended to read as follows:
23 1. a. A person who causes the publication or
24 distribution of published material designed to ~~promote~~
25 ~~or defeat~~ expressly advocate the nomination, or

26 election, or defeat of a candidate for public office
27 or the passage or defeat of a constitutional amendment
28 or public measure shall include conspicuously on the
29 published material the identity and address of the
30 person responsible for the material. If the person
31 responsible is an organization, the name of one
32 officer of the organization shall appear on the
33 material. However, if the organization is a committee
34 which has filed a statement of organization under this
35 chapter, only the name of the committee is required to
36 be included on the published material. Published
37 material designed to ~~promote or defeat~~ expressly
38 advocate the nomination, ~~or~~ election, or defeat of a
39 candidate for public office or the passage or defeat
40 of a constitutional amendment or public measure which
41 contains language or depictions which a reasonable
42 person would understand as asserting that an entity
43 which is incorporated or is a registered committee had
44 authored the material shall, if the entity is not
45 incorporated or a registered committee, include
46 conspicuously on the published material a statement
47 that the apparent organization or committee is not
48 incorporated or a registered committee in addition to
49 the attribution statement required by this section.
50 For purposes of this section, "registered committee"

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1 means a committee which has an active statement of
2 organization filed under section 56.5.
3 Sec. 10. Section 56.15, subsections 1, 2, and 4,
4 Code 1999, are amended to read as follows:
5 1. Except as provided in subsections 3 and 4, it
6 is unlawful for an insurance company, savings and loan
7 association, bank, credit union, or corporation
8 organized pursuant to the laws of this state, the
9 United States, or any other state, territory, or
10 foreign country, whether for profit or not, or an
11 officer, agent, or representative acting for such
12 insurance company, savings and loan association, bank,
13 credit union, or corporation, to contribute any money,
14 property, labor, or thing of value, directly or
15 indirectly, to a committee, or ~~for the purpose of~~
16 influencing to expressly advocate that the vote of an
17 elector be used to nominate, elect, or defeat a
18 candidate for public office, except that such
19 resources may be so expended in connection with a
20 utility franchise election held pursuant to section
21 364.2, subsection 4, or a ballot issue. All such
22 expenditures are subject to the disclosure
23 requirements of this chapter.
24 2. Except as provided in subsection 3, it is

25 unlawful for a member of a committee, or its employee
26 or representative, except a ballot issue committee, or
27 for a candidate for office or the representative of
28 the candidate, to solicit, request, or knowingly
29 receive from an insurance company, savings and loan
30 association, bank, credit union, or corporation
31 organized pursuant to the laws of this state, the
32 United States, or any other state, territory, or
33 foreign country, whether for profit or not, or its
34 officer, agent, or representative, any money,
35 property, or thing of value belonging to the insurance
36 company, savings and loan association, bank, or
37 corporation for campaign expenses, or ~~for the purpose~~
38 ~~of influencing to expressly advocate that~~ the vote of
39 an elector be used to nominate, elect, or defeat a
40 candidate for public office. This section does not
41 restrain or abridge the freedom of the press or
42 prohibit the consideration and discussion in the press
43 of candidacies, nominations, public officers, or
44 public questions.

45 4. The restrictions imposed by this section
46 relative to making, soliciting or receiving
47 contributions shall not apply to a nonprofit
48 corporation or organization which uses those
49 contributions to encourage registration of voters and
50 participation in the political process, or to

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1 publicize public issues, or both, but does not use any
2 part of those contributions to ~~endorse or oppose~~
3 expressly advocate the nomination, election, or defeat
4 of any candidate for public office. A nonprofit
5 corporation or organization may use contributions
6 solicited or received to ~~support or oppose~~ expressly
7 advocate the passage or defeat of ballot issues but
8 the expenditures shall be disclosed by the nonprofit
9 corporation or organization in the manner provided for
10 a permanent organization temporarily engaged in a
11 political activity under section 56.6.

12 This section does not prohibit a family farm
13 corporation, as defined in section 9H.1, from placing
14 a yard sign on agricultural land, and does not
15 prohibit the placement of yard signs, with the prior
16 written permission of the individual property owner,
17 on property rented or leased by a corporation from
18 private individuals, subject to the requirements of
19 section 56.14. This section also does not prohibit
20 the placement of a yard sign on residential property
21 that is owned by a corporation, but rented or leased
22 to a private individual, if the prior permission of
23 the renter or lessee is obtained.

24 Sec. 11. Section 56.15, Code 1999, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 4A. For purposes of this section,
27 "committee" shall include statutory political
28 committees organized under chapter 43, and nonparty
29 political organizations organized under chapter 44.

30 Sec. 12. NEW SECTION. 56.15B DEDUCTING DUES FROM
31 PAY PROHIBITED.

32 It shall be a violation of this chapter for any
33 person, firm, association, labor organization,
34 financial institution, or corporation to deduct labor
35 organization dues, charges, fees, contributions, fines
36 or assessments from an employee's earnings, wages, or
37 compensation, unless the employer has first been
38 presented with an individual written order signed by
39 the employee, which written order shall be terminable
40 at any time by the employee giving at least thirty
41 days' written notice of such termination to the
42 employer. Violations of this section shall be
43 punishable according to the administrative procedures
44 to be followed by the ethics and campaign disclosure
45 board pursuant to chapter 68B.

46 Sec. 13. Section 56.22, subsection 2, Code 1999,
47 is amended to read as follows:

48 2. Funds distributed to statutory political
49 committees pursuant to this chapter shall not be used
50 to ~~support or oppose~~ expressly advocate the

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1 nomination, election, or defeat of any candidate.
2 Nothing in this subsection shall be construed to
3 prohibit a statutory political committee from using
4 such funds to pay expenses incurred in arranging and
5 holding a nominating convention."
6 2. Title page, by striking lines 2 through 6 and
7 inserting the following: "express advocacy of
8 candidates and ballot issues and requiring compliance
9 with labor union member contribution provisions."

BILL FINK

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 700

S-3454

1 Amend the Senate amendment, H-1639, to House File
2 700, as amended, passed, and reprinted by the House,
3 as follows:

- 4 1. Page 1, line 6, by striking the word "water"
5 and inserting the following: "a utility".

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 172

S-3455

- 1 Amend the amendment, H-1703, to House File 172, as
2 passed by the House, as follows:
3 1. Page 1, line 7, by striking the words "thirty
4 days" and inserting the following: "one year".
5 2. Page 1, line 10, by striking the word
6 "fraud,".

S-3456

- 1 Amend House File 746, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by inserting after line 31 the
4 following:
5 "Sec. . Section 12.32, Code 1999, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 4. "Qualified linked investment"
8 means a linked investment in which a certificate of
9 deposit is placed by the treasurer of state with an
10 eligible lending institution under the value-added
11 agricultural linked investment program established
12 under section 12.42.
13 Sec. . Section 12.34, Code 1999, is amended to
14 read as follows:
15 12.34 LINKED INVESTMENTS -- LIMITATIONS -- RULES
16 -- MATURITY AND RENEWAL OF CERTIFICATES.
17 1. The treasurer of state may invest up to the
18 lesser of ~~sixty-eight~~ one hundred eight million
19 dollars or ten percent of the balance of the state
20 pooled money fund in certificates of deposit in
21 eligible lending institutions pursuant to this
22 division. The treasurer of state shall allocate forty
23 million dollars of the amount authorized for
24 investment under this subsection for purposes of
25 supporting the value-added agricultural linked
26 investment program established in section 12.42. The
27 treasurer of state shall provide for the security of
28 the deposits made to eligible lending institutions as
29 provided in chapter 12C.
30 2. The treasurer of state shall adopt rules
31 pursuant to chapter 17A to administer this division.
32 3. The following shall apply to a certificate of
33 deposit, which is placed with an eligible lending
34 institution by the treasurer of state pursuant to this

35 division:

36 a. Certificates A certificate of deposit, which is
 37 not part of a qualified linked investment, placed by
 38 the treasurer of state with an eligible lending
 39 institution on or after July 1, 1996, pursuant to this
 40 division may be renewed at the option of the
 41 treasurer. The initial certificate of deposit for a
 42 given borrower shall have a maturity of one year and
 43 may be renewed for eight additional one-year periods.

44 b. A certificate of deposit which is part of a
 45 qualified linked investment placed by the treasurer of
 46 state with an eligible lending institution shall have
 47 a maturity of up to twelve months. The certificate of
 48 deposit may be renewed at the option of the treasurer
 49 on an annual basis for a total term not to exceed nine
 50 years.

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1 Sec. . NEW SECTION. 12.42 VALUE-ADDED
 2 AGRICULTURAL LINKED INVESTMENT PROGRAM.

3 1. The treasurer of state shall establish and
 4 administer, and adopt rules as necessary to establish
 5 and administer, a value-added agricultural linked
 6 investment program. The purpose of the program is to
 7 provide capital in the form of low-interest loans in
 8 order to do any of the following:

9 a. Stimulate existing businesses or encourage the
 10 establishment of new businesses that add value through
 11 the processing of agricultural commodities.

12 b. Encourage the production of agricultural
 13 commodities, if a shortage in production exists.

14 2. A borrower shall be eligible to participate in
 15 the value-added agricultural linked investment
 16 program, to the extent that the borrower meets
 17 eligibility requirements established by the treasurer
 18 of state.

19 3. A borrower shall not receive a loan of more
 20 than five hundred thousand dollars under this program.

21 Sec. . NEW SECTION. 15.204 VALUE-ADDED
 22 AGRICULTURAL LINKED INVESTMENT PROGRAM.

23 The agricultural products advisory council
 24 established in section 15.203, in cooperation with the
 25 department of economic development, shall recommend to
 26 the treasurer of state eligibility requirements for
 27 borrowers to participate in the value-added
 28 agricultural linked investment program established in
 29 section 12.42. The treasurer of state shall establish
 30 the eligibility requirements by rule adopted pursuant
 31 to chapter 17A."

32 2. By renumbering as necessary.

MARK SHEARER
EUGENE S. FRAISE
JOHN P. KIBBIE

S-3457

1 Amend House File 746, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 33, through page 2,
4 line 2, and inserting the following: "for the
5 following purposes:
6 (a) Collecting, summarizing, and publishing
7 marketing information on a monthly basis, regarding
8 finished cattle in cooperation with the Iowa
9 cattlemen's association, including unfinished cattle
10 for market, cattle placed on feed, and cattle on hand
11 under marketing arrangements.
12 (b) Monitoring the marketing of cattle or swine to
13 processors from feedlots as defined in section 9H.1,
14 to every extent practicable using moneys allocated
15 under this subparagraph. The department shall
16 cooperate with the attorney general in administering
17 this subparagraph subdivision.
18 "Feedlot" as used in statute includes confinement
19 feeding operations as defined in section 455B.161,
20 unless otherwise expressly provided. A person who is
21 a processor of beef or pork as provided in section
22 9H.2, owns, controls, or operates a feedlot in Iowa in
23 which hogs or cattle are fed regardless of whether the
24 processor directly or indirectly owns, controls, or
25 operates the feedlot."

JOHN P. KIBBIE
EUGENE S. FRAISE

S-3458

1 Amend House File 746, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 16, by inserting before line 7 the
4 following:
5 "Sec. 100. DEPARTMENT OF AGRICULTURE AND LAND
6 STEWARDSHIP -- LIVESTOCK ECONOMIC EMERGENCY PROGRAMS.
7 There is appropriated from the general fund of the
8 state to the department of agriculture and land
9 stewardship for the fiscal year beginning July 1,
10 1998, and ending June 30, 1999, the following amount,
11 or so much thereof as is necessary, to be used for the
12 purpose designated:
13 For the purpose of supporting the livestock
14 economic emergency programs as provided in this Act:
15 \$ 9,000,000

16 1. The moneys appropriated pursuant to this
 17 section shall be used to reduce the interest rate
 18 charged on loans for purposes of satisfying or
 19 restructuring existing debt obligations as provided in
 20 this Act. Of the amount appropriated in this section,
 21 not more than \$2,000,000 shall be used to provide
 22 emergency assistance to livestock producers under a
 23 program administered in cooperation with the farm
 24 service agency as provided in section 175A.7.

25 2. Notwithstanding the reversion date provisions
 26 of section 8.33, unencumbered and unobligated moneys
 27 appropriated pursuant to this section remaining on
 28 June 30, 1999, shall remain available until the close
 29 of the following fiscal year.

30 Sec. 101. IOWA STATE UNIVERSITY -- LIVESTOCK
 31 ECONOMIC EMERGENCY PROGRAMS. There is appropriated
 32 from the general fund of the state to the state board
 33 of regents for the fiscal year beginning July 1, 1998,
 34 and ending June 30, 1999, the following amount, or so
 35 much thereof as is necessary, to be used for the
 36 purpose designated:

37 For the purpose of supporting a program
 38 administered by the Iowa cooperative extension service
 39 in agriculture and home economics at Iowa state
 40 university of science and technology to provide
 41 financial management and counseling services to
 42 individual farm operators as provided in section
 43 266.36:

44 \$ 500,000

45 Notwithstanding the reversion date provisions of
 46 section 8.33, unencumbered and unobligated moneys
 47 appropriated pursuant to this section remaining on
 48 June 30, 1999, shall remain available until the close
 49 of the following fiscal year.

50 Sec. 102. DEPARTMENT OF JUSTICE -- LIVESTOCK

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1 ECONOMIC EMERGENCY PROGRAMS. There is appropriated
 2 from the general fund of the state to the department
 3 of justice for the fiscal year beginning July 1, 1998,
 4 and ending June 30, 1999, the following amount, or so
 5 much thereof as is necessary, to be used for the
 6 purpose designated:

7 For the purpose of supporting the farm mediation
 8 service as provided in section 13.13 in conducting
 9 farmer-creditor mediation as provided in chapter 654A:

10 \$ 500,000

11 Notwithstanding the reversion date provisions of
 12 section 8.33, unencumbered and unobligated moneys
 13 appropriated pursuant to this section remaining on
 14 June 30, 1999, shall remain available until the close

15 of the following fiscal year."
16 2. Page 18, by inserting after line 31 the
17 following:
18 "Section 201. NEW SECTION. 175A.1 PURPOSE.
19 The purpose of this chapter is to assist this
20 state's livestock producers during periods of severe
21 financial hardship that threaten the economic
22 viability of this state's livestock producers.
23 Sec. 202. NEW SECTION. 175A.2 DEFINITIONS.
24 As used in this section, unless the context
25 otherwise requires:
26 1. "Authority" means the agricultural development
27 authority established in section 175.3.
28 2. "Cash flow requirement" means the availability
29 of money adequate to provide for obligations that
30 become due during the term of a loan for expenses
31 related to livestock production.
32 3. "Family farm entity" means the same as defined
33 in section 10.1.
34 4. "Farm service agency" means the farm service
35 agency of the United States department of agriculture.
36 5. "Farming" means the same as defined in section
37 175.2.
38 6. "Livestock" means cattle or swine.
39 7. "Livestock operation" means a farm or animal
40 feeding operation as defined in section 455B.161 where
41 livestock are produced.
42 8. "Livestock producer" means a person engaged in
43 producing livestock.
44 9. "Produce" means to breed, raise, or feed, and
45 care for livestock.
46 10. "Program" means a livestock economic emergency
47 program as provided in this chapter.
48 11. "Qualified lending institution" means a bank,
49 credit union, or savings and loan as defined in
50 section 12C.1.

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1 12. "State assistance" means to grant a qualified
2 lending institution an amount foregone by the
3 qualified lending institution for reducing the
4 interest rate on a loan as provided in this chapter.
5 Sec. 203. NEW SECTION. 175A.3 GENERAL.
6 1. The agricultural development authority, in
7 cooperation with the department, shall establish and
8 administer livestock economic emergency programs as
9 provided in this chapter to provide state assistance
10 to livestock producers during a period of economic
11 emergency.
12 2. The authority shall adopt rules as provided in
13 chapter 17A necessary to establish and administer

14 livestock economic emergency programs.

15 3. A livestock producer shall apply for state
16 assistance under a program in a manner and according
17 to procedures required by the authority. The
18 authority shall adopt rules to enforce the provisions
19 of this section or the terms of a contract to which
20 the authority is a party. The authority may also
21 enforce the provisions of this chapter or terms of a
22 contract by bringing an action in any court of
23 competent jurisdiction for injunctive relief or to
24 recover damages.

25 Sec. 204. NEW SECTION. 175A.4 DECLARATION OF
26 ECONOMIC EMERGENCY.

27 The authority shall provide state assistance under
28 livestock economic emergency programs under this
29 chapter, to the extent that moneys are available. The
30 authority shall provide the state assistance upon a
31 declaration of livestock economic emergency issued by
32 the secretary. The secretary shall issue the
33 declaration if the secretary determines that the
34 market price paid for livestock threatens the economic
35 viability of this state's livestock producers. The
36 determination shall be made after consulting with the
37 authority's board and agricultural economists at Iowa
38 state university of science and technology, and upon
39 review of market news reports published by the
40 agricultural marketing service of the United States
41 department of agriculture.

42 Sec. 205. NEW SECTION. 175A.5 STATE ASSISTANCE.

43 1. The authority shall provide state assistance
44 under a livestock economic emergency program by
45 contracting with a qualified lending institution and a
46 livestock producer to reduce the interest rate charged
47 on a loan for purposes of satisfying or restructuring
48 existing debt obligations.

49 2. As part of the contract for state assistance,
50 the authority shall agree to grant a qualified lending

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1 institution an amount foregone by the qualified
2 lending institution for reducing the interest rate on
3 a loan to the livestock producer as provided in this
4 chapter.

5 a. The authority may determine the amount that the
6 rate is reduced, by considering the qualified lending
7 institution's customary loan rate as certified to the
8 authority by the qualified lending institution.

9 b. The authority may require that a qualified
10 lending institution satisfy additional requirements in
11 order to participate in livestock economic emergency
12 programs, including by requiring the qualified lending

13 institution to partially reduce the interest rate on
14 loans subject to the contract for state assistance.

15 c. The authority shall not provide state
16 assistance to reduce the interest rate charged on a
17 loan for more than twelve months.

18 3. The authority shall not provide assistance
19 under both sections 175A.7 and 175A.8 to the same
20 livestock producer.

21 Sec. 206. NEW SECTION. 175A.6 ELIGIBILITY.

22 1. The authority shall provide state assistance to
23 a livestock producer under a livestock economic
24 emergency loan program only if the authority
25 determines that without such state assistance the
26 livestock producer could not reasonably be expected to
27 be able to obtain, retain, restructure, or service
28 loans or other financing.

29 2. A livestock producer is eligible to participate
30 in a livestock economic emergency program only if all
31 the following criteria are satisfied:

32 a. One of the following applies:

33 (1) The livestock producer is an individual or a
34 partnership. If the livestock producer is an
35 individual or partnership, all of the following must
36 apply:

37 (a) The individual or all partners must be
38 residents of this state.

39 (b) The individual or all partners must be at
40 least eighteen years old.

41 (2) The livestock producer is a family farm entity
42 organized in this state.

43 b. The facilities involved in livestock production
44 must be located in this state.

45 c. The livestock producer does not produce
46 livestock under a contract with an owner of the
47 livestock.

48 d. The gross income received by the livestock
49 producer from farming for the last completed calendar
50 year was more than fifty thousand dollars.

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1 e. Fifty percent or more of the livestock
2 producer's income attributable to farming is derived
3 from the sale of livestock.

4 f. All of the following apply:

5 (1) The livestock producer is not classified as a
6 habitual violator under section 455B.191.

7 (2) The livestock producer has not committed a
8 violation of chapter 455B or of a rule adopted
9 pursuant to chapter 455B regulating animal feeding
10 operations during the twelve-month period immediately
11 prior to the date of submission of the application.

12 Sec. 207. NEW SECTION. 175A.7 LIVESTOCK ECONOMIC
13 EMERGENCY PROGRAM -- COOPERATION WITH THE FARM SERVICE
14 AGENCY.

15 1. The authority shall cooperate with the farm
16 service agency if the farm service agency provides
17 emergency assistance to livestock producers under a
18 program administered by the farm service agency.

19 a. The authority shall provide state assistance to
20 livestock producers who apply to the farm service
21 agency for emergency assistance in order to retain,
22 restructure, or service loans or other financing.

23 b. The authority shall approve an application for
24 state assistance only if a livestock producer is
25 provided emergency assistance by the farm service
26 agency. The authority shall provide state assistance
27 to the extent necessary to allow livestock producers
28 to qualify for emergency federal assistance by
29 enhancing the livestock producer's cash flow
30 requirement.

31 2. The authority shall grant a qualified lending
32 institution not more than two percent of the amount
33 foregone by the qualified lending institution in
34 reducing the interest rate on the loan as provided in
35 this chapter.

36 Sec. 208. NEW SECTION. 175A.8 LIVESTOCK ECONOMIC
37 EMERGENCY PROGRAM -- INDEPENDENT PROGRAM.

38 1. The authority shall provide state assistance to
39 livestock producers under the livestock economic
40 emergency program independent of assistance provided
41 by the farm service agency as provided in section
42 175A.7.

43 2. The authority shall provide state assistance to
44 livestock producers who apply to the authority in
45 order to retain, restructure, or service loans or
46 other financing.

47 a. The authority may require that the livestock
48 producer and the qualified lending institution
49 restructure existing debt.

50 b. A livestock producer must participate in a

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1 program administered by the Iowa cooperative extension
2 service in agriculture and home economics at Iowa
3 state university of science and technology that
4 provides financial management and counseling services
5 to individual farm operators as provided in section
6 266.36.

7 3. The application shall contain financial
8 information regarding the livestock producer as
9 required by the authority. The application must
10 include all of the following:

- 11 a. The livestock producer's projected cash flow
 12 requirements if the application is approved.
 13 b. A statement by Iowa state university certifying
 14 that the livestock producer is participating in the
 15 program provided in section 266.36.
 16 4. The authority shall grant a qualified lending
 17 institution not more than three percent of the amount
 18 foregone by the qualified lending institution in
 19 reducing the interest rate on the loan as provided in
 20 this chapter."
 21 3. Page 20, by inserting before line 34 the
 22 following:
 23 " Sections 100 through 102, relating to
 24 appropriations for livestock economic emergency
 25 programs."
 26 4. Page 21, by inserting before line 3 the
 27 following:
 28 " Sections 201 through 208 relating to
 29 livestock economic emergency programs."
 30 5. By renumbering as necessary.

EUGENE S. FRAISE
 JOHN P. KIBBIE

S-3459

- 1 Amend House File 746, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 14, by striking the figure
 4 "2,137,161" and inserting the following: "2,175,536".
 5 2. Page 1, line 15, by striking the figure
 6 "47.88" and inserting the following: "48.88".
 7 3. Page 1, line 32, by striking the figure
 8 "30,000" and inserting the following: "12,000".
 9 4. Page 2, line 10, by striking the figure
 10 "43,500" and inserting the following: "61,500".
 11 5. Page 2, line 19, by striking the figure
 12 "45,834" and inserting the following: "70,055".
 13 6. Page 2, line 26, by striking the figure
 14 "4,110,954" and inserting the following: "4,152,418".
 15 7. Page 7, line 29, by striking the figure
 16 "4,941,285" and inserting the following: "4,906,116".
 17 8. Page 7, line 30, by striking the figure
 18 "242.50" and inserting the following: "243.50".
 19 9. Page 8, line 9, by striking the figure
 20 "424,600" and inserting the following: "524,600".
 21 10. Page 8, line 9, by striking the figure "9.00"
 22 and inserting the following: "12.00".
 23 11. Page 8, line 10, by inserting after the word
 24 "operations." the following: "It is the intent of the
 25 general assembly that 3 FTEs and moneys used to
 26 support those full-time equivalent positions not be

27 available after June 30, 2002."
 28 12. Page 8, line 17, by striking the figure
 29 "140,733" and inserting the following: "105,564".
 30 13. Page 12, by striking line 33 and inserting
 31 the following:
 32 "Sec. . JOHNE'S DISEASE
 33 1. a. There is appropriated from the".
 34 14. Page 13, line 5, by inserting after the word
 35 "tests" the following: "by Iowa state university of
 36 science and technology".
 37 15. Page 13, line 6, by striking the figure
 38 "50,000" and inserting the following: "5,330".
 39 16. Page 13, by inserting after line 6 the
 40 following:
 41 "b. There is appropriated from the state federal
 42 animal health laboratory fund within the laboratory
 43 division of the department of agriculture and land
 44 stewardship to the livestock disease research fund
 45 created in section 267.8 for the fiscal year beginning
 46 July 1, 1999, and ending June 30, 2000, the following
 47 amount, or so much thereof as is necessary, to be used
 48 for the purpose designated:
 49 For the purpose of supporting research and to
 50 evaluate procedures and tests by Iowa state university

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1 of science and technology to accurately diagnose
 2 Johne's disease:
 3 \$ 44,670
 4 Notwithstanding section 8.33, moneys appropriated
 5 in this paragraph "b" that remain unencumbered or
 6 unobligated at the close of the fiscal year shall be
 7 deposited in the general fund of the state."
 8 17. Page 13, line 7, by striking the figure "1."
 9 and inserting the following: "2."
 10 18. Page 13, line 11, by striking the figure "2."
 11 and inserting the following: "3."
 12 19. Page 14, by striking lines 4 through 10 and
 13 inserting the following: "this section. A landowner
 14 cooperating with the animal and plant health
 15 inspection service is not required to pay a fee in
 16 order to obtain a depredation permit. The
 17 department".
 18 20. Page 15, by striking line 10 and inserting
 19 the following:
 20 "Notwithstanding section 455E.11, subsection 2,
 21 paragraph "b", prior to any other appropriation from
 22 the agriculture management account of the groundwater
 23 protection fund, as provided in section 455E.11,
 24 subsection 2, paragraph "b", there is appropriated
 25 from the agriculture management account to".

26 21. Page 16, by inserting before line 7 the
 27 following:
 28 "Sec. 100. REGENTS -- COOPERATIVE EXTENSION.
 29 There is appropriated from the general fund of the
 30 state to the state board of regents for the fiscal
 31 year beginning July 1, 1998, and ending June 30, 1999,
 32 the following amounts, or so much thereof as may be
 33 necessary, to be used for the purposes designated:
 34 To Iowa state university of science and technology,
 35 cooperative extension service in agriculture and home
 36 economics, to provide immediate educational assistance
 37 to farm families who are facing financial problems:
 38 1. For support of farming financial counseling by
 39 use of computer software which provides analysis of
 40 farm business records:
 41 \$ 150,000
 42 2. For support of the Iowa concern hotline to
 43 provide stress counseling, information, and referral
 44 to families in financial stress:
 45 \$ 150,000
 46 Notwithstanding section 8.33, moneys appropriated
 47 in this section which remain unobligated or unexpended
 48 at the close of the fiscal year shall not revert but
 49 shall remain available to be used for the purposes
 50 designated in the succeeding fiscal year."

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1 22. By striking page 16, line 32, through page
 2 17, line 1.
 3 23. Page 20, by inserting after line 24 the
 4 following:
 5 "Sec. NEW SECTION. 461A.35A ENTRANCE FEE.
 6 The department shall not impose a fee upon a person
 7 for entering into a state park or preserve."
 8 24. Page 20, by inserting after line 35 the
 9 following:
 10 ". Section 100, relating to educational
 11 assistance to farm families provided by Iowa state
 12 university of science and technology."
 13 25. Page 21, by striking line 1 and inserting the
 14 following:
 15 ". Section 461A.35A, as enacted by this Act,
 16 relating to a fee to enter parks and".
 17 26. By renumbering as necessary.

JERRY BEHN
 DENNIS H. BLACK
 DERRYL McLAREN

S-3460

1 Amend House File 746, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 18, by inserting after line 31 the
4 following:

5 "Sec. . Section 159A.6, subsection 2,
6 unnumbered paragraph 2, Code 1999, is amended to read
7 as follows:

8 The committee shall develop standards for decals a
9 decal required pursuant to section 214A.16, which
10 shall be designed to promote the advantages of using
11 ~~renewable fuels~~ diesel fuel containing more than one
12 percent soybean oil by volume. The standards may be
13 incorporated within a model decal adopted by the
14 committee and approved by the office.

15 Sec. . Section 214A.1, Code 1999, is amended to
16 read as follows:

17 214A.1 DEFINITIONS.

18 The following definitions shall apply to the
19 various terms used in this chapter:

20 1. "A.S.T.M." means the American society for
21 testing and materials.

22 ~~2. "Motor vehicle fuel" means a substance or~~
23 ~~combination of substances which is intended to be or~~
24 ~~is capable of being used for the purpose of propelling~~
25 ~~or running by combustion any internal combustion~~
26 ~~engine and is kept for sale or sold for that purpose.~~
27 ~~The products commonly known as kerosene and distillate~~
28 ~~or petroleum products of lower gravity (Baume scale),~~
29 ~~when not used to propel a motor vehicle or for~~
30 ~~compounding or combining with a motor vehicle fuel,~~
31 ~~are exempt from this chapter except as provided in~~
32 ~~section 214A.2A.~~

33 2. "Dealer" means a retail dealer or a wholesale
34 dealer.

35 3. "Gasoline" means a motor vehicle fuel which is
36 not any of the following:

37 a. Diesel fuel.

38 b. Aviation gasoline or special fuel as defined in
39 section 452A.2.

40 4. "Gasoline station" means the location of a
41 profit or nonprofit business where gasoline is offered
42 for sale by a retail dealer.

43 5. "Motor vehicle" means a self-propelled vehicle
44 that operates using gasoline, including but not
45 limited to any of the following:

46 a. An automobile as defined in section 321.1.

47 b. A motor truck as defined in section 321.1.

48 c. A motor bus as used in section 452A.57.

49 d. A motorcycle as defined in section 321.1.

50 e. A watercraft as defined in section 462A.2.

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- 1 f. An off-road vehicle which is a snowmobile or an
2 all-terrain vehicle as defined in section 321G.1.
3 6. "Motor vehicle fuel" means the same as defined
4 in section 214.1.
5 7. "Motor vehicle fuel container" means a
6 container used for the temporary storage of motor
7 vehicle fuel by the consumer of that motor vehicle
8 fuel.
9 8. "Motor vehicle fuel pump" or "pump" means the
10 same as defined in section 214.1.
11 9. "Offer for sale" means to make an offer to sell
12 motor vehicle fuel on a retail basis.
13 3. 10. "Oxygenate octane enhancer" means oxygen-
14 containing compounds, including but not limited to
15 alcohols, ethers, or ethanol.
16 11. "Oxygenated gasoline" means gasoline that
17 contains an oxygenate octane enhancer as provided in
18 section 214A.2.
19 12. "Qualified motor vehicle" means a motor
20 vehicle that is any of the following:
21 a. A watercraft.
22 b. A motorcycle.
23 c. An antique vehicle registered under section
24 321.115.
25 d. An off-road vehicle that is a snowmobile or an
26 all-terrain vehicle.
27 13. "Raceway" means an enclosed area in which
28 there is located a public or private road used for
29 racing.
30 4. 14. "Retail dealer" ~~shall mean and include any~~
31 means a person, firm, partnership, association, or
32 corporation who operates, maintains, or conducts,
33 either in person, or by any agent, employee, or
34 servant, any place of business, filling station, pump
35 station, or tank wagon, from which any motor vehicle
36 fuel, as defined herein, is sold or offered for sale,
37 at retail, or to the final or ultimate consumer.
38 5. 15. "Wholesale dealer" ~~shall mean and include~~
39 any means a person, firm, partnership, association, or
40 corporation, other than a retail dealers as defined in
41 subsection 3 of this section, who sells, keeps, or
42 holds, for sale, or purchase dealer who provides motor
43 vehicle fuel for the purpose of sale within this
44 state, any motor vehicle fuel.
45 16. "Unoxygenated gasoline" means gasoline other
46 than oxygenated gasoline.
47 Sec. . Section 214A.2, subsection 1, Code 1999,
48 is amended to read as follows:
49 1. a. The secretary department shall adopt rules
50 pursuant to chapter 17A for carrying out this chapter.

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1 The rules ~~may shall~~ include, but are not limited to,
2 establishing specifications relating to motor vehicle
3 fuel or oxygenate octane enhancers.

4 b. In the interest of uniformity, the secretary
5 department shall adopt rules, by reference or
6 otherwise, to establish specifications relating to
7 tests and standards for motor vehicle fuel or
8 oxygenate octane enhancers, established. The
9 specifications shall be based on those established by
10 the American society for testing and materials
11 (A.S.T.M.), unless the secretary department determines
12 that those specifications are inconsistent with this
13 chapter or are not appropriate to the conditions which
14 exist in this state.

15 c. The department shall not use Reid vapor
16 pressure tests more frequently to test oxygenated
17 gasoline than customarily required to test
18 unoxygenated gasoline.

19 Sec. . Section 214A.2, Code 1999, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 1A. An oxygenated gasoline must
22 contain at least three and five-tenths percent oxygen
23 by weight.

24 Sec. . Section 214A.2A, Code 1999, is amended
25 to read as follows:

26 214A.2A KEROSENE LABELING AND LOW GRAVITY
27 PETROLEUM PRODUCTS.

28 1. Except as provided in subsection 2, products
29 commonly known as kerosene and distillate or petroleum
30 products of lower gravity (Baume scale), when not used
31 to propel a motor vehicle or for compounding or
32 combining with a motor vehicle fuel, are exempt from
33 this chapter.

34 2. Fuel which is sold or is kept, offered, or
35 exposed for sale as kerosene shall be labeled as
36 kerosene. The label shall include the word "kerosene"
37 and a designation as either "K1" or "K2", and shall
38 indicate that the kerosene is in compliance with the
39 standard specification adopted by the A.S.T.M. in
40 specification D-3699 (1982).

41 Sec. . Section 214A.16, Code 1999, is amended
42 to read as follows:

43 214A.16 NOTICE OF BLENDED FUEL—DECAL ON MOTOR
44 VEHICLE FUEL PUMPS.

45 1. All motor vehicle fuel kept, offered, or
46 exposed for sale, or sold at retail containing over
47 one percent ethanol, methanol, or any combination of
48 oxygenate octane enhancers shall be identified as
49 "with" either "ethanol", "methanol",
50 "ethanol/methanol", or similar wording on A retail

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1 dealer shall place a decal on a motor vehicle fuel
2 pump that dispenses motor vehicle fuel as required in
3 this section. The decal shall identify the motor
4 vehicle fuel as follows:

5 a. If the motor vehicle fuel is unoxxygenated
6 gasoline, the decal shall state the following:
7 "Nonoxxygenated gasoline only for use in antique
8 vehicles, off-road vehicles, motorcycles, watercraft,
9 or small engines."

10 b. All If the motor vehicle fuel is diesel fuel
11 kept, offered, or exposed for sale, or sold at retail
12 containing over more than one percent soybean oil by
13 volume the decal shall be identified identify the
14 diesel fuel as "with soydiesel" or similar wording on
15 a decal.

16 2. The design and location of the decals shall be
17 prescribed by rules adopted by the department. The
18 department shall adopt the rules to be effective by
19 January 1, ~~1995~~ 2001. A decal identifying a renewable
20 diesel fuel containing more than one percent soybean
21 oil by volume shall be consistent with standards
22 adopted pursuant to section 159A.6. ~~Until the~~
23 ~~department establishes standards for decals, the~~
24 ~~wording shall be on a white adhesive decal with black~~
25 ~~letters at least one-half inch high and at least one-~~
26 ~~quarter inch wide placed between thirty and forty~~
27 ~~inches above the driveway level on the front sides of~~
28 ~~any container or pump from which the motor fuel is~~
29 ~~sold. The department may approve an application to~~
30 ~~place a decal in a special location on a pump or~~
31 ~~container or use a decal with special lettering or~~
32 ~~colors, if the decal appears clear and conspicuous to~~
33 ~~the consumer. The application shall be made in~~
34 ~~writing pursuant to procedures adopted by the~~
35 ~~department. Designs for a decal identifying a~~
36 ~~renewable fuel shall be consistent with standards~~
37 ~~adopted pursuant to section 159A.6.~~

38 Sec. . Section 214A.4, Code 1999, is amended to
39 read as follows:

40 214A.4 INTRASTATE SHIPMENTS.

41 A ~~wholesale dealer or retail dealer~~ shall not
42 receive or sell or hold for sale, within this state,
43 ~~any~~ motor vehicle fuel or ~~an~~ oxygenate octane enhancer
44 ~~for which specifications are prescribed in this~~
45 ~~chapter, unless the all of the following apply:~~

46 1. The motor vehicle fuel is subject to
47 specifications required in this chapter, other than
48 standards relating to the oxygen content of oxygenated
49 gasoline as provided pursuant to section 214A.2A.

50 2. The dealer first secures receives from the

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1 refiner or producer of the motor vehicle fuel or
2 oxygenate octane enhancer, a certified statement,
3 ~~verified by the oath of~~ by a competent chemist
4 qualified according to requirements of the department,
5 who is employed by or representing represents the
6 refiner or producer, ~~showing. The statement shall~~
7 certify that the true standards and tests of the motor
8 vehicle fuel or oxygenate octane enhancer, obtained by
9 the methods referred to satisfies specifications for
10 the motor vehicle fuel or oxygenate octane enhancer as
11 required by the department pursuant to section 214A.2.
12 The statement shall be based on tests and standards
13 approved by the department as provided in section
14 214A.2. The verified tests are required and statement
15 must accompany the bill of lading or shipping
16 documents representing the shipment of the motor
17 vehicle fuel or oxygenate octane enhancer into this
18 state before the shipment can be received and
19 unloaded, and shall be included with any cargo
20 documents required pursuant to section 452A.12.
21 Sec. . NEW SECTION. 214A.21 GASOLINE
22 REQUIREMENTS.
23 1. Except as provided in this section, a person
24 shall not offer for sale gasoline other than
25 oxygenated gasoline in this state.
26 2. This section shall not apply to gasoline used
27 to operate any of the following:
28 a. An aircraft as defined in section 328.1.
29 b. A motor vehicle used exclusively for motor
30 sports, including a raceway, if the motor vehicle
31 cannot operate on a highway as provided in chapter 321
32 or rules adopted by the state department of
33 transportation.
34 3. A person may offer for sale unoxygenated
35 gasoline only as provided in this subsection. All
36 unoxygenated gasoline offered for sale in this state
37 must be unleaded gasoline as provided in section
38 214A.2. The unoxygenated gasoline shall only be
39 offered for sale for one of the following purposes:
40 a. The operation of a qualified motor vehicle or a
41 small engine.
42 b. The temporary storage of unoxygenated gasoline
43 in a small motor vehicle fuel container. The small
44 motor vehicle fuel container shall meet all of the
45 following requirements:
46 (1) It shall comply with the standards set forth
47 in section 214A.15, or rules adopted by the
48 department.
49 (2) It shall have a capacity of not more than six
50 gallons.

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1 c. A retail dealer shall only offer for sale
2 unoxygenated gasoline at a gasoline station.

3 Sec. . Section 452A.3, subsection 2, Code 1999,
4 is amended to read as follows:

5 2. a. For the privilege of operating aircraft in
6 this state an excise tax of eight cents per gallon is
7 imposed on the use of all aviation gasoline.

8 ~~b. For the privilege of operating motor vehicles
9 in this state, an excise tax of nineteen cents per
10 gallon until June 30, 2007, is imposed upon the use of
11 motor fuel containing at least ten percent alcohol
12 distilled from cereal grains grown in the United
13 States and used for any purpose except as otherwise
14 provided in this division.~~

15 Sec. . Section 452A.12, Code 1999, is amended
16 to read as follows:

17 452A.12 LOADING AND DELIVERY EVIDENCE ON
18 TRANSPORTATION EQUIPMENT.

19 1. As used in this section, unless the context
20 otherwise requires:

21 a. "Cargo document" means a manifest or loading
22 and delivery evidence as provided in this section.

23 b. "Gasoline" means the same as defined in section
24 214A.1.

25 c. "Oxygenated gasoline" means the same as defined
26 in section 214A.1.

27 d. "Oxygenate octane enhancer" means the same as
28 defined in section 214A.1.

29 2. A cargo document shall describe any
30 transportation of motor fuel as required in this
31 section.

32 ~~2A. a. A serially numbered manifest cargo~~
33 ~~document shall be carried on every vehicle, except~~
34 ~~small tank wagons, while in use in transportation~~
35 ~~service, on which shall be entered the following. The~~
36 ~~cargo document shall be a serially numbered manifest.~~
37 ~~The manifest shall include information as to about the~~
38 ~~cargo of motor fuel or special fuel being moved in the~~
39 ~~vehicle as required by the department, including all~~
40 ~~of the following:~~

41 ~~(1) The date and place of loading, and the place~~
42 ~~to be unloaded, the of unloading the cargo.~~

43 ~~(2) The person for whom it the cargo is to be~~
44 ~~delivered, the,~~

45 ~~(3) The nature and kind of product, the being~~
46 ~~delivered. The manifest shall state whether the motor~~
47 ~~fuel is gasoline or another type of motor fuel.~~

48 ~~(4) The amount of product, and other information~~
49 ~~required by the department including the number of~~
50 ~~gallons of motor fuel being delivered.~~

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1 (5) If the motor fuel is gasoline, the manifest
2 shall include provisions required in subsection 4.
3 b. The manifest for small tank wagons shall be
4 retained at the home office. The manifest covering
5 each load transported, upon consummation of the
6 delivery, shall be completed by showing the date and
7 place of actual delivery and the person to whom
8 actually delivered and shall be kept as a permanent
9 record for a period of three years. However, the ~~The~~
10 record of the manifest of past cargoes ~~need is~~ not
11 required to be carried on the conveyance but shall be
12 preserved by the carrier for inspection by the
13 department. A carrier subject to this subsection when
14 distributing for a licensee may with the approval of
15 the department substitute the loading and delivery
16 evidence required in ~~subsection 2~~ for in lieu of the
17 manifest.

18 ~~2. 3.~~ A person while transporting motor fuel or
19 undyed special fuel from a refinery or marine or
20 pipeline terminal in this state or from a point
21 outside this state over the highways of this state in
22 service other than that under subsection ~~1~~ 2A shall
23 carry in the vehicle a ~~loading invoice~~ cargo document
24 which shall be loading and delivery evidence showing
25 all of the following:

26 a. The name and address of the seller or
27 consignor, ~~the~~

28 b. The date and place of loading, ~~and the~~

29 c. The kind and quantity of motor fuel or special
30 fuel loaded, ~~together with invoices. The loading and~~
31 delivery evidence shall state whether the motor fuel
32 is gasoline or another type of motor fuel.

33 d. Invoices showing the kind and quantity of each
34 delivery and the name and address of each purchaser or
35 consignee. ~~If the motor fuel is gasoline, the invoice~~
36 shall state the number of gallons of gasoline being
37 delivered. The loading invoice shall include
38 provisions required in subsection 4.

39 4. a. Except as provided in paragraph "b", if the
40 cargo is gasoline, the cargo document shall identify
41 the volume percentage or gallons of oxygenate octane
42 enhancers in the gasoline, and the octane number for
43 the gasoline as provided in section 214A.2. The cargo
44 document shall include a statement printed in at least
45 ten-point boldface type. The statement shall provide
46 as follows:

47 (1) If the motor fuel is oxygenated gasoline, the
48 statement shall provide: "This motor fuel is
49 oxygenated gasoline legal for sale in this state as
50 provided by Iowa Code chapter 214A."

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1 (2) If the motor fuel is not oxygenated gasoline,
2 the statement shall provide: "This motor fuel is
3 nonoxygenated gasoline legal for restricted retail
4 sale in this state as provided in Iowa Code chapter
5 214A."

6 b. This subsection shall not apply to the
7 transport of gasoline between refineries, between
8 terminals, or between a refinery and a terminal.

9 Sec. . Section 455G.9, subsection 1, Code 1999,
10 is amended by adding the following new lettered
11 paragraph:

12 NEW PARAGRAPH. j. Up to one hundred percent of
13 the costs necessary to reimburse the owner or operator
14 for costs associated with converting a fiberglass
15 motor vehicle fuel storage tank or storage tank piping
16 used to transport oxygenated gasoline from a
17 fiberglass storage tank to a pump as required pursuant
18 to chapter 214A, pursuant to section 455G.23.

19 However, the owner or operator shall not be reimbursed
20 more than ten thousand dollars for converting a
21 fiberglass storage tank or more than three thousand
22 dollars for converting storage tank piping.

23 Sec. . NEW SECTION. 455G.23 CONVERSION
24 NECESSARY TO STORE AND DISPENSE OXYGENATED GASOLINE.

25 1. As used in this section:

26 a. "Fiberglass storage tank" means a storage tank
27 that is fiberglass or fiberglass-lined when
28 manufactured.

29 b. "Oxygenated gasoline" means oxygenated gasoline
30 as defined in section 214A.1.

31 c. "Storage tank" means a storage container that
32 is a fixture on the surface or underground on the
33 premises of a gasoline station as defined in section
34 214A.1 that is used to store and dispense gasoline to
35 customers on a retail basis.

36 d. "Storage tank equipment" means a storage tank
37 or storage tank piping.

38 e. "Storage tank piping" means any rigid or
39 flexible piping used to transport motor fuel from a
40 storage tank to a motor vehicle fuel pump as defined
41 in section 214A.1.

42 2. The board shall establish a program to
43 reimburse the owner or operator of a site for costs
44 necessary to convert a fiberglass storage tank or
45 storage tank piping for use in storing or dispensing
46 oxygenated gasoline as provided pursuant to chapter
47 214A. The conversion may be the replacement of
48 storage tank equipment or modifications necessary for
49 the storage and dispensing of oxygenated gasoline.

50 3. In order to be eligible for reimbursement, all

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- 1 of the following must apply:
- 2 a. The site must be located at a gasoline station
- 3 as defined in section 214A.1.
- 4 b. The site must comply with federal and state
- 5 standards governing new or upgraded storage tank
- 6 equipment.
- 7 4. The owner or operator shall apply to the board
- 8 in a manner and according to procedures required by
- 9 the board. The application shall contain all
- 10 information required by the board and shall at least
- 11 include all of the following:
- 12 a. The name of the owner or operator and the
- 13 address of the gasoline station.
- 14 b. A detailed description of the storage tank
- 15 equipment, including all of the following:
- 16 (1) The location of the storage tank equipment on
- 17 the premises of the gasoline station.
- 18 (2) The date that the storage tank equipment was
- 19 installed on the premises of the gasoline station.
- 20 (3) The model number of the storage tank
- 21 equipment, if available.
- 22 (4) A statement that the conversion necessary to
- 23 store oxygenated fuel in the fiberglass storage tank
- 24 or dispense oxygenated fuel using storage tank piping
- 25 has not begun or been completed since the date of
- 26 installation.
- 27 c. One of the following:
- 28 (1) A statement certified by the manufacturer of
- 29 the storage tank equipment verifying that the storage
- 30 tank equipment is not warranted for the storage or
- 31 dispensing of oxygenated fuel.
- 32 (2) A letter signed by an agent or representative
- 33 of two property and casualty insurers of petroleum
- 34 equipment recognized by the board. Each letter must
- 35 state that the storage tank equipment is not insurable
- 36 for the storage or dispensing of oxygenated fuel under
- 37 policies customarily issued by the insurer covering
- 38 storage tank equipment.
- 39 5. A site classified as a no further action site
- 40 pursuant to a certificate issued by the department
- 41 under section 455B.474 shall retain its classification
- 42 following modifications necessary to store and
- 43 dispense oxygenated gasoline, and the owner operator
- 44 shall not be required to perform a new site assessment
- 45 unless the site causes a clear, present, and impending
- 46 danger to the public health or the environment."
- 47 2. By renumbering as necessary.

S-3461

- 1 Amend House File 746, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, line 35, by striking the figure
- 4 "301,373" and inserting the following: "401,373".

MICHAEL W. CONNOLLY
 PATRICIA M. HARPER
 EUGENE S. FRAISE
 MATT McCOY
 BETTY A. SOUKUP

S-3462

- 1 Amend the amendment, S-3447, to House File 322, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, by striking lines 12 through 14 and
- 5 inserting the following:
- 6 ". A contractor shall not on or after the
- 7 effective date of this Act enforce a provision in a
- 8 production contract if the provision".
- 9 2. By renumbering as necessary.

MERLIN E. BARTZ

HOUSE AMENDMENT TO
 SENATE FILE 464

S-3463

- 1 Amend Senate File 464, 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 "COLLEGE STUDENT AID COMMISSION
- 6 Section 1. There is appropriated from the general
- 7 fund of the state to the college student aid
- 8 commission for the fiscal year beginning July 1, 1999,
- 9 and ending June 30, 2000, the following amounts, or so
- 10 much thereof as may be necessary, to be used for the
- 11 purposes designated:
- 12 1. GENERAL ADMINISTRATION
- 13 For salaries, support, maintenance, miscellaneous
- 14 purposes, and for not more than the following full-
- 15 time equivalent positions: .
- 16 \$ 331,727
- 17 FTEs 5.40
- 18 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH
- 19 SCIENCES
- 20 a. For forgivable loans to Iowa students attending

21 the university of osteopathic medicine and health
 22 sciences under the forgivable loan program pursuant to
 23 section 261.19:

24 \$ 379,260

25 b. For the university of osteopathic medicine and
 26 health sciences for an initiative in primary health
 27 care to direct primary care physicians to shortage
 28 areas in the state:

29 \$ 395,000

30 3. STUDENT AID PROGRAMS

31 For payments to students for the Iowa grant
 32 program:

33 \$ 1,161,850

34 4. NATIONAL GUARD TUITION AID PROGRAM

35 For purposes of providing national guard tuition
 36 aid under the program established in section 261.86:

37 \$ 833,900

38 5. CHIROPRACTIC GRADUATE STUDENT FORGIVABLE LOAN
 39 PROGRAM

40 For purposes of providing forgivable loans under
 41 the program established in section 261.71:

42 \$ 100,000

43 6. TEACHER SHORTAGE FORGIVABLE LOAN PROGRAM

44 For the teacher shortage forgivable loan program
 45 established in section 261.111:

46 \$ 250,000

47 Sec. 2. There is appropriated from the loan
 48 reserve account to the college student aid commission
 49 for the fiscal year beginning July 1, 1999, and ending
 50 June 30, 2000, the following amount, or so much

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1 thereof as may be necessary, to be used for the
 2 purposes designated:

3 For operating costs of the Stafford loan program
 4 including salaries, support, maintenance,
 5 miscellaneous purposes, and for not more than the
 6 following full-time equivalent positions:

7 \$ 5,226,983

8 FTEs 33.61

9 Sec. 3. The department of revenue and finance
 10 shall deposit interest earned on the Pub. L. No. 105-
 11 33 recall account within the office of the treasurer
 12 of state during the fiscal year ending June 30, 1999,
 13 in the fund 61 default reduction account. Moneys in
 14 the fund 61 default reduction account are appropriated
 15 to the college student aid commission for the fiscal
 16 year beginning July 1, 1999, and ending June 30, 2000,
 17 for purposes of issuing emergency loans to assist
 18 needy students in avoiding default on a guaranteed or
 19 parental loan made under chapter 261.

20 Sec. 4. REMAINING NATIONAL GUARD TUITION AID
 21 PROGRAM BALANCE. Notwithstanding section 8.33, the
 22 unencumbered or unobligated moneys remaining at the
 23 end of the fiscal year ending June 30, 1999, from the
 24 appropriations made in 1998 Iowa Acts, chapter 1215,
 25 section 1, subsection 4, shall not revert but shall be
 26 available for expenditure during the subsequent fiscal
 27 year for the purposes of the national guard tuition
 28 aid program.

29 Sec. 5. REMAINING INDUSTRIAL TECHNOLOGY FORGIVABLE
 30 LOAN PROGRAM BALANCE. Notwithstanding section 8.33 or
 31 section 261.25, subsection 4, Code 1999, or any other
 32 provision to the contrary, unencumbered or unobligated
 33 funds remaining on June 30, 1999, for purposes of the
 34 industrial technology forgivable loan program
 35 established in section 261.111, shall be available to
 36 the college student aid commission for expenditure for
 37 the fiscal year beginning July 1, 1999, and for
 38 succeeding fiscal years for the purposes of the
 39 teacher shortage forgivable loan program established
 40 in section 261.111 if enacted by an Act of the 1999
 41 Session.

42 DEPARTMENT OF CULTURAL AFFAIRS

43 Sec. 6. There is appropriated from the general
 44 fund of the state to the department of cultural
 45 affairs for the fiscal year beginning July 1, 1999,
 46 and ending June 30, 2000, the following amounts, or so
 47 much thereof as is necessary, to be used for the
 48 purposes designated:

49 1. ARTS DIVISION

50 For salaries, support, maintenance, miscellaneous

Page 3

1 purposes, including funds to match federal grants and
 2 for not more than the following full-time equivalent
 3 positions:

4 \$ 1,444,795
 5 FTEs 10.00

6 2. HISTORICAL DIVISION

7 For salaries, support, maintenance, miscellaneous
 8 purposes, and for not more than the following full-
 9 time equivalent positions:

10 \$ 3,188,307
 11 FTEs 65.70

12 3. HISTORIC SITES

13 For salaries, support, maintenance, miscellaneous
 14 purposes, and for not more than the following full-
 15 time equivalent positions:

16 \$ 596,001
 17 FTEs 8.00

18 4. ADMINISTRATION

19 For salaries, support, maintenance, miscellaneous
20 purposes, and for not more than the following full-
21 time equivalent positions:

22 \$ 236,562

23 FTEs 4.30

24 The department of cultural affairs shall coordinate
25 activities with the tourism division of the department
26 of economic development to promote attendance at the
27 state historical building and at this state's historic
28 sites.

29 5. LOCAL ARTS COMPREHENSIVE EDUCATIONAL STRATEGIES
30 PROGRAM (LACES)

31 For contracting with the Iowa alliance for arts
32 education to execute their local arts comprehensive
33 educational strategies:

34 \$ 25,000

35 6. COMMUNITY CULTURAL GRANTS

36 For planning and programming for the community
37 cultural grants program established under section
38 303.3, and for not more than the following full-time
39 equivalent position:

40 \$ 713,557

41 FTEs 0.70

42 DEPARTMENT OF EDUCATION

43 Sec. 7. There is appropriated from the general
44 fund of the state to the department of education for
45 the fiscal year beginning July 1, 1999, and ending
46 June 30, 2000, the following amounts, or so much
47 thereof as may be necessary, to be used for the
48 purposes designated:

49 1. GENERAL ADMINISTRATION

50 For salaries, support, maintenance, miscellaneous

Page 4

1 purposes, and for not more than the following full-
2 time equivalent positions:

3 \$ 5,719,322

4 FTEs 98.45

5 2. VOCATIONAL EDUCATION ADMINISTRATION

6 For salaries, support, maintenance, miscellaneous
7 purposes, and for not more than the following full-
8 time equivalent positions:

9 \$ 554,481

10 FTEs 15.60

11 3. BOARD OF EDUCATIONAL EXAMINERS

12 a. For salaries, support, maintenance,
13 miscellaneous purposes, and for not more than the
14 following full-time equivalent positions:

15 \$ 205,396

16 FTEs 2.00

17 b. For purposes of implementing a multilevel

18 voluntary para-educator licensing system in accordance
19 with section 272.12:

20 \$ 50,000

21 4. VOCATIONAL REHABILITATION SERVICES DIVISION

22 a. For salaries, support, maintenance,
23 miscellaneous purposes, and for not more than the
24 following full-time equivalent positions:

25 \$ 4,631,873

26 FTEs 302.25

27 From the funds appropriated in this lettered
28 paragraph, up to \$2,000,000 shall be used to provide
29 services to persons without regard to an order of
30 selection. The division shall seek additional local
31 matching funds in an amount sufficient to avoid any
32 loss of federal funds.

33 The division of vocational rehabilitation services
34 shall seek a waiver from the federal government to
35 accept assessments of clients performed by area
36 education agencies or any other governmental
37 subdivision. The division shall also seek additional
38 federal waivers to improve and increase the
39 availability of supported employment services to
40 Iowans.

41 The division of vocational rehabilitation services
42 shall seek funds other than federal funds, which may
43 include but are not limited to local funds from local
44 provider entities, community colleges, area education
45 agencies, and local education agencies, for purposes
46 of matching federal vocational rehabilitation funds.
47 The funds collected by the division may exceed the
48 amount needed to match available federal vocational
49 rehabilitation funds in an effort to qualify for
50 additional federal funds when such funds become

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1 available.

2 Except where prohibited under federal law, the
3 division of vocational rehabilitation services of the
4 department of education shall accept client
5 assessments, or assessments of potential clients,
6 performed by other agencies in order to reduce
7 duplication of effort.

8 Notwithstanding the full-time equivalent position
9 limit established in this lettered paragraph, for the
10 fiscal year ending June 30, 2000, if federal funding
11 is received to pay the costs of additional employees
12 for the vocational rehabilitation services division
13 who would have duties relating to vocational
14 rehabilitation services paid for through federal
15 funding, authorization to hire not more than 4.00
16 additional full-time equivalent employees shall be

17 provided, the full-time equivalent position limit
18 shall be exceeded, and the additional employees shall
19 be hired by the division.

20 The division of vocational rehabilitation services
21 shall enter into a chapter 28E agreement with the
22 creative employment options program at the state
23 university of Iowa, or take whatever other action is
24 necessary, to enable the division to count as a local
25 match the state funds appropriated to the university
26 for purposes of the creative employment options
27 program.

28 b. For matching funds for programs to enable
29 persons with severe physical or mental disabilities to
30 function more independently, including salaries and
31 support, and for not more than the following full-time
32 equivalent positions:

33 \$ 76,067
34 FTEs 1.50

35 The highest priority use for the moneys
36 appropriated under this lettered paragraph shall be
37 for programs that emphasize employment and assist
38 persons with severe physical or mental disabilities to
39 find and maintain employment to enable them to
40 function more independently.

41 5. STATE LIBRARY

42 a. For salaries, support, maintenance,
43 miscellaneous purposes, and for not more than the
44 following full-time equivalent positions:

45 \$ 3,153,168
46 FTEs 21.00

47 Reimbursement of the institutions of higher
48 learning under the state board of regents for
49 participation in the access plus program during the
50 fiscal year beginning July 1, 1999, and ending June

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1 30, 2000, shall not exceed the total amount of
2 reimbursement paid to the regents institutions of
3 higher learning for participation in the access plus
4 program during the fiscal year beginning July 1, 1998,
5 and ending June 30, 1999.

6 b. For a one-year enrich Iowa pilot program:
7 \$ 700,000

8 (1) Funds allocated for purposes of the enrich
9 Iowa pilot program as provided in this lettered
10 paragraph shall be distributed by the division of
11 libraries and information services to eligible public
12 libraries that are in compliance with performance
13 measures adopted by rule by the commission. The funds
14 allocated as provided in this lettered paragraph shall
15 not be used for the costs of administration by the

16 division. The amount distributed to each eligible
17 public library shall be based upon the following:
18 (a) The level of compliance by the eligible public
19 library with the performance measures adopted by the
20 commission as provided in this subsection.
21 (b) The number of people residing within an
22 eligible library's geographic service area for whom
23 the library provides services.
24 (c) The amount of other funding the eligible
25 public library received in the previous fiscal year
26 for providing services to rural residents and to
27 contracting communities.
28 (2) Moneys received by a public library under this
29 lettered paragraph shall supplement, not supplant, any
30 other funding received by the library.
31 (3) For purposes of this section, "eligible public
32 library" means a public library that meets at least
33 all of the following requirements:
34 (a) Submits to the division all of the following:
35 (i) The report provided for under section 256.51,
36 subsection 1, paragraph "h".
37 (ii) An application and accreditation report, in a
38 format approved by the commission, that provides
39 evidence of the library's compliance with at least one
40 level of the standards established in accordance with
41 section 256.51, subsection 1, paragraph "k".
42 (iii) Any other application or report the division
43 deems necessary for the implementation of the enrich
44 Iowa program.
45 (b) Participates in the library resource and
46 information sharing programs established by the state
47 library.
48 (c) Is a public library established by city
49 ordinance or a county library as provided in chapter
50 336.

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1 (4) Each eligible public library shall maintain a
2 separate listing within its budget for payments
3 received and expenditures made pursuant to this
4 section, and shall annually submit this listing to the
5 division.
6 (5) By January 15, 2000, the division shall submit
7 a program evaluation report to the general assembly
8 and the governor detailing the uses and the impacts of
9 funds allocated under this lettered paragraph. It is
10 the intent of the general assembly to address the
11 continuation of the enrich Iowa pilot program during
12 the 2000 legislative session.
13 6. REGIONAL LIBRARY
14 For state aid:

15 \$ 1,687,000
 16 The division of libraries and information services
 17 shall submit a list of current regional library
 18 employees and their salaries to the department of
 19 management by August 1, 1999. The list shall be used
 20 by the department for purposes of calculating the
 21 annual salary increase need, based on the salary
 22 increases negotiated by the American federation of
 23 state, county, and municipal employees. The amount
 24 calculated by the department for salary need shall be
 25 included in the regional library budget request
 26 submitted to the governor for the fiscal year
 27 beginning July 1, 2000, and ending June 30, 2001.

28 7. PUBLIC BROADCASTING DIVISION
 29 For salaries, support, maintenance, capital
 30 expenditures, miscellaneous purposes, and for not more
 31 than the following full-time equivalent positions:

32 \$ 7,661,324
 33 FTEs 106.40

34 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

35 For reimbursement for vocational education
 36 expenditures made by secondary schools:
 37 \$ 3,308,850
 38 Funds appropriated in this subsection shall be used
 39 for expenditures made by school districts to meet the
 40 standards set in sections 256.11, 258.4, and 260C.14
 41 as a result of the enactment of 1989 Iowa Acts,
 42 chapter 278. Funds shall be used as reimbursement for
 43 vocational education expenditures made by secondary
 44 schools in the manner provided by the department of
 45 education for implementation of the standards set in
 46 1989 Iowa Acts, chapter 278.

47 9. SCHOOL FOOD SERVICE

48 For use as state matching funds for federal
 49 programs that shall be disbursed according to federal
 50 regulations, including salaries, support, maintenance,

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1 miscellaneous purposes, and for not more than the
 2 following full-time equivalent positions:

3 \$ 2,716,859
 4 FTEs 14.00

5 10. IOWA EMPOWERMENT FUND

6 For deposit in the school ready children grants
 7 account of the Iowa empowerment fund created in
 8 section 71.8:

9 \$ 10,400,000

10 11. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

11 To provide funds for costs of providing textbooks
 12 to each resident pupil who attends a nonpublic school
 13 as authorized by section 301.1. The funding is

14 limited to \$20 per pupil and shall not exceed the
 15 comparable services offered to resident public school
 16 pupils:

17 \$ 650,000

18 12. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION

19 To assist a vocational agriculture youth
 20 organization sponsored by the schools to support the
 21 foundation established by that vocational agriculture
 22 youth organization and for other youth activities:

23 \$ 107,900

24 13. NATIONAL BOARD CERTIFICATION

25 For the issuance of national board certification
 26 awards in accordance with section 256.44:

27 \$ 1,000,000

28 Notwithstanding section 8.33, funds appropriated
 29 for purposes of this section which remain unencumbered
 30 or unobligated at the close of the fiscal year, shall
 31 not revert but shall be available for expenditure for
 32 purposes of issuing national board certification
 33 awards during the succeeding fiscal year.

34 14. EMPLOYABILITY SKILLS ASSESSMENTS
 35 REIMBURSEMENTS

36 For reimbursement of school district claims for the
 37 costs of acquiring and using employability skills
 38 assessment tools as provided in this subsection:

39 \$ 185,000

40 a. The department of education shall reimburse
 41 school district claims for the costs of acquiring,
 42 administering, and scoring assessment tools to assess
 43 the employability skills of students. The director of
 44 education shall identify available employability
 45 skills assessment tools that school districts may use
 46 to meet the claim reimbursement requirements of this
 47 subsection.

48 b. In order to be eligible for reimbursement under
 49 this subsection, a school district shall submit a
 50 claim on forms provided by the department by July 15,

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1 2000, and the claim shall state the actual costs
 2 incurred and shall be accompanied by an affidavit of
 3 an officer of the school district affirming the
 4 accuracy of the claim.

5 c. A school district that submits to the
 6 department a claim for reimbursement in accordance
 7 with this subsection shall develop and integrate
 8 specific employability skills goals and activities
 9 into the comprehensive school improvement plan
 10 required under section 256.7, subsection 21, paragraph
 11 "a".

12 d. The department of education shall certify to

13 the department of revenue and finance the amounts of
14 approved claims to be paid, and the department of
15 revenue and finance shall draw warrants payable to
16 school districts with approved claims, taking into
17 consideration the relative budget and cash position of
18 the state resources.

19 e. Moneys received under this subsection shall not
20 be commingled with state aid payments made under
21 section 257.16 to a school district and shall be
22 accounted for by the school district separately from
23 state aid payments. Payments made to a school
24 district under this subsection are miscellaneous
25 income for purposes of chapter 257.

26 f. If the funds appropriated in this subsection
27 are insufficient to pay in full the claims submitted
28 by school districts and approved by the department,
29 the amounts of approved claims shall be prorated among
30 all school districts with approved claims.

31 15. BEGINNING TEACHER INDUCTION PROGRAM

32 For purposes of the beginning teacher induction
33 program as provided in section 256E.2, if enacted by
34 1999 Iowa Acts, Senate File 232:

35 \$ 300,000

36 Notwithstanding section 8.33, moneys appropriated
37 in this section that remain unencumbered or
38 unobligated at the close of the fiscal year shall not
39 revert but shall remain available for expenditure for
40 the purposes designated until the close of the
41 succeeding fiscal year.

42 16. COMMUNITY COLLEGES

43 For general state financial aid, including general
44 financial aid to merged areas in lieu of personal
45 property tax replacement payments, to merged areas as
46 defined in section 260C.2, for vocational education
47 programs in accordance with chapters 258 and 260C:

48 \$141,577,403

49 The funds appropriated in this subsection shall be
50 allocated as follows:

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1	a. Merged Area I	\$ 6,788,405
2	b. Merged Area II	\$ 7,981,873
3	c. Merged Area III	\$ 7,452,448
4	d. Merged Area IV	\$ 3,638,156
5	e. Merged Area V	\$ 7,598,634
6	f. Merged Area VI	\$ 7,059,555
7	g. Merged Area VII	\$ 10,138,631
8	h. Merged Area IX	\$ 12,444,971
9	i. Merged Area X	\$ 19,480,613
10	j. Merged Area XI	\$ 20,720,212
11	k. Merged Area XII	\$ 8,173,625

12	l. Merged Area XIII	\$ 8,395,697
13	m. Merged Area XIV	\$ 3,684,420
14	n. Merged Area XV	\$ 11,561,901
15	o. Merged Area XVI	\$ 6,458,262

16 Sec. 8. DISTRIBUTION OF FUNDS APPROPRIATED. For
17 the fiscal year beginning July 1, 1999, and ending

18 June 30, 2000, moneys appropriated by the general
19 assembly from the general fund to the department of
20 education for community colleges for a fiscal year
21 shall be allocated to each community college by the
22 department of education in the following manner:

23 1. BASE FUNDING. The base funding for a fiscal
24 year shall be equal to the amount each community
25 college received as an allocation from appropriations
26 made from the general fund of the state in the most
27 recent fiscal year.

28 2. DISTRIBUTION FOR INFLATION. First priority
29 shall be to give each college an increase based upon
30 inflation. The inflation increase shall be not less
31 than 2 percent. However, the inflation increase shall
32 be equal to the national inflation rate, if it exceeds
33 2 percent, if the amount of state aid appropriated is
34 equal to or greater than the national inflation rate.

35 3. DISTRIBUTION BASED ON PROPORTIONAL SHARE OF
36 ENROLLMENT. The balance of the growth in state aid
37 appropriations, once the inflation increase has been
38 satisfied, shall be distributed based on each
39 college's proportional share of enrollment. However,
40 a minimum of one percent of the total growth shall be
41 distributed in this manner.

42 4. If the total appropriation made by the general
43 assembly is less than 2 percent growth, the entire
44 increase shall be distributed as inflation.

45 Sec. 9. BOARD OF EDUCATIONAL EXAMINERS LICENSING

46 FEES. Notwithstanding section 272.10, up to 85
47 percent of any funds received annually resulting from
48 an increase in fees approved and implemented for
49 licensing by the state board of educational examiners
50 after July 1, 1997, shall be available for the fiscal

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1 year beginning July 1, 1999, to the state board for
2 purposes related to the state board's duties,
3 including, but not limited to, additional full-time
4 equivalent positions. The director of revenue and
5 finance shall draw warrants upon the treasurer of
6 state from the funds appropriated as provided in this
7 section and shall make the funds resulting from the
8 increase in fees available during the fiscal year to
9 the state board on a monthly basis.

10 Sec. 10. FISCAL YEAR 1999-2000 EXTENDED SCHOOL

11 YEAR GRANT MONEYS -- DISTRIBUTION.

12 1. Notwithstanding section 8.33 and section
13 256.22, subsection 4, from the funds appropriated in
14 1998 Iowa Acts, chapter 1216, section 1, subsection 1,
15 to the department of education for extended school
16 year grants, which remain unencumbered or unobligated
17 on June 30, 1999, the sum of \$675,000 shall not revert
18 to the general fund of the state and shall not be
19 available for expenditure for the following fiscal
20 year for purposes of extended school year grants, but
21 shall be reallocated by the department as follows:

22 a. The sum of \$200,000 to the board of educational
23 examiners for a one-year pilot program study to assess
24 the performance of teacher education graduates at no
25 charge to the graduates. The department of education,
26 the board of educational examiners, and the college
27 student aid commission shall determine the number of
28 students that will be tested at each postsecondary
29 institution that provides an approved practitioner
30 preparation program in a manner that will result in a
31 reliable statistical sampling. It is the intent of
32 the general assembly that if the board recommends
33 statewide implementation of the assessment prior to
34 initial licensure, the costs of an assessment shall be
35 paid by the teacher education graduate applying for
36 initial licensure.

37 b. The sum of \$100,000 to the division of
38 libraries and information services for promotion of
39 the next decennial federal census.

40 c. The sum of \$100,000 to the department of
41 education for distribution to the reading recovery
42 center.

43 d. The sum of \$60,000 to the department of
44 education for support of the family resource center
45 demonstration program established under chapter 256C.

46 e. The sum of \$165,000 to the department of
47 education for reimbursement of school district claims
48 for the costs of acquiring and using employability
49 skills assessment tools as provided in section 7,
50 subsection 14, of this Act.

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1 f. The sum of \$50,000 to the department of
2 cultural affairs for the local arts comprehensive
3 educational strategies program (LACES) for contracting
4 with the Iowa alliance for arts education to execute
5 their local arts comprehensive educational strategies.
6 The sum reallocated in this lettered paragraph is in
7 addition to funds appropriated in section 6,
8 subsection 5, of this Act.

9 Sec. 11. REGIONAL LIBRARIES STUDY. The

10 legislative council is requested to establish an
11 interim study committee to review the issues
12 concerning making regional library staff state
13 employees. The interim study committee shall submit a
14 report of recommendations concerning these issues and
15 recommendations for any necessary legislation to the
16 general assembly by December 1, 1999.

17 Sec. 12. COMMUNITY COLLEGE GOVERNANCE TASK FORCE.

18 The legislative council is requested to establish an
19 interim task force consisting of members of both
20 political parties from both houses of the general
21 assembly, the office of the governor, representatives
22 of the Iowa association of community college trustees,
23 the Iowa association of community college presidents,
24 and the division of community colleges and workforce
25 preparation of the department of education, to
26 identify and study options for restructuring the
27 community college governance system. The goal of the
28 task force shall be to determine a plan for a
29 community college governance structure that causes
30 community colleges to operate more cooperatively,
31 effectively, and efficiently as a state system, while
32 recognizing the strong local character of community
33 colleges. The task force shall review the current
34 community college governance system; ongoing
35 collaborative efforts among the community colleges;
36 the relationships between the community colleges and
37 local school districts, accredited nonpublic schools,
38 other accredited postsecondary institutions in Iowa,
39 and the department of education; and changes necessary
40 to enhance the accountability of community colleges.
41 The task force shall submit its findings and
42 recommendations for a plan for a restructuring of the
43 community college governance system that achieves the
44 goals set forth in this section in a report to the
45 chairpersons and ranking members of the senate and
46 house standing committees on education and the joint
47 appropriations subcommittee on education by December
48 1, 1999.

49 STATE BOARD OF REGENTS

50 Sec. 13. There is appropriated from the general

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1 fund of the state to the state board of regents for
2 the fiscal year beginning July 1, 1999, and ending
3 June 30, 2000, the following amounts, or so much
4 thereof as may be necessary, to be used for the
5 purposes designated:

6 1. OFFICE OF STATE BOARD OF REGENTS

7 a. For salaries, support, maintenance,
8 miscellaneous purposes, and for not more than the

9 following full-time equivalent positions:
10 \$ 1,235,518
11 FTEs 15.63
12 The state board of regents, the department of
13 management, and the legislative fiscal bureau shall
14 cooperate to determine and agree upon, by November 15,
15 1999, the amount that needs to be appropriated for
16 tuition replacement for the fiscal year beginning July
17 1, 2000.
18 The state board of regents shall submit a monthly
19 financial report in a format agreed upon by the state
20 board of regents office and the legislative fiscal
21 bureau.
22 b. For allocation by the state board of regents to
23 the state university of Iowa, the Iowa state
24 university of science and technology, and the
25 university of northern Iowa to reimburse the
26 institutions for deficiencies in their operating funds
27 resulting from the pledging of tuitions, student fees
28 and charges, and institutional income to finance the
29 cost of providing academic and administrative
30 buildings and facilities and utility services at the
31 institutions:
32 \$ 27,927,851
33 c. For funds to be allocated to the southwest Iowa
34 graduate studies center:
35 \$ 111,113
36 d. For funds to be allocated to the siouxland
37 interstate metropolitan planning council for the
38 tristate graduate center under section 262.9,
39 subsection 21:
40 \$ 81,716
41 e. For funds to be allocated to the quad-cities
42 graduate studies center:
43 \$ 167,086
44 2. STATE UNIVERSITY OF IOWA
45 a. General university, including lakeside
46 laboratory
47 For salaries, support, maintenance, equipment,
48 miscellaneous purposes, and for not more than the
49 following full-time equivalent positions:
50 \$237,554,141

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1 FTEs 4,048.62
2 b. University hospitals
3 For salaries, support, maintenance, equipment, and
4 miscellaneous purposes and for medical and surgical
5 treatment of indigent patients as provided in chapter
6 255, for medical education, and for not more than the
7 following full-time equivalent positions:

8 \$ 31,812,568

9 FTEs 5,511.67

10 The university of Iowa hospitals and clinics shall,
11 within the context of chapter 255 and when medically
12 appropriate, make reasonable efforts to extend the
13 university of Iowa hospitals and clinics' use of home
14 telemedicine and other technologies to reduce the
15 frequency of visits to the hospital required by
16 indigent patients. The university of Iowa hospitals
17 and clinics shall submit a report to the general
18 assembly and the legislative fiscal bureau by January
19 15, 2000, describing its use of these technologies to
20 accomplish this purpose.

21 The university of Iowa hospitals and clinics shall
22 submit quarterly a report regarding the portion of the
23 appropriation in this lettered paragraph expended on
24 medical education. The report shall be submitted in a
25 format jointly developed by the university of Iowa
26 hospitals and clinics, the legislative fiscal bureau,
27 and the department of management, and shall delineate
28 the expenditures and purposes of the funds.

29 Funds appropriated in this lettered paragraph shall
30 not be used to perform abortions except medically
31 necessary abortions, and shall not be used to operate
32 the early termination of pregnancy clinic except for
33 the performance of medically necessary abortions. For
34 the purpose of this lettered paragraph, an abortion is
35 the purposeful interruption of pregnancy with the
36 intention other than to produce a live-born infant or
37 to remove a dead fetus, and a medically necessary
38 abortion is one performed under one of the following
39 conditions:

40 (1) The attending physician certifies that
41 continuing the pregnancy would endanger the life of
42 the pregnant woman.

43 (2) The attending physician certifies that the
44 fetus is physically deformed, mentally deficient, or
45 afflicted with a congenital illness.

46 (3) The pregnancy is the result of a rape which is
47 reported within 45 days of the incident to a law
48 enforcement agency or public or private health agency
49 which may include a family physician.

50 (4) The pregnancy is the result of incest which is

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1 reported within 150 days of the incident to a law
2 enforcement agency or public or private health agency
3 which may include a family physician.

4 (5) The abortion is a spontaneous abortion,
5 commonly known as a miscarriage, wherein not all of
6 the products of conception are expelled.

7 The total quota allocated to the counties for
 8 indigent patients for the fiscal year beginning July
 9 1, 1999, shall not be lower than the total quota
 10 allocated to the counties for the fiscal year
 11 commencing July 1, 1998. The total quota shall be
 12 allocated among the counties on the basis of the 1990
 13 census pursuant to section 255.16.

14 c. Psychiatric hospital

15 For salaries, support, maintenance, equipment,
 16 miscellaneous purposes, for the care, treatment, and
 17 maintenance of committed and voluntary public
 18 patients, and for not more than the following full-
 19 time equivalent positions:

20 \$ 7,968,070
 21 FTEs 292.18

22 d. Hospital-school

23 For salaries, support, maintenance, miscellaneous
 24 purposes, and for not more than the following full-
 25 time equivalent positions:

26 \$ 6,991,199
 27 FTEs 161.56

28 From the funds appropriated in this lettered
 29 paragraph, \$200,000 shall be allocated for purposes of
 30 the creative employment options program.

31 e. Oakdale campus

32 For salaries, support, maintenance, miscellaneous
 33 purposes, and for not more than the following full-
 34 time equivalent positions:

35 \$ 3,100,866
 36 FTEs 60.58

37 f. State hygienic laboratory

38 For salaries, support, maintenance, miscellaneous
 39 purposes, and for not more than the following full-
 40 time equivalent positions:

41 \$ 3,870,920
 42 FTEs 102.49

43 g. Family practice program

44 For allocation by the dean of the college of
 45 medicine, with approval of the advisory board, to
 46 qualified participants, to carry out chapter 148D for
 47 the family practice program, including salaries and
 48 support, and for not more than the following full-time
 49 equivalent positions:

50 \$ 2,312,290

1 FTEs 192.40

2 h. Child health care services

3 For specialized child health care services,
 4 including childhood cancer diagnostic and treatment
 5 network programs, rural comprehensive care for

6 hemophilia patients, and the Iowa high-risk infant
 7 follow-up program, including salaries and support, and
 8 for not more than the following full-time equivalent
 9 positions:

10 \$ 601,434

11 FTEs 9.36

12 i. Agricultural health and safety programs

13 For agricultural health and safety programs, and
 14 for not more than the following full-time equivalent
 15 positions:

16 \$ 272,634

17 FTEs 3.48

18 j. Statewide cancer registry

19 For the statewide cancer registry, and for not more
 20 than the following full-time equivalent positions:

21 \$ 209,730

22 FTEs 3.07

23 k. Substance abuse consortium

24 For funds to be allocated to the Iowa consortium
 25 for substance abuse research and evaluation, and for
 26 not more than the following full-time equivalent
 27 positions:

28 \$ 72,028

29 FTEs 1.15

30 l. Center for biocatalysis

31 For the center for biocatalysis, and for not more
 32 than the following full-time equivalent positions:

33 \$ 1,058,058

34 FTEs 10.40

35 m. National advanced driving simulator

36 For the national advanced driving simulator, and
 37 for not more than the following full-time equivalent
 38 positions:

39 \$ 284,951

40 FTEs 3.58

41 n. Primary health care initiative

42 For the primary health care initiative in the
 43 college of medicine and for not more than the
 44 following full-time equivalent positions:

45 \$ 865,623

46 FTEs 11.00

47 From the funds appropriated in this lettered
 48 paragraph, \$330,000 shall be allocated to the
 49 department of family practice at the state university
 50 of Iowa college of medicine for family practice

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1 faculty and support staff.

2 o. Birth defects registry

3 For the birth defects registry and for not more
 4 than the following full-time equivalent position:

5 \$ 50,000

6 FTEs 0.90

7 p. School of public health and public health
8 initiative

9 For purposes of establishing an accredited school
10 of public health and to fund an initiative for the
11 health and independence of elderly Iowans, and for not
12 more than the following full-time equivalent
13 positions:

14 \$ 1,050,000

15 FTEs 16.00

16 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

17 a. General university

18 For salaries, support, maintenance, equipment,
19 miscellaneous purposes, and for not more than the
20 following full-time equivalent positions:

21 \$185,808,896

22 FTEs 3,598.44

23 From the funds appropriated in this lettered
24 paragraph, \$40,000 shall be allocated for purposes of
25 the institute for public leadership.

26 b. Agricultural experiment station

27 For salaries, support, maintenance, miscellaneous
28 purposes, and for not more than the following full-
29 time equivalent positions:

30 \$ 34,982,675

31 FTEs 546.98

32 c. Cooperative extension service in agriculture
33 and home economics

34 For salaries, support, maintenance, miscellaneous
35 purposes, including salaries and support for the fire
36 service institute, and for not more than the following
37 full-time equivalent positions:

38 \$ 22,706,446

39 FTEs 445.80

40 From the funds appropriated in this lettered
41 paragraph, \$150,000 shall be used for the food, fiber,
42 and environmental science program, and \$1,066,000
43 shall be used for the value-added agricultural
44 projects as part of the extension 21 program.

45 The cooperative extension service in agriculture
46 and home economics at Iowa state university of science
47 and technology shall conduct a study, in consultation
48 with the department of human services, that identifies
49 all educational materials, seminars, and assistance
50 offered by the extension service which are

1 duplicative, either directly or in subject area, of
2 educational materials, seminars, and assistance
3 offered by the department of human services. The

4 cooperative extension service shall submit its
 5 findings in a report to the general assembly and the
 6 legislative fiscal bureau by January 15, 2000.

7 d. Leopold center

8 For agricultural research grants at Iowa state
 9 university under section 266.39B, and for not more
 10 than the following full-time equivalent positions:

11 \$ 574,983
 12 FTEs 11.25

13 e. Livestock disease research

14 For deposit in and the use of the livestock disease
 15 research fund under section 267.8, and for not more
 16 than the following full-time equivalent positions:

17 \$ 277,573
 18 FTEs 3.17

19 f. Center for excellence in fundamental plant
 20 science

21 For salaries, support, maintenance, equipment,
 22 miscellaneous purposes, and for not more than the
 23 following full-time equivalent positions:

24 \$ 2,200,000
 25 FTEs 17.96

26 4. UNIVERSITY OF NORTHERN IOWA

27 a. General university

28 For salaries, support, maintenance, equipment,
 29 miscellaneous purposes, and for not more than the
 30 following full-time equivalent positions:

31 \$ 83,402,982
 32 FTEs 1,402.86

33 b. Recycling and reuse center

34 For purposes of the recycling and reuse center, and
 35 for not more than the following full-time equivalent
 36 positions:

37 \$ 244,025
 38 FTEs 1.50

39 c. Masters in social work

40 For implementation of a masters in social work
 41 program and for not more than the following full-time
 42 equivalent positions:

43 \$ 300,000
 44 FTEs 4.00

45 5. STATE SCHOOL FOR THE DEAF

46 For salaries, support, maintenance, miscellaneous
 47 purposes, and for not more than the following full-
 48 time equivalent positions:

49 \$ 7,737,161
 50 FTEs 126.60

1 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

2 For salaries, support, maintenance, miscellaneous

3 purposes, and for not more than the following full-
4 time equivalent positions:

5 \$ 4,303,242

6 FTEs 91.05

7 7. TUITION AND TRANSPORTATION COSTS

8 For payment to local school boards for the tuition
9 and transportation costs of students residing in the
10 Iowa braille and sight saving school and the state
11 school for the deaf pursuant to section 262.43 and for
12 payment of certain clothing and transportation costs
13 for students at these schools pursuant to section
14 270.5:

15 \$ 16,941

16 Sec. 14. STATE BOARD OF REGENTS STUDY. The state
17 board of regents shall, in consultation with the Iowa
18 association of independent colleges and universities
19 and the Iowa coordinating council for post-high school
20 education, complete a study of the number and type of
21 undergraduate and graduate degree programs offered at
22 the satellite locations of all institutions of higher
23 learning under the control of the state board of
24 regents and at the satellite locations of all
25 accredited private postsecondary institutions. The
26 study shall include a listing of degree programs
27 currently in operation and those the Iowa coordinating
28 council has approved, but which have not yet begun
29 operation. By January 15, 2000, the state board of
30 regents shall submit a report to the chairpersons and
31 ranking members of the senate and house joint
32 appropriations subcommittee on education, the
33 legislative fiscal bureau, the secretary of the
34 senate, and the chief clerk of the house of
35 representatives, that contains the following
36 information:

37 1. A listing of all satellite locations where
38 degree programs are offered.

39 2. A listing of all degree programs offered,
40 identified by satellite location and postsecondary
41 institution.

42 3. The enrollment in each degree program by
43 resident, nonresident, and the combined enrollment
44 total.

45 4. The date each degree program was approved by
46 the Iowa coordinating council for post-high school
47 education.

48 5. The date each degree program actually began
49 operation.

50 For purposes of this section, "satellite" means a

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1 facility not attached to the campus of the main
2 postsecondary institution.

3 Sec. 15. MEDICAL ASSISTANCE -- SUPPLEMENTAL
4 AMOUNTS. For the fiscal year beginning July 1, 1999,
5 and ending June 30, 2000, the department of human
6 services shall continue the supplemental
7 disproportionate share and a supplemental indirect
8 medical education adjustment applicable to state-owned
9 acute care hospitals with more than 500 beds and shall
10 reimburse qualifying hospitals pursuant to that
11 adjustment with a supplemental amount for services
12 provided medical assistance recipients. The
13 adjustment shall generate supplemental payments
14 intended to equal the state appropriation made to a
15 qualifying hospital for treatment of indigent patients
16 as provided in chapter 255. To the extent of the
17 supplemental payments, a qualifying hospital shall,
18 after receipt of the funds, transfer to the department
19 of human services an amount equal to the actual
20 supplemental payments that were made in that month.
21 The aggregate amounts for the fiscal year shall not
22 exceed the state appropriation made to the qualifying
23 hospital for treatment of indigent patients as
24 provided in chapter 255. The department of human
25 services shall deposit the portion of these funds
26 equal to the state share in the department's medical
27 assistance account and the balance shall be credited
28 to the general fund of the state. To the extent that
29 state funds appropriated to a qualifying hospital for
30 the treatment of indigent patients as provided in
31 chapter 255 have been transferred to the department of
32 human services as a result of these supplemental
33 payments made to the qualifying hospital, the
34 department shall not, directly or indirectly, recoup
35 the supplemental payments made to a qualifying
36 hospital for any reason, unless an equivalent amount
37 of the funds transferred to the department of human
38 services by a qualifying hospital pursuant to this
39 provision is transferred to the qualifying hospital by
40 the department.

41 If the state supplemental amount allotted to the
42 state of Iowa for the federal fiscal year beginning
43 October 1, 1999, and ending September 30, 2000,
44 pursuant to section 1923(f)(3) of the federal Social
45 Security Act, as amended, or pursuant to federal
46 payments for indirect medical education is greater
47 than the amount necessary to fund the federal share of
48 the supplemental payments specified in the preceding
49 paragraph, the department of human services shall
50 increase the supplemental disproportionate share or

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1 supplemental indirect medical education adjustment by
2 the lesser of the amount necessary to utilize fully
3 the state supplemental amount or the amount of state
4 funds appropriated to the state university of Iowa
5 general education fund and allocated to the university
6 for the college of medicine. The state university of
7 Iowa shall transfer from the allocation for the
8 college of medicine to the department of human
9 services, on a monthly basis, an amount equal to the
10 additional supplemental payments made during the
11 previous month pursuant to this paragraph. A
12 qualifying hospital receiving supplemental payments
13 pursuant to this paragraph that are greater than the
14 state appropriation made to the qualifying hospital
15 for treatment of indigent patients as provided in
16 chapter 255 shall be obligated as a condition of its
17 participation in the medical assistance program to
18 transfer to the state university of Iowa general
19 education fund on a monthly basis an amount equal to
20 the funds transferred by the state university of Iowa
21 to the department of human services. To the extent
22 that state funds appropriated to the state university
23 of Iowa and allocated to the college of medicine have
24 been transferred to the department of human services
25 as a result of these supplemental payments made to the
26 qualifying hospital, the department shall not,
27 directly or indirectly, recoup these supplemental
28 payments made to a qualifying hospital for any reason,
29 unless an equivalent amount of the funds transferred
30 to the department of human services by the state
31 university of Iowa pursuant to this paragraph is
32 transferred to the qualifying hospital by the
33 department.

34 Continuation of the supplemental disproportionate
35 share and supplemental indirect medical education
36 adjustment shall preserve the funds available to the
37 university hospital for medical and surgical treatment
38 of indigent patients as provided in chapter 255 and to
39 the state university of Iowa for educational purposes
40 at the same level as provided by the state funds
41 initially appropriated for that purpose.

42 The department of human services shall, in any
43 compilation of data or other report distributed to the
44 public concerning payments to providers under the
45 medical assistance program, set forth reimbursements
46 to a qualifying hospital through the supplemental
47 disproportionate share and supplemental indirect
48 medical education adjustment as a separate item and
49 shall not include such payments in the amounts
50 otherwise reported as the reimbursement to a

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1 qualifying hospital for services to medical assistance
2 recipients.

3 For purposes of this section, "supplemental
4 payment" means a supplemental payment amount paid for
5 medical assistance to a hospital qualifying for that
6 payment under this section.

7 Sec. 16. STATE UNIVERSITY OF IOWA -- DEPARTMENT OF
8 HUMAN SERVICES. The department of human services
9 shall transfer to the state university of Iowa for the
10 purposes of the creative employment options program
11 the same amount of moneys in the fiscal year beginning
12 July 1, 1999, and ending June 30, 2000, as was
13 transferred in the fiscal year beginning July 1, 1997,
14 and ending June 30, 1998.

15 Sec. 17. For the fiscal year beginning July 1,
16 1999, and ending June 30, 2000, the state board of
17 regents may use notes, bonds, or other evidences of
18 indebtedness issued under section 262.48 to finance
19 projects that will result in energy cost savings in an
20 amount that will cause the state board to recover the
21 cost of the projects within an average of six years.

22 Sec. 18. Notwithstanding section 270.7, the
23 department of revenue and finance shall pay the state
24 school for the deaf and the Iowa braille and sight
25 saving school the moneys collected from the counties
26 during the fiscal year beginning July 1, 1999, for
27 expenses relating to prescription drug costs for
28 students attending the state school for the deaf and
29 the Iowa braille and sight saving school.

30 Sec. 19. Section 256.22, subsection 2, Code 1999,
31 is amended to read as follows:

32 2. Grant moneys shall be distributed to qualifying
33 school districts by the department no later than
34 October 15, ~~1998~~ 1999. Grant amounts shall be
35 distributed as determined by the department.

36 Sec. 20. Section 256.44, Code 1999, as amended by
37 1999 Iowa Acts, House File 766, if enacted, is amended
38 by adding the following new subsection:

39 NEW SUBSECTION. 7. Notwithstanding section 8.33,
40 funds appropriated for purposes of this section which
41 remain unencumbered or unobligated at the close of the
42 fiscal year for which the funds were appropriated
43 shall not revert but shall be available for
44 expenditure for the following fiscal year for purposes
45 of this section.

46 Sec. 21. NEW SECTION. 256.67A INSURANCE
47 ELIGIBILITY.

48 Personnel employed by a regional library shall be
49 considered state employees for purposes of eligibility
50 for receiving employee health and dental insurance as

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1 provided to state employees by the department of
2 personnel. If a regional library elects to
3 participate in a state employee health and dental
4 insurance program, the regional library shall continue
5 to pay the costs of employee participation in a
6 program from funds appropriated for purposes of the
7 regional libraries by the general assembly.

8 Sec. 22. Section 261.2, Code 1999, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 15. Be prohibited from expending
11 interest moneys earned on accounts of the commission
12 located within the office of the treasurer of state
13 unless the general assembly specifically appropriates
14 the interest moneys for use by the commission. If the
15 general assembly appropriates interest moneys
16 transferred from the Pub. L. No. 105-33 recall account
17 within the office of the treasurer of state to the
18 fund 61 default reduction account, the commission
19 shall adopt rules for the expenditure of the interest
20 moneys for purposes of issuing emergency loans to
21 assist needy students in avoiding default on a
22 guaranteed or parental loan made under this chapter.

23 Sec. 23. Section 261.12, subsection 1, paragraph
24 b, Code 1999, is amended to read as follows:

25 b. For the fiscal year beginning July 1, 1998
26 1999, and for each following fiscal year, three
27 thousand six ~~nine~~ hundred ~~fifty~~ dollars.

28 Sec. 24. Section 261.17, subsection 3, unnumbered
29 paragraph 1, Code 1999, is amended to read as follows:

30 A qualified full-time student may receive
31 vocational-technical tuition grants for not more than
32 four semesters, ~~eight quarters~~ or the trimester or
33 quarter equivalent of two full years of study. ~~The~~
34 ~~amount of a vocational-technical tuition grant to a~~ A
35 qualified part-time student enrolled in a course of
36 study including at least three semester hours but
37 fewer than twelve semester hours or the trimester or
38 quarter equivalent ~~shall be equal to the amount of a~~
39 ~~tuition grant that would be paid to a full-time~~
40 ~~student times a number which represents the number of~~
41 ~~hours in which the part-time student is actually~~
42 ~~enrolled divided by twelve semester hours,~~ may receive
43 vocational-technical tuition grants for not more than
44 eight semesters or the trimester or quarter equivalent
45 of two full years of full-time study.

46 Sec. 25. Section 261.17, subsection 4, Code 1999,
47 is amended to read as follows:

48 4. a. The amount of a vocational-technical
49 tuition grant to a qualified full-time student shall
50 not exceed the lesser of six hundred fifty dollars per

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1 year or the amount of the student's established
2 financial need.
3 b. The amount of a vocational-technical tuition
4 grant to a qualified part-time student enrolled in a
5 course of study including at least three semester
6 hours but fewer than twelve semester hours or the
7 trimester or quarter equivalent shall be equal to the
8 amount of a vocational-technical tuition grant that
9 would be paid to a full-time student, except that the
10 commission shall prorate the amount in a manner
11 consistent with the federal Pell grant program
12 proration.

13 Sec. 26. Section 261.25, subsections 1 through 3,
14 Code 1999, are amended to read as follows:

15 1. There is appropriated from the general fund of
16 the state to the commission for each fiscal year the
17 sum of ~~forty-four~~ forty-seven million six hundred
18 sixty-four thousand seven hundred fifty dollars for
19 tuition grants.

20 2. There is appropriated from the general fund of
21 the state to the commission for each fiscal year the
22 sum of four hundred ~~seventy-four~~ ninety-eight thousand
23 ~~eight~~ five hundred ~~forty~~ dollars for scholarships.

24 3. There is appropriated from the general fund of
25 the state to the commission for each fiscal year the
26 sum of two million ~~two~~ four hundred ~~forty-four~~ eighty-
27 two thousand ~~one~~ four hundred ~~ninety-seven~~ dollars for
28 vocational-technical tuition grants.

29 Sec. 27. Section 261.25, subsection 4, Code 1999,
30 is amended by striking the subsection.

31 Sec. 28. Section 261.38, subsection 1, Code 1999,
32 is amended to read as follows:

33 1. The commission shall establish a loan reserve
34 account ~~from which any default on a guaranteed student~~
35 ~~loan shall be paid~~ and an agency operating account as
36 authorized by the federal Higher Education Act of
37 1965. The commission shall credit to this account
38 these accounts all moneys designated exclusively for
39 the reserve fund provided for the state student loan
40 program by the United States, the state of Iowa, or
41 any of their agencies, departments or
42 instrumentalities, as well as any funds accruing to
43 the program which are not required for current
44 administrative expenses. The department of management
45 shall determine the actuarially sound reserve
46 requirement for the amount of guaranteed loans
47 outstanding commission may expend moneys in the loan
48 reserve and agency operating accounts as authorized by
49 the federal Higher Education Act of 1965.

50 Sec. 29. Section 261.38, subsection 2, Code 1999,

Page 25

1 is amended by striking the subsection.

2 Sec. 30. Section 261.38, subsections 3, 4, and 5,

3 Code 1999, are amended to read as follows:

4 3. The payment of any funds for the default on a
5 guaranteed student loan shall be solely from the loan
6 reserve ~~account and agency operating accounts~~. The
7 general assembly shall not be obligated to appropriate
8 any moneys to pay for any defaults or to appropriate
9 any moneys to be credited to the loan reserve account.
10 The commission shall not give or lend the credit of
11 the state of Iowa.

12 4. ~~Funds~~ Notwithstanding section 8.33, funds on
13 deposit in the loan reserve account or in the
14 administrative account and operating accounts shall
15 not revert to the state general fund at the close of
16 any fiscal year.

17 5. The treasurer of state shall invest any funds,
18 including those in the loan reserve ~~account~~ and
19 operating accounts, and, notwithstanding section
20 12C.7, the interest income earned shall be credited
21 back to the ~~loan reserve~~ appropriate account.

22 Sec. 31. Section 261.38, subsection 6, Code 1999,
23 is amended by striking the subsection.

24 Sec. 32. Section 261.38, subsection 7, unnumbered
25 paragraph 1, Code 1999, is amended to read as follows:

26 The commission may ~~expend funds in the reserve~~
27 ~~account~~ and enter into agreements with the Iowa
28 student loan liquidity corporation in order to
29 increase access for students to education loan
30 programs that the commission determines meet the
31 education needs of Iowa residents. The agreements
32 shall permit the establishment, funding, and operation
33 of alternative education loan programs, as described
34 in section 144(b)(1)(B) of the Internal Revenue Code
35 of 1986 as amended, as defined in section 422.3, in
36 addition to programs permitted under the federal
37 Higher Education Act of 1965. In accordance with
38 those agreements, the Iowa student loan liquidity
39 corporation may issue bonds, notes, or other
40 obligations to the public and others for the purpose
41 of funding the alternative education loan programs.
42 This authority to issue such bonds, notes, or other
43 obligations shall be in addition to the authority
44 established in the articles of incorporation and
45 bylaws of the Iowa student loan liquidity corporation.

46 Sec. 33. Section 261.71, subsection 1, paragraph
47 c, Code 1999, is amended to read as follows:

48 c. The student ~~practices~~ agrees to practice in an
49 underserved area in the state of Iowa for a period of
50 time to be determined by the commission at the time

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1 the loan is awarded.

2 Sec. 34. Section 261.71, subsections 2 and 3, Code
3 1999, are amended to read as follows:

4 2. ~~Of the moneys loaned to an eligible student,~~
5 ~~for each year of up to and including four years of~~
6 ~~practice in Iowa, an amount equal to twenty-five~~
7 ~~percent of the original principal and the~~
8 ~~proportionate share of accrued interest, or one~~
9 ~~thousand one hundred dollars, whichever is greater,~~
10 ~~shall be forgiven. If a student fails to complete a~~
11 ~~year of practice in the state, as practice is defined~~
12 ~~by the college student aid commission, the loan amount~~
13 ~~for that year shall not be forgiven. The contract for~~
14 the loan repayment shall stipulate the time period the
15 chiropractor shall practice in an underserved area in
16 this state. In addition, the contract shall stipulate
17 that the chiropractor repay any funds paid on the
18 chiropractor's loan by the commission if the
19 chiropractor fails to practice in an underserved area
20 in this state for the required period of time.

21 Forgivable loans made to eligible students shall not
22 become due, for repayment purposes, until one year
23 after the student has graduated. A loan that has not
24 been forgiven may be sold to a bank, savings and loan
25 association, credit union, or nonprofit agency
26 eligible to participate in the guaranteed student loan
27 program under the federal Higher Education Act of
28 1965, 20 U.S.C. } 1071 et seq., by the commission when
29 the loan becomes due for repayment.

30 3. For purposes of this section "graduate student"
31 means a student who has completed at least ninety
32 semester hours, or the trimester or quarter
33 equivalent, of postsecondary course work at a public
34 higher education institution or at an accredited
35 private institution, as defined under section 261.9.
36 "Underserved area" means a geographical area included
37 on the Iowa governor's health practitioner shortage
38 area list, which is compiled by the center for rural
39 health and primary care of the Iowa department of
40 public health. The college student aid commission
41 shall adopt rules, consistent with rules used for
42 students enrolled in higher education institutions
43 under the control of the state board of regents, for
44 purposes of determining Iowa residency status of
45 graduate students under this section. The commission
46 shall also adopt rules which provide standards,
47 guidelines, and procedures for the receipt,
48 processing, and administration of student applications
49 and loans under this section.

50 Sec. 35. NEW SECTION. 261.86 NATIONAL GUARD

Page 27

1 EDUCATIONAL ASSISTANCE PROGRAM.

2 1. A national guard educational assistance program
3 is established to be administered by the college
4 student aid commission for members of the Iowa
5 national guard who are enrolled as undergraduate
6 students in a community college, an institution of
7 higher learning under the state board of regents, or
8 an accredited private institution. The college
9 student aid commission shall adopt rules pursuant to
10 chapter 17A to administer this section. An individual
11 is eligible for the national guard educational
12 assistance program if the individual meets all of the
13 following conditions:

14 a. Is a resident of the state and a member of an
15 Iowa army or air national guard unit while receiving
16 educational assistance pursuant to this section.

17 b. Satisfactorily completed required initial
18 active duty training.

19 c. Maintains satisfactory performance of duty upon
20 return from initial active duty training, including
21 attending a minimum ninety percent of scheduled drill
22 dates and attending annual training.

23 d. Is enrolled as an undergraduate student in a
24 community college as defined in section 260C.2, an
25 institution of higher learning under the control of
26 the board of regents, or an accredited private
27 institution as defined in section 261.9, and is
28 maintaining satisfactory academic progress.

29 e. Provides proper notice of national guard status
30 to the community college or institution at the time of
31 registration for the term in which tuition benefits
32 are sought.

33 f. Submits an application to the adjutant general
34 of Iowa, on forms prescribed by the adjutant general,
35 who shall determine eligibility and whose decision is
36 final.

37 2. The amount of educational assistance received
38 by a national guard member pursuant to this section
39 shall be determined by the adjutant general and shall
40 not exceed the resident tuition rate established for
41 institutions of higher learning under the control of
42 the state board of regents. If the amount
43 appropriated in a fiscal year for purposes of this
44 section is insufficient to provide educational
45 assistance to all national guard members who apply for
46 the program and who are determined by the adjutant
47 general to be eligible for the program, the adjutant
48 general shall determine the amount of educational
49 assistance each eligible guard member shall receive.
50 However, educational assistance paid to an eligible

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1 national guard member shall not be less than an amount
2 equal to fifty percent of the resident tuition rate
3 established for institutions of higher learning under
4 the control of the state board of regents. The
5 adjutant general shall not determine educational
6 assistance amounts based upon a national guard
7 member's unit, the location at which drills are
8 attended, or whether the eligible individual is a
9 member of the Iowa army or air national guard.

10 3. An eligible member of the national guard,
11 attending an institution as provided in subsection 1,
12 paragraph "d", as a full-time student, shall not
13 receive educational assistance under this section for
14 more than eight semesters, or if attending as a part-
15 time student for not more than sixteen semesters, of
16 undergraduate study, or the trimester or quarter
17 equivalent. A national guard member who has met the
18 educational requirements for a baccalaureate degree is
19 ineligible for educational assistance under this
20 section.

21 4. The eligibility of applicants and amounts of
22 educational assistance to be paid shall be certified
23 by the adjutant general of Iowa to the college student
24 aid commission, and all amounts that are or become due
25 to a community college, accredited private
26 institution, or institution of higher learning under
27 the control of the state board of regents under this
28 section shall be paid to the college or institution by
29 the college student aid commission upon receipt of
30 certification by the president or governing board of
31 the educational institution as to accuracy of charges
32 made, and as to the attendance and academic progress
33 of the individual at the educational institution. The
34 college student aid commission shall maintain an
35 annual record of the number of participants and the
36 dollar value of the educational assistance provided.

37 5. For purposes of this section, unless otherwise
38 required, "educational assistance" means the same as
39 "cost of attendance" as defined in Title IV, part B,
40 of the federal Higher Education Act of 1965 as
41 amended.

42 Sec. 36. Section 261.111, Code 1999, is amended by
43 striking the section and inserting in lieu thereof the
44 following:

45 **261.111 TEACHER SHORTAGE FORGIVABLE LOAN PROGRAM.**

46 1. A teacher shortage forgivable loan program is
47 established to be administered by the college student
48 aid commission. An individual is eligible for the
49 forgivable loan program if the individual is a
50 resident of this state who is enrolled as a sophomore,

- 1 junior, senior, or graduate student in an approved
- 2 practitioner preparation program in a designated area
- 3 in which teacher shortages are anticipated, at an
- 4 institution of higher learning under the control of
- 5 the state board of regents or an accredited private
- 6 institution as defined in section 261.9.
- 7 2. The director of the department of education
- 8 shall annually designate the areas in which teacher
- 9 shortages are anticipated. The director shall
- 10 periodically conduct a survey of school districts,
- 11 accredited nonpublic schools, and approved
- 12 practitioner preparation programs to determine current
- 13 shortage areas and predict future shortage areas.
- 14 3. Each applicant shall, in accordance with the
- 15 rules of the commission, do the following:
- 16 a. Complete and file an application for a teacher
- 17 shortage forgivable loan. The individual shall be
- 18 responsible for the prompt submission of any
- 19 information required by the commission.
- 20 b. File a new application and submit information
- 21 as required by the commission annually on the basis of
- 22 which the applicant's eligibility for the renewed
- 23 forgivable loan will be evaluated and determined.
- 24 4. Forgivable loans to eligible students shall not
- 25 become due until after the student graduates or leaves
- 26 school. The individual's total loan amount, including
- 27 principal and interest, shall be reduced by twenty
- 28 percent for each year in which the individual remains
- 29 an Iowa resident and is employed in Iowa by a school
- 30 district or an accredited nonpublic school as a
- 31 practitioner in the teacher shortage area for which
- 32 the loan was approved. If the commission determines
- 33 that the person does not meet the criteria for
- 34 forgiveness of the principal and interest payments,
- 35 the commission shall establish a plan for repayment of
- 36 the principal and interest over a ten-year period. If
- 37 a person required to make the repayment does not make
- 38 the required payments, the commission shall provide
- 39 for payment collection.
- 40 5. The amount of a teacher shortage forgivable
- 41 loan shall not exceed three thousand dollars annually,
- 42 or the amount of the student's established financial
- 43 need, whichever is less.
- 44 6. The commission shall prescribe by rule the
- 45 interest rate for the forgivable loan.
- 46 7. A teacher shortage forgivable loan repayment
- 47 fund is created for deposit of payments made by
- 48 forgivable loan recipients who do not fulfill the
- 49 conditions of the forgivable loan program and any
- 50 other moneys appropriated to or received by the

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1 commission for deposit in the fund. Notwithstanding
2 section 8.33, moneys deposited in the fund shall not
3 revert to the general fund of the state at the end of
4 any fiscal year but shall remain in the forgivable
5 loan repayment fund and be continuously available to
6 make additional loans under the program.
7 Notwithstanding section 12C.7, subsection 2, interest
8 or earnings on moneys deposited in the fund shall be
9 credited to the fund.

10 8. For purposes of this section, unless the
11 context otherwise requires, "teacher" means the same
12 as defined in section 272.1.

13 Sec. 37. Section 294A.25, subsections 6, 11, and
14 12, Code 1999, are amended to read as follows:

15 6. For the fiscal year beginning July 1, ~~1997~~
16 1999, and ending June 30, ~~1998~~ 2000, from phase III
17 moneys the amount of fifty thousand dollars to the
18 department of education for the geography alliance.

19 11. For the fiscal year beginning July 1, ~~1998~~
20 1999, and ending June 30, ~~1999~~ 2000, to the department
21 of education from phase III moneys the amount of one
22 million two hundred fifty thousand dollars for support
23 for the operations of the new Iowa schools development
24 corporation and for school transformation design and
25 implementation projects administered by the
26 corporation. Of the amount provided in this
27 subsection, one hundred fifty thousand dollars shall
28 be used for the school and community planning
29 initiative.

30 12. For the fiscal year beginning July 1, ~~1998~~
31 1999, and ending June 30, 2000, to the department of
32 education from phase III moneys the amount of one
33 hundred fifty thousand dollars to the Iowa public
34 broadcasting division for overnight transmitter feeds.

35 Sec. 38. Section 294A.25, Code 1999, is amended by
36 adding the following new subsections:

37 NEW SUBSECTION. 13. For the fiscal year beginning
38 July 1, 1999, and ending June 30, 2000, to the
39 department of education from phase III moneys the
40 amount of fifty thousand dollars for participation in
41 the national assessment of education progress.

42 NEW SUBSECTION. 14. For the fiscal year beginning
43 July 1, 1999, and ending June 30, 2000, to the
44 department of education from phase III moneys the
45 amount of fifty thousand dollars for the Iowa
46 mathematics and science coalition.

47 Sec. 39. Section 303.16, Code 1999, is amended by
48 adding the following new subsection:

49 NEW SUBSECTION. 10. a. The general assembly
50 finds that the country school that served Iowa's

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1 educational needs for much of its history offered a
2 unique opportunity to students and communities,
3 providing for multigenerational attendance, high
4 educational performance, a safe environment, a focus
5 for community support, and a caring, attentive
6 environment.

7 b. A country schools historical resource
8 preservation grant program is therefore established to
9 be administered by the historical division for the
10 preservation of one-room and two-room buildings once
11 used as country schools. In developing grant approval
12 criteria, the division shall place a priority on the
13 educational uses planned for the country school
14 building, which may include, but are not limited to,
15 historical interpretation and use as a teaching museum
16 or as an operational classroom accessible to a school
17 district or accredited nonpublic school for
18 provisional instructional purposes.

19 c. Notwithstanding any other provision of this
20 section, the amount of a grant shall not exceed
21 twenty-five thousand dollars and applicants shall
22 match grant funding on a dollar-for-dollar basis, of
23 which at least one-half of the local match must be in
24 cash.

25 Sec. 40. EMERGENCY RULES. The commission of
26 libraries shall adopt emergency rules under section
27 17A.4, subsection 2, and section 17A.5, subsection 2,
28 paragraph "b", adopting the performance measures
29 referred to in 286 IAC 3.6 and implement the
30 provisions of section 7, subsection 5, paragraph "b",
31 of this Act, and the rules shall be effective
32 immediately upon filing unless a later date is
33 specified in the rules. Any rules adopted in
34 accordance with this section shall also be published
35 as a notice of intended action as provided in section
36 17A.4.

37 Sec. 41. Sections 261.21 and 261.112, Code 1999,
38 are repealed.

39 Sec. 42. EFFECTIVE DATES.

40 1. Section 4 of this Act, relating to the
41 remaining national guard tuition aid balance, being
42 deemed of immediate importance, takes effect upon
43 enactment.

44 2. Section 5 of this Act, relating to the
45 remaining industrial technology forgivable loan
46 program balance, being deemed of immediate importance,
47 takes effect upon enactment.

48 3. Section 9 of this Act, relating to board of
49 educational examiners licensing fees, being deemed of
50 immediate importance, takes effect upon enactment.

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- 1 4. Section 10 of this Act, relating to the
- 2 distribution of FY 1999-2000 extended school year
- 3 grant moneys, being deemed of immediate importance,
- 4 takes effect upon enactment.
- 5 5. Section 40 of this Act, relating to emergency
- 6 rules, being deemed of immediate importance, takes
- 7 effect upon enactment."

S-3464

- 1 Amend House File 761, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, by striking lines 20 and 21 and
- 4 inserting the following:
- 5 "Sec. . Section 237A.3A, subsection 3,
- 6 paragraph d, subparagraph (1), Code 1999, is amended
- 7 to read as follows:
- 8 (1) Four levels of registration requirements are
- 9 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. The rules
- 15 shall not apply other facility requirements in
- 16 addition to requirements for the amount of space
- 17 available per child to those child care homes in which
- 18 the registration holders reside in the child care
- 19 homes."
- 20 2. Page 13, line 11, by inserting after the word
- 21 "facilities." the following: "The rules shall not
- 22 apply other physical facility standards in addition to
- 23 the standards for the amount of space available per
- 24 child to those child care homes in which the
- 25 registration holders reside in the child care homes."

JEFF ANGELO

S-3465

- 1 Amend House File 761, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 21 and 22 and
- 4 inserting the following:
- 5 "6. "Child care home" means a person or program
- 6 providing child care as a family child care home or a
- 7 group child care home as authorized under section
- 8 237A.3."
- 9 2. By striking page 3, line 28 through page 4,
- 10 line 1 and inserting the following:

11 "8. a. "Family day child care home" means a
 12 person or program which provides child day care to
 13 less than seven children at any one time or to less
 14 than twelve children at any one time as authorized by
 15 section 237A.3, subsection 1.

16 b. "Group day child care home" means a facility
 17 providing child day care for more than six but less
 18 than twelve children as authorized in accordance with
 19 section 237A.3, subsection 2, or for less than sixteen
 20 children at any one time as authorized in accordance
 21 with section 237A.3, subsection 3."

22 3. By striking page 6, line 31, through page 8,
 23 line 35, and inserting the following:

24 "Sec. . Section 237A.3, Code 1999, is amended
 25 to read as follows:

26 237A.3 REGISTRATION OF FAMILY AND GROUP DAY CHILD
 27 CARE HOMES.

28 1. a. A person who operates or establishes a
 29 family day child care home may apply to the department
 30 for registration under this chapter. The department
 31 shall issue a certificate of registration upon receipt
 32 of a statement from the family day child care home
 33 that the home complies with rules adopted by the
 34 department. The registration certificate shall be
 35 posted in a conspicuous place in the family day child
 36 care home, shall state the name of the registrant, the
 37 number of individuals who may be received for care at
 38 any one time, and the address of the home, and shall
 39 include a check list of registration compliances.

40 b. No greater number of children than is
 41 authorized by the registration certificate shall be
 42 kept in the family day child care home at any one
 43 time. However, a registered or unregistered family
 44 day child care home may provide care for more than six
 45 but less than twelve children at any one time for a
 46 period of less than two hours, provided that each
 47 child in excess of six children is attending school in
 48 kindergarten or a higher grade level.

49 c. A family day child care home may provide care
 50 in accordance with this subsection for more than six

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1 but less than twelve children for two hours or more
 2 during a day with inclement weather following the
 3 cancellation of school classes. The home must have
 4 prior written approval from the parent or guardian of
 5 each child present in the home concerning the presence
 6 of excess children in the home pursuant to this
 7 paragraph. The home must have a responsible
 8 individual, age fourteen or older, on duty to assist
 9 the home provider when more than six children are

10 present in accordance with the provisions of this
11 paragraph. In addition, one or more of the following
12 conditions shall apply to each child present in the
13 home in excess of six children:

14 (1) The home provides care to the child on a
15 regular basis for periods of less than two hours.

16 (2) If the child was not present in the family day
17 child care home, the child would be unattended.

18 (3) The home regularly provides care to a sibling
19 of the child.

20 d. In determining the number of children cared for
21 at any one time in a registered or unregistered family
22 day child care home, if the person who operates or
23 establishes the home is a child's parent, guardian,
24 relative, or custodian and the child is not attending
25 school in kindergarten or a higher grade level or is
26 not receiving child day care full-time on a regular
27 basis from another person, the child shall be
28 considered to be receiving child day care from the
29 person and shall be counted as one of the children
30 cared for in the home.

31 e. The registration process may be repeated on an
32 annual basis.

33 f. A child day care home provider or program which
34 is not a family day child care home by reason of the
35 definition of child day care in section 237A.1,
36 ~~subsection 4~~, but which provides care, supervision, or
37 guidance to a child may be issued a certificate of
38 registration under this chapter.

39 2. a. A person shall not operate or establish a
40 group day child care home unless the person obtains a
41 certificate of registration under this chapter. Two
42 persons who comply with the individual requirements
43 for registration as a group day child care provider
44 may request that the certificate be issued to the two
45 persons jointly and the department shall issue the
46 joint certificate provided the group day child care
47 home requirements for registration are met. All other
48 requirements of this chapter for registered family day
49 child care homes and the rules adopted under this
50 chapter for registered family day child care homes

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1 apply to group day child care homes. In addition, the
2 department shall adopt rules relating to the provision
3 in group day child care homes for a separate area for
4 sick children. In consultation with the state fire
5 marshal, the department shall adopt rules relating to
6 the provision of fire extinguishers, smoke detectors,
7 and two exits accessible to children.

8 b. Except as provided in subsection 3, a group day

9 child care home shall not provide child day care to
10 more than eleven children at any one time. If there
11 are more than six children present for a period of two
12 hours or more, the group day child care home must have
13 at least one responsible individual who is at least
14 fourteen years of age present to assist the group day
15 child care provider in accordance with either of the
16 following conditions:

17 (1) If the responsible individual is a joint
18 holder of the certificate of registration, not more
19 than four of the children present shall be less than
20 twenty-four months of age and not more than ten of the
21 children present shall be twenty-four months of age or
22 older but not attending school in kindergarten or a
23 higher grade level.

24 (2) If the responsible individual is not a joint
25 holder of the certificate of registration, but is at
26 least fourteen years of age, not more than four of the
27 children shall be less than twenty-four months of age
28 and each child in excess of six children shall be
29 attending school in kindergarten or a higher grade
30 level.

31 3. A registered group day child care home may
32 provide care in accordance with this subsection for
33 more than eleven but less than sixteen children for a
34 period of less than two hours or for a period of two
35 hours or more during a day with inclement weather
36 following the cancellation of school classes. The
37 home must have the prior written approval from the
38 parent or guardian of each child present in the home
39 concerning the presence of excess children in the
40 home. In addition, one or more of the following
41 conditions shall apply to each child present in the
42 home in excess of eleven children during a period of
43 inclement weather:

44 a. The group day child care home provides care to
45 the child on a regular basis for periods of less than
46 two hours.

47 b. If the child was not present in the group day
48 child care home, the child would be unattended.

49 c. The group day child care home provides care to
50 a sibling of the child.

Page 4

1 4. A person who operates or establishes a ~~family~~
2 ~~day-care home or a group-day~~ child care home and who
3 is a child foster care licensee under chapter 237
4 shall register with the department under this chapter.
5 For purposes of registration and determination of the
6 maximum number of children who can be provided child
7 day care by the ~~family-day-care home or group-day~~

8 child care home, the children receiving child foster
9 care shall be considered the children of the person
10 operating the ~~family day care home or group day~~ child
11 care home.

12 5. If the department has denied or revoked a
13 registration because the applicant or person has
14 continually or repeatedly failed to operate a
15 registered ~~child day~~ care facility in compliance with
16 this chapter and rules adopted pursuant to this
17 chapter, the person shall not own or operate a
18 registered facility for a period of six months from
19 the date the registration is denied or revoked. The
20 department shall not act on an application for
21 registration submitted by the applicant or person
22 during the six-month period."

23 4. By striking page 6, line 31, through page 7,
24 line 12, and inserting the following:

25 "Sec. . Section 237A.3A, subsection 1, Code
26 1999, is amended to read as follows:

27 1. PILOT PROJECT. The department shall implement
28 a pilot project applying the provisions of this
29 section to registered family or group ~~day~~ child care
30 homes located in one county of this state. The
31 provisions of this section shall not apply to
32 unregistered family ~~day~~ child care homes located in
33 the pilot project county. The county selected for the
34 pilot project shall be a rural county where there is
35 interest among ~~child day~~ care providers and consumers
36 in implementing the pilot project. In addition, if
37 deemed feasible by the department, the department may
38 implement the pilot project in one additional urban or
39 mixed rural and urban county where there is interest
40 in implementing the pilot project. The department
41 shall implement the pilot project on or after July 1,
42 1997. If a definition in section 237A.1, a provision
43 in section 237A.3, or an administrative rule adopted
44 under this chapter is in conflict with this section,
45 this section and the rules adopted to implement this
46 section shall apply to the pilot project.

47 Sec. . Section 237A.3A, subsection 2, paragraph
48 a, Code 1999, is amended to read as follows:

49 a. "Child care home" means a person registered
50 under this section to provide ~~child day~~ care in a

Page 5

1 pilot project county."

2 5. Page 7, by striking line 15 and inserting the
3 following:

4 "c. A person or program in a pilot project county
5 which".

6 6. Page 7, by striking lines 18 and 19 and

- 7 inserting the following: "issued a certificate of
 8 registration under this section."
 9 7. Page 8, by striking lines 14 through 23.
 10 8. Page 14, line 30, by striking the figure
 11 "237A.3A" and inserting the following: "237A.3".
 12 9. Page 15, line 10, by striking the figure
 13 "237A.3A" and inserting the following: "237A.3".
 14 10. Page 16, by striking lines 19 through 22 and
 15 inserting the following:
 16 "e. Two family ~~day~~ child care home providers.
 17 f. Two group ~~day~~ child care home providers."
 18 11. By striking page 26, line 7, through page 28,
 19 line 6 and inserting the following:
 20 ". Section 237A.3A, Code 1999, is repealed."
 21 12. By renumbering as necessary.

JEFF ANGELO

S-3466

- 1 Amend House File 761, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking lines 21 and 22 and
 4 inserting the following:
 5 "6. "Child care home" means a person or program
 6 providing child care as a family child care home or a
 7 group child care home as authorized under section
 8 237A.3."
 9 2. By striking page 3, line 28 through page 4,
 10 line 1 and inserting the following:
 11 "8. a. "Family ~~day~~ child care home" means a
 12 person or program which provides child ~~day~~ care to
 13 less than seven children at any one time or to less
 14 than twelve children at any one time as authorized by
 15 section 237A.3, subsection 1.
 16 b. "Group ~~day~~ child care home" means a facility
 17 providing child ~~day~~ care for more than six but less
 18 than twelve children as authorized in accordance with
 19 section 237A.3, subsection 2, or for less than sixteen
 20 children at any one time as authorized in accordance
 21 with section 237A.3, subsection 3."
 22 3. Page 6, by inserting after line 30 the
 23 following:
 24 "Sec. . Section 237A.3, Code 1999, is amended
 25 to read as follows:
 26 237A.3 REGISTRATION OF FAMILY AND GROUP DAY CHILD
 27 CARE HOMES.
 28 1. a. A person who operates or establishes a
 29 family ~~day~~ child care home may apply to the department
 30 for registration under this chapter. The department
 31 shall issue a certificate of registration upon receipt
 32 of a statement from the family ~~day~~ child care home

33 that the home complies with rules adopted by the
34 department. The registration certificate shall be
35 posted in a conspicuous place in the family day child
36 care home, shall state the name of the registrant, the
37 number of individuals who may be received for care at
38 any one time, and the address of the home, and shall
39 include a check list of registration compliances.

40 b. No greater number of children than is
41 authorized by the registration certificate shall be
42 kept in the family day child care home at any one
43 time. However, a registered or unregistered family
44 day child care home may provide care for more than six
45 but less than twelve children at any one time for a
46 period of less than two hours, provided that each
47 child in excess of six children is attending school in
48 kindergarten or a higher grade level.

49 c. A family day child care home may provide care
50 in accordance with this subsection for more than six

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1 but less than twelve children for two hours or more
2 during a day with inclement weather following the
3 cancellation of school classes. The home must have
4 prior written approval from the parent or guardian of
5 each child present in the home concerning the presence
6 of excess children in the home pursuant to this
7 paragraph. The home must have a responsible
8 individual, age fourteen or older, on duty to assist
9 the home provider when more than six children are
10 present in accordance with the provisions of this
11 paragraph. In addition, one or more of the following
12 conditions shall apply to each child present in the
13 home in excess of six children:

14 (1) The home provides care to the child on a
15 regular basis for periods of less than two hours.

16 (2) If the child was not present in the family day
17 child care home, the child would be unattended.

18 (3) The home regularly provides care to a sibling
19 of the child.

20 d. In determining the number of children cared for
21 at any one time in a registered or unregistered family
22 day child care home, if the person who operates or
23 establishes the home is a child's parent, guardian,
24 ~~relative~~, or custodian and the child is not attending
25 school in kindergarten or a higher grade level or is
26 not receiving child day care full-time on a regular
27 basis from another person, the child shall be
28 considered to be receiving child day care from the
29 person and shall be counted as one of the children
30 cared for in the home.

31 e. The registration process may be repeated on an

32 annual basis.

33 f. A child day care home provider or program which
34 is not a family day child care home by reason of the
35 definition of child day care in section 237A.1,
36 ~~subsection 4~~, but which provides care, supervision, or
37 guidance to a child may be issued a certificate of
38 registration under this chapter.

39 2. a. A person shall not operate or establish a
40 group day child care home unless the person obtains a
41 certificate of registration under this chapter. Two
42 persons who comply with the individual requirements
43 for registration as a group day child care provider
44 may request that the certificate be issued to the two
45 persons jointly and the department shall issue the
46 joint certificate provided the group day child care
47 home requirements for registration are met. All other
48 requirements of this chapter for registered family day
49 child care homes and the rules adopted under this
50 chapter for registered family day child care homes

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1 apply to group day child care homes. In addition, the
2 department shall adopt rules relating to the provision
3 in group day child care homes for a separate area for
4 sick children. In consultation with the state fire
5 marshal, the department shall adopt rules relating to
6 the provision of fire extinguishers, smoke detectors,
7 and two exits accessible to children.

8 b. Except as provided in subsection 3, a group day
9 child care home shall not provide child day care to
10 more than eleven children at any one time. If there
11 are more than six children present for a period of two
12 hours or more, the group day child care home must have
13 at least one responsible individual who is at least
14 fourteen years of age present to assist the group day
15 child care provider in accordance with either of the
16 following conditions:

17 (1) If the responsible individual is a joint
18 holder of the certificate of registration, not more
19 than four of the children present shall be less than
20 twenty-four months of age and not more than ten of the
21 children present shall be twenty-four months of age or
22 older but not attending school in kindergarten or a
23 higher grade level.

24 (2) If the responsible individual is not a joint
25 holder of the certificate of registration, but is at
26 least fourteen years of age, not more than four of the
27 children shall be less than twenty-four months of age
28 and each child in excess of six children shall be
29 attending school in kindergarten or a higher grade
30 level.

31 3. A registered group day child care home may
32 provide care in accordance with this subsection for
33 more than eleven but less than sixteen children for a
34 period of less than two hours or for a period of two
35 hours or more during a day with inclement weather
36 following the cancellation of school classes. The
37 home must have the prior written approval from the
38 parent or guardian of each child present in the home
39 concerning the presence of excess children in the
40 home. In addition, one or more of the following
41 conditions shall apply to each child present in the
42 home in excess of eleven children during a period of
43 inclement weather:
44 a. The group day child care home provides care to
45 the child on a regular basis for periods of less than
46 two hours.
47 b. If the child was not present in the group day
48 child care home, the child would be unattended.
49 c. The group day child care home provides care to
50 a sibling of the child.

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1 4. A person who operates or establishes a ~~family~~
2 ~~day-care home or a group day~~ child care home and who
3 is a child foster care licensee under chapter 237
4 shall register with the department under this chapter.
5 For purposes of registration and determination of the
6 maximum number of children who can be provided child
7 day care by the ~~family day-care home or group day~~
8 child care home, the children receiving child foster
9 care shall be considered the children of the person
10 operating the ~~family day-care home or group day~~ child
11 care home.
12 5. If the department has denied or revoked a
13 registration because the applicant or person has
14 continually or repeatedly failed to operate a
15 registered child day care facility in compliance with
16 this chapter and rules adopted pursuant to this
17 chapter, the person shall not own or operate a
18 registered facility for a period of six months from
19 the date the registration is denied or revoked. The
20 department shall not act on an application for
21 registration submitted by the applicant or person
22 during the six-month period."
23 4. By striking page 6, line 31, through page 7,
24 line 12, and inserting the following:
25 "Sec. . Section 237A.3A, subsection 1, Code
26 1999, is amended to read as follows:
27 1. PILOT PROJECT. The department shall implement
28 a pilot project applying the provisions of this
29 section to registered family or group day child care

30 homes located in one county of this state. The
31 provisions of this section shall not apply to
32 unregistered family day child care homes located in
33 the pilot project county. The county selected for the
34 pilot project shall be a rural county where there is
35 interest among child day care providers and consumers
36 in implementing the pilot project. In addition, if
37 deemed feasible by the department, the department may
38 implement the pilot project in one additional urban or
39 mixed rural and urban county where there is interest
40 in implementing the pilot project. The department
41 shall implement the pilot project on or after July 1,
42 1997. If a definition in section 237A.1, a provision
43 in section 237A.3, or an administrative rule adopted
44 under this chapter is in conflict with this section,
45 this section and the rules adopted to implement this
46 section shall apply to the pilot project.
47 Sec. . Section 237A.3A, subsection 2, paragraph
48 a, Code 1999, is amended to read as follows:
49 a. "Child care home" means a person registered
50 under this section to provide child day care in a

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- 1 pilot project county."
2 5. Page 7, by striking line 15 and inserting the
3 following:
4 "c. A person or program in a pilot project county
5 which".
6 6. Page 7, by striking lines 18 and 19 and
7 inserting the following: "issued a certificate of
8 registration under this section."
9 7. Page 8, by striking lines 14 through 23.
10 8. Page 14, line 30, by striking the figure
11 "237A.3A" and inserting the following: "237A.3".
12 9. Page 15, line 10, by striking the figure
13 "237A.3A" and inserting the following: "237A.3".
14 10. Page 16, by striking lines 19 through 22 and
15 inserting the following:
16 "e. Two family day child care home providers.
17 f. Two group day child care home providers."
18 11. By striking page 26, line 7, through page 28,
19 line 6.
20 12. By renumbering as necessary.

JEFF ANGELO

HOUSE AMENDMENT TO
SENATE FILE 137

S-3467

- 1 Amend Senate File 137, as passed by the Senate, as
2 follows:
- 3 1. Page 1, line 6, by inserting after the word
4 "Iowa" the following: "Grant Wood".
- 5 2. Page 1, line 9, by inserting after the word
6 "Iowa" the following: "Grant Wood".
- 7 3. Page 1, line 13, by inserting after the word
8 "Iowa" the following: "Grant Wood".
- 9 4. Page 1, line 16, by inserting after the word
10 "Iowa" the following: "Grant Wood".
- 11 5. Page 1, line 19, by inserting after the word
12 "Iowa" the following: "Grant Wood".
- 13 6. Page 1, line 26, by inserting after the word
14 "Iowa" the following: "Grant Wood".
- 15 7. Page 1, line 35, by striking the figure
16 "1995," and inserting the following: "~~1995~~ 1999".
- 17 8. Page 2, line 1, by striking the word "three"
18 and inserting the following: "~~three~~ four".
- 19 9. Page 2, line 2, by striking the word "three"
20 and inserting the following: "~~three~~ four".
- 21 10. Page 2, by inserting after line 8 the
22 following:
23 "Sec. . REPORT ON INCOME TAX CHECKOFFS. By
24 January 31, 2000, the department of revenue and
25 finance shall report to the general assembly on the
26 manner by which the department currently administers
27 the limitation on income tax checkoffs. The
28 department shall include in the report recommendations
29 relating to criteria for inclusion of a checkoff on
30 the income tax return form and the optimum number of
31 checkoffs available for placement on the income tax
32 return form."
- 33 11. Page 2, by striking lines 10 through 13 and
34 inserting the following: "for tax years beginning on
35 or after that date."
- 36 12. Title page, line 2, by striking the word
37 "arts," and inserting the following: "arts and".
- 38 13. Title page, line 3, by inserting after the
39 word "appropriation," the following: "relating to
40 income tax checkoffs and reporting by the department
41 of revenue and finance,".
- 42 14. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

S-3468

- 1 Amend Senate File 459 as follows:
 2 1. Page 1, by striking lines 18 through 26.
 3 2. By renumbering as necessary.

JACK RIFE

S-3469

- 1 Amend Senate File 459 as follows:
 2 1. Page 1, by striking lines 18 through 26.
 3 2. By striking page 9, line 6, through page 11,
 4 line 11.
 5 3. Page 11, by striking lines 23 through 26.
 6 4. By renumbering as necessary.

JACK RIFE

S-3470

- 1 Amend Senate File 459 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. NEW SECTION. 16.110 IOWA SCHOOL
 5 DISTRICT REVOLVING LOAN FUND PROGRAM -- DEFINITIONS.
 6 1. The Iowa school district revolving loan fund
 7 program is established for the purpose of making loans
 8 available to school districts to finance all or part
 9 of the costs of a project. The purpose of the program
 10 is to provide a means for Iowa schools to reduce their
 11 long-term borrowing costs and thus reduce costs to
 12 taxpayers.
 13 2. The authority shall process, review, and
 14 approve loan applications which satisfy the rules
 15 adopted by the authority in implementing the Iowa
 16 school district revolving loan fund program. The
 17 school districts to which loans are to be made, the
 18 purposes of the loan, the amount of each loan, the
 19 interest rate of the loan, and the repayment terms of
 20 the loan shall be determined by the authority in
 21 accordance with its rules.
 22 3. For purposes of this section and sections
 23 16.111 through 16.115, "project" means any undertaking
 24 by a school district for which financing is authorized
 25 under chapter 296 or 298, including all costs and
 26 expenses associated with authorization for, and
 27 commencement of, a project. "School district" means a
 28 public school district as governed by chapter 274.
 29 Sec. . NEW SECTION. 16.111 REVOLVING LOAN
 30 FUND ESTABLISHED.
 31 1. The Iowa school district revolving loan fund is

32 established in the state treasury under the control of
33 the authority. The revolving loan fund shall include
34 sums appropriated to the fund by the general assembly
35 and all receipts from loans made to school districts
36 by the authority, and any other sums designated for
37 deposit in the revolving loan fund from any public or
38 private source. All moneys appropriated to and
39 deposited in the revolving loan fund are appropriated
40 and shall be used for the sole purpose of making loans
41 to school districts to finance all or part of the cost
42 of projects. Moneys in the fund may also be used to
43 pay the costs and expenses associated with
44 administration of the Iowa school district revolving
45 loan fund program. A loan made to a school district
46 from the revolving loan fund is an indebtedness of the
47 school district within the meaning of any
48 constitutional or statutory school district debt
49 limitation in effect at the time the loan agreement is
50 made.

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1 2. The moneys in the revolving loan fund are not
2 considered part of the general fund of the state, are
3 not subject to appropriation for any other purpose by
4 the general assembly, and in determining a general
5 fund balance shall not be included in the general fund
6 of the state but shall remain in the revolving loan
7 fund to be used for its respective purposes. The Iowa
8 school district revolving loan fund is a separate
9 dedicated fund under the administration and control of
10 the authority and subject to section 16.31. Moneys on
11 deposit in the fund shall be invested by the treasurer
12 of state in cooperation with the authority, and the
13 income from the investments shall be credited to and
14 deposited in the fund.

15 3. The authority may establish and maintain other
16 funds or accounts determined to be necessary to carry
17 out the purposes of sections 16.110 through 16.115 and
18 shall provide for the funding, administration,
19 investment, restrictions, and disposition of the funds
20 and accounts.

21 Sec. . NEW SECTION. 16.112 BONDS AND NOTES
22 ISSUED BY AUTHORITY.

23 1. The authority may issue its bonds and notes for
24 the purpose of funding the revolving loan fund
25 established in section 16.111. The authority may
26 enter into one or more lending agreements or purchase
27 agreements with one or more bondholders or noteholders
28 containing the terms and conditions of the repayment
29 of and the security for the bonds or notes. The
30 authority and the bondholders or noteholders or a

31 trustee agent designated by the authority may enter
 32 into agreements to provide for any of the following:
 33 a. That the proceeds of the bonds and notes and
 34 the investments of the proceeds may be received, held,
 35 and disbursed by the authority or by a trustee or
 36 agent designated by the authority.
 37 b. That the bondholders or noteholders or a
 38 trustee or agent designated by the authority may
 39 collect, invest, and apply the amount payable under
 40 the loan agreements or any other instruments securing
 41 the debt obligations under the loan agreements.
 42 c. That the bondholders or noteholders may enforce
 43 the remedies provided in the loan agreements or other
 44 instruments on their own behalf without the
 45 appointment or designation of a trustee. If there is
 46 a default in the principal of or interest on the bonds
 47 or notes or in the performance of any agreement
 48 contained in the loan agreements or other instruments,
 49 the payment or performance may be enforced in
 50 accordance with the loan agreement or other

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1 instrument.
 2 d. Other terms and conditions as deemed necessary
 3 or appropriate by the authority.
 4 2. The powers granted the authority under this
 5 section are in addition to other powers contained in
 6 this chapter. All other provisions of this chapter,
 7 except section 16.28, subsection 4, apply to bonds or
 8 notes issued and powers granted to the authority under
 9 this section except to the extent they are
 10 inconsistent with this section.
 11 3. All bonds or notes issued by the authority in
 12 connection with the program are exempt from taxation
 13 by this state and the interest on the bonds or notes
 14 is exempt from state income tax.
 15 Sec. . NEW SECTION. 16.113 SECURITY --
 16 RESERVE FUNDS -- PLEDGES -- NONLIABILITY --
 17 IRREVOCABLE CONTRACTS.
 18 1. The authority may provide in the resolution,
 19 trust agreement, or other instrument authorizing the
 20 issuance of its bonds or notes pursuant to section
 21 16.112 that the principal of, premium, and interest on
 22 the bonds or notes are payable from any of the
 23 following and may pledge the same to its bonds and
 24 notes:
 25 a. The income and receipts or other moneys derived
 26 from the projects financed with the proceeds of the
 27 bonds or notes.
 28 b. The income and receipts or other moneys derived
 29 from designated projects whether or not the projects

30 are financed in whole or in part with the proceeds of
31 the bonds or notes.

32 c. The authority's income and receipts or other
33 assets generally, or a designated part or parts of
34 them.

35 2. The authority may establish reserve funds to
36 secure one or more issues of its bonds or notes. The
37 authority may deposit in a reserve fund established
38 under this subsection the proceeds of the sale of its
39 bonds or notes and other moneys which are made
40 available from any other source.

41 3. It is the intention of the general assembly
42 that a pledge made in respect of bonds or notes shall
43 be valid and binding from the time the pledge is made,
44 that the moneys or property so pledged and received
45 after the pledge by the authority shall immediately be
46 subject to the lien of the pledge without physical
47 delivery or further act, and that the lien of the
48 pledge shall be valid and binding as against all
49 parties having claims of any kind in tort, contract,
50 or otherwise against the authority whether or not the

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1 parties have notice of the lien. The resolution,
2 trust agreement, or any other instrument by which a
3 pledge is created does not need to be recorded or
4 filed under the Iowa uniform commercial code to be
5 valid, binding, or effective against the parties.

6 4. The members of the authority or persons
7 executing the bonds or notes are not personally liable
8 on the bonds or notes and are not subject to personal
9 liability or accountability by reason of the issuance
10 of the bonds or notes.

11 5. The bonds or notes issued by the authority are
12 not an indebtedness or other liability of the state or
13 of a political subdivision of the state within the
14 meaning of any constitutional or statutory debt
15 limitations but are special obligations of the
16 authority, and are payable solely from the income and
17 receipts or other funds or property of the authority,
18 and the amounts on deposit in the revolving loan fund,
19 and the amounts payable to the authority under its
20 loan agreements with a school district to the extent
21 that the amounts are designated in the resolution,
22 trust agreement, or other instrument of the authority
23 authorizing the issuance of the bonds or notes as
24 being available as security for such bonds or notes.
25 The authority shall not pledge the faith or credit of
26 the state or of a political subdivision of the state
27 to the payment of any bonds or notes. The issuance of
28 any bonds or notes by the authority does not directly,

29 indirectly, or contingently obligate the state or a
 30 political subdivision of the state to apply moneys
 31 from, or levy or pledge any form of taxation whatever
 32 to, the payment of the bonds or notes.

33 6. The state pledges to and agrees with the
 34 holders of bonds or notes issued under section 16.112
 35 that the state will not limit or alter the rights and
 36 powers vested in the authority to fulfill the terms of
 37 a contract made by the authority with respect to the
 38 bonds or notes, or in any way impair the rights and
 39 remedies of the holders until the bonds or notes,
 40 together with the interest on them, including interest
 41 on unpaid installments of interest, and all costs and
 42 expenses in connection with an action or proceeding by
 43 or on behalf of the holders, are fully met and
 44 discharged. The authority is authorized to include
 45 this pledge and agreement of the state, as it refers
 46 to holders of bonds or notes of the authority, in a
 47 contract with the holders.

48 Sec. . NEW SECTION. 16.114 APPROPRIATION.

49 1. There is appropriated from the rebuild Iowa
 50 infrastructure fund to the department of education for

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1 each fiscal year the sum of ten million dollars for
 2 deposit in the revolving loan fund established in
 3 section 16.111.

4 2. It is the intent of the general assembly to
 5 increase by ten million dollars annually the amount
 6 appropriated in subsection 1 until the total amount
 7 appropriated annually for purposes of the Iowa school
 8 district revolving loan fund program reaches fifty
 9 million dollars.

10 Sec. NEW SECTION. 16.115 ADOPTION OF RULES.

11 The authority shall adopt rules pursuant to chapter
 12 17A to implement sections 16.110 through 16.114."

13 2. Title page, line 1, by inserting after the
 14 word "Act" the following: "creating an Iowa school
 15 district revolving loan fund program and an exemption
 16 from state taxation, and".

17 3. By renumbering as necessary.

MATT McCOY
 DICK L. DEARDEN

S-3471

1 Amend Senate File 459 as follows:

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

4 "Sec. 100. TEACHER LAYOFF PREVENTION FUND. There

5 is appropriated for the fiscal year beginning July 1,
 6 1999, from the general fund of the state, to the
 7 school budget review committee, the sum of five
 8 million dollars to be used to offset the layoff of
 9 licensed instructional staff in school districts
 10 experiencing licensed instructional staff layoffs. A
 11 school district which is experiencing layoffs of
 12 licensed instructional staff may submit an application
 13 for funding to offset the layoffs to the school budget
 14 review committee by August 1, 1999. The application
 15 shall include an explanation by the school district of
 16 the circumstances leading to the layoffs, a statement
 17 of the amount requested by the school district, and a
 18 plan for allocation of funding received. The
 19 department shall establish procedures and criteria by
 20 which teacher layoff prevention funding shall be
 21 awarded. If the amount appropriated in this section
 22 is insufficient to fully fund the requests received
 23 and granted by the school budget review committee,
 24 funding shall be prorated based on the ratio by which
 25 the amount of funding requested by a school district
 26 for which funding has been granted bears to the total
 27 amount of funding requested by all school districts
 28 for which funding has been granted."
 29 2. Page 11, line 19, by inserting before the word
 30 "of" the following: "and 100".
 31 3. By renumbering as necessary.

MICHAEL W. CONNOLLY
 JOHNIE HAMMOND

S-3472

1 Amend the House amendment, S-3463, to Senate File
 2 464, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 8, line 26, by inserting after the figure
 5 "256.44" the following: ", if 1999 Iowa Acts, House
 6 File 766, is enacted."
 7 2. Page 11, line 17, by striking the figure
 8 "675,000" and inserting the following: "735,000".
 9 3. Page 11, line 43, by striking the figure
 10 "60,000" and inserting the following: "120,000".
 11 4. By renumbering as necessary.

KITTY REHBERG
 JEFF ANGELO

S-3473

1 Amend the House amendment, S-3463, to Senate File
 2 464, as amended, passed, and reprinted by the Senate,

3 as follows:

- 4 1. Page 24, line 17, by striking the word "six"
 5 and inserting the following: "~~six~~ nine".
 6 2. Page 24, line 18, by striking the word "sixty-
 7 four" and inserting the following: "~~sixty-four~~
 8 fourteen".
 9 3. By renumbering as necessary.

MICHAEL W. CONNOLLY
 STEVEN D. HANSEN

S-3474

- 1 Amend House File 766, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 8, by inserting after the word
 4 "five" the following: "hundred".

KITTY REHBERG

S-3475

- 1 Amend House File 749, as passed by the House, as
 2 follows:
 3 1. Page 1, line 8, by inserting after the word
 4 "water," the following: "electricity and other
 5 utilities,".

COMMITTEE ON WAYS AND MEANS
 JoANN JOHNSON, Chairperson

S-3476

- 1 Amend the House amendment, S-3463, to Senate File
 2 464, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 9, lines 33 and 34, by striking the words
 5 and figures ", if enacted by 1999 Iowa Acts, Senate
 6 File 232".
 7 2. Page 23, by inserting after line 7 the
 8 following:
 9 "Sec. NEW SECTION. 256E.1 DEFINITIONS.
 10 As used in this chapter, unless the context
 11 otherwise requires:
 12 1. "Beginning teacher" means an individual serving
 13 under an initial provisional or conditional license,
 14 issued by the board of educational examiners under
 15 chapter 272, who is assuming a position as a classroom
 16 teacher.
 17 2. "Board" means the board of directors of a
 18 school district or a collaboration of boards of
 19 directors of school districts.

20 3. "Classroom teacher" means an individual who
21 holds a valid practitioner's license and who is
22 employed under a teaching contract with a school
23 district or area education agency in this state to
24 provide classroom instruction to students.

25 4. "Department" means the department of education.

26 5. "Director" means the director of the department
27 of education.

28 6. "District facilitator" means a licensed
29 professional pursuant to chapter 272 who is appointed
30 by a board to serve as the liaison between the board
31 and the department for the beginning teacher induction
32 program.

33 7. "Mentor" means an individual employed by a
34 school district or area education agency as a
35 classroom teacher who holds a valid license to teach
36 issued under chapter 272. The individual must have a
37 record of four years of successful teaching practice,
38 must be employed as a classroom teacher on a
39 nonprobationary basis, and must demonstrate
40 professional commitment to the improvement of teaching
41 and learning, and the development of beginning
42 teachers.

43 Sec. NEW SECTION. 256E.2 BEGINNING TEACHER
44 INDUCTION PROGRAM ESTABLISHED -- GRANTS.

45 1. If the general assembly appropriates moneys for
46 purposes of teacher induction, the department of
47 education shall coordinate a beginning teacher
48 induction program to promote excellence in teaching,
49 build a supportive environment within school
50 districts, increase the retention of promising

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1 beginning teachers, and promote the personal and
2 professional well-being of teachers.

3 2. The department shall adopt rules concerning the
4 grant application and award process, including
5 reasonable cost estimates for beginning teacher
6 induction programs. The department may disapprove a
7 plan submitted by a board if the plan does not meet
8 the minimum criteria set forth in section 256E.3,
9 subsection 2, or the plan exceeds the reasonable costs
10 as determined by the department. If the cost
11 estimates submitted by a board exceed reasonable cost
12 estimates as determined by the department, the
13 department shall work with the board to identify
14 measures for reducing plan costs. If the department
15 determines that moneys appropriated by the general
16 assembly are insufficient to meet the grant requests
17 for all approved beginning teacher induction program
18 plans, the department shall award grants based on the

19 geographic location and district population of the
20 school districts with approved plans. Grants may be
21 awarded in subsequent years based upon the most recent
22 plan on file with the department. It is the intent of
23 the general assembly that the department approve plans
24 that incorporate local innovation and take into
25 consideration local needs.

26 Sec. . NEW SECTION. 256E.3 DISTRICT
27 FACILITATOR AND PLAN.

28 1. An area education agency shall prepare a model
29 beginning teacher induction program plan and shall
30 provide the model plan to each school district within
31 its area. The plan shall include a model evaluation
32 component by which a school district may measure the
33 effectiveness of its program. Any modifications to
34 the model plan shall be submitted to school districts
35 as soon as practical. A board that wishes to
36 participate in the program shall adopt a beginning
37 teacher induction program plan and written procedures
38 for the program, and may use, alter, or revise the
39 model plan provided by the area education agency at
40 the board's discretion.

41 2. A board that wishes to participate in the
42 beginning teacher induction program shall appoint a
43 district facilitator, whose duties shall include, but
44 are not limited to, overseeing the implementation of a
45 plan for meeting the goals of the program as set forth
46 in section 256E.2. The plan shall, at a minimum,
47 provide the process for the selection of and the
48 number of mentors; the mentor training process; the
49 timetable by which the plan shall be implemented;
50 placement of mentors and beginning teachers; the

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1 minimum amount of contact time between mentors and
2 beginning teachers; the minimum amount of release time
3 for mentors and beginning teachers for meetings for
4 planning, demonstration, observation, feedback, and
5 workshops; the process for dissolving mentor and
6 beginning teacher partnerships; and the process for
7 measuring the results of the program.

8 3. The district facilitator shall submit the plan,
9 and the proposed costs of implementing the plan, to
10 the board, which shall consider the plan and, once
11 approved, submit the plan and a reasonable cost
12 proposal to the department of education.

13 4. The district facilitator is encouraged to work
14 with area education agencies and postsecondary
15 institutions in the preparation and implementation of
16 a plan.

17 5. The district facilitator shall place beginning

18 teachers participating in the program in a manner that
19 provides the greatest opportunity to work with the
20 largest number of mentors.
21 Sec. . NEW SECTION. 256E.4 BEGINNING TEACHER
22 INDUCTION STATE SUBSIDY -- FUND.
23 1. A mentor in a beginning teacher induction
24 program approved under this chapter shall be eligible
25 for an award of five hundred dollars per semester, at
26 a minimum, for participation in the program, which
27 shall be paid from moneys received pursuant to this
28 chapter by the school district.
29 2. Moneys received by a school district pursuant
30 to this chapter shall be expended to provide mentors
31 with awards in accordance with subsection 1, to
32 implement the plan, to provide for a stipend for the
33 district facilitator, and to pay any applicable costs
34 of the employer's share of contributions to federal
35 social security and the Iowa public employees'
36 retirement system or a pension and annuity retirement
37 system established under chapter 294, for such amounts
38 paid by the district.
39 3. Moneys received by a school district under this
40 chapter are miscellaneous income for purposes of
41 chapter 257 or are considered encumbered. A school
42 district shall maintain a separate listing within its
43 budget for payments received and expenditures made
44 pursuant to this section.
45 4. A beginning teacher induction fund is
46 established in the office of the treasurer of state to
47 be administered by the department. Moneys
48 appropriated by the general assembly for deposit in
49 the fund shall be used to provide funding to school
50 districts pursuant to this section.

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1 Sec. . NEW SECTION. 256E.5 REPORTS.
2 The board implementing an approved beginning
3 teacher induction program as provided in this chapter
4 shall submit an assessment of the program's results by
5 July 1 of the fiscal year succeeding the year in which
6 the school district received moneys under this
7 chapter. The department shall annually report the
8 statewide results of the program to the chairpersons
9 and the ranking members of the senate and house
10 education committees by January 1."
11 3. Page 31, by inserting after line 24 the
12 following:
13 "Sec. . EMERGENCY RULES. The department of
14 education may adopt emergency rules under section
15 17A.4, subsection 2, and section 17A.5, subsection 2,
16 paragraph "b", to implement the provisions of Code

17 chapter 256E as enacted by this Act and the rules
 18 shall be effective immediately upon filing unless a
 19 later date is specified in the rules. Any rules
 20 adopted in accordance with this section shall also be
 21 published as a notice of intended action as provided
 22 in section 17A.4."

23 4. By renumbering, relettering, and redesignating
 24 as necessary.

JEFF ANGELO
 KITTY REHBERG

S-3477

1 Amend House File 761, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 3, by striking lines 21 and 22 and
 4 inserting the following:

5 "6. "Child care home" means a person or program
 6 providing child care as a family child care home or a
 7 group child care home as authorized under section
 8 237A.3."

9 2. By striking page 3, line 28 through page 4,
 10 line 1 and inserting the following:

11 "8. a. "Family day child care home" means a
 12 person or program which provides child day care to
 13 less than seven children at any one time or to less
 14 than twelve children at any one time as authorized by
 15 section 237A.3, subsection 1.

16 b. "Group day child care home" means a facility
 17 providing child day care for more than six but less
 18 than twelve children as authorized in accordance with
 19 section 237A.3, subsection 2, or for less than sixteen
 20 children at any one time as authorized in accordance
 21 with section 237A.3, subsection 3."

22 3. By striking page 6, line 31, through page 8,
 23 line 35, and inserting the following:

24 "Sec. . Section 237A.3, Code 1999, is amended
 25 to read as follows:

26 237A.3 REGISTRATION OF FAMILY AND GROUP DAY CHILD
 27 CARE HOMES.

28 1. a. A person who operates or establishes a
 29 family day child care home may apply to the department
 30 for registration under this chapter. The department
 31 shall issue a certificate of registration upon receipt
 32 of a statement from the family day child care home
 33 that the home complies with rules adopted by the
 34 department. The registration certificate shall be
 35 posted in a conspicuous place in the family day child
 36 care home, shall state the name of the registrant, the
 37 number of individuals who may be received for care at
 38 any one time, and the address of the home, and shall

39 include a check list of registration compliances.
40 b. No greater number of children than is
41 authorized by the registration certificate shall be
42 kept in the family ~~day~~ child care home at any one
43 time. However, a registered or unregistered family
44 ~~day~~ child care home may provide care for more than six
45 but less than twelve children at any one time for a
46 period of less than two hours, provided that each
47 child in excess of six children is attending school in
48 kindergarten or a higher grade level.
49 c. A family ~~day~~ child care home may provide care
50 in accordance with this subsection for more than six

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1 but less than twelve children for two hours or more
2 during a day with inclement weather following the
3 cancellation of school classes. The home must have
4 prior written approval from the parent or guardian of
5 each child present in the home concerning the presence
6 of excess children in the home pursuant to this
7 paragraph. The home must have a responsible
8 individual, age fourteen or older, on duty to assist
9 the home provider when more than six children are
10 present in accordance with the provisions of this
11 paragraph. In addition, one or more of the following
12 conditions shall apply to each child present in the
13 home in excess of six children:

14 (1) The home provides care to the child on a
15 regular basis for periods of less than two hours.

16 (2) If the child was not present in the family ~~day~~
17 child care home, the child would be unattended.

18 (3) The home regularly provides care to a sibling
19 of the child.

20 d. In determining the number of children cared for
21 at any one time in a registered or unregistered family
22 ~~day~~ child care home, if the person who operates or
23 establishes the home is a child's parent, guardian,
24 ~~relative~~, or custodian and the child is not attending
25 school in kindergarten or a higher grade level or is
26 not receiving child ~~day~~ care full-time on a regular
27 basis from another person, the child shall be
28 considered to be receiving child ~~day~~ care from the
29 person and shall be counted as one of the children
30 cared for in the home.

31 e. The registration process may be repeated on an
32 annual basis.

33 f. A child ~~day~~ care home provider or program which
34 is not a family ~~day~~ child care home by reason of the
35 definition of child ~~day~~ care in section 237A.1,
36 ~~subsection 4~~, but which provides care, supervision, or
37 guidance to a child may be issued a certificate of

38 registration under this chapter.

39 2. a. A person shall not operate or establish a
40 group day child care home unless the person obtains a
41 certificate of registration under this chapter. Two
42 persons who comply with the individual requirements
43 for registration as a group day child care provider
44 may request that the certificate be issued to the two
45 persons jointly and the department shall issue the
46 joint certificate provided the group day child care
47 home requirements for registration are met. All other
48 requirements of this chapter for registered family day
49 child care homes and the rules adopted under this
50 chapter for registered family day child care homes

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1 apply to group day child care homes. In addition, the
2 department shall adopt rules relating to the provision
3 in group day child care homes for a separate area for
4 sick children. In consultation with the state fire
5 marshal, the department shall adopt rules relating to
6 the provision of fire extinguishers, smoke detectors,
7 and two exits accessible to children.

8 b. Except as provided in subsection 3, a group day
9 child care home shall not provide child day care to
10 more than eleven children at any one time. If there
11 are more than six children present for a period of two
12 hours or more, the group day child care home must have
13 at least one responsible individual who is at least
14 fourteen years of age present to assist the group day
15 child care provider in accordance with either of the
16 following conditions:

17 (1) If the responsible individual is a joint
18 holder of the certificate of registration, not more
19 than four of the children present shall be less than
20 twenty-four months of age and not more than ten of the
21 children present shall be twenty-four months of age or
22 older but not attending school in kindergarten or a
23 higher grade level.

24 (2) If the responsible individual is not a joint
25 holder of the certificate of registration, but is at
26 least fourteen years of age, not more than four of the
27 children shall be less than twenty-four months of age
28 and each child in excess of six children shall be
29 attending school in kindergarten or a higher grade
30 level.

31 3. A registered group day child care home may
32 provide care in accordance with this subsection for
33 more than eleven but less than sixteen children for a
34 period of less than two hours or for a period of two
35 hours or more during a day with inclement weather
36 following the cancellation of school classes. The

37 home must have the prior written approval from the
38 parent or guardian of each child present in the home
39 concerning the presence of excess children in the
40 home. In addition, one or more of the following
41 conditions shall apply to each child present in the
42 home in excess of eleven children during a period of
43 inclement weather:

44 a. The group day child care home provides care to
45 the child on a regular basis for periods of less than
46 two hours.

47 b. If the child was not present in the group day
48 child care home, the child would be unattended.

49 c. The group day child care home provides care to
50 a sibling of the child.

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1 4. A person who operates or establishes a family
2 ~~day care home or a group day~~ child care home and who
3 is a child foster care licensee under chapter 237
4 shall register with the department under this chapter.
5 For purposes of registration and determination of the
6 maximum number of children who can be provided child
7 day care by the ~~family day care home or group day~~
8 child care home, the children receiving child foster
9 care shall be considered the children of the person
10 operating the ~~family day care home or group day~~ child
11 care home.

12 5. If the department has denied or revoked a
13 registration because the applicant or person has
14 continually or repeatedly failed to operate a
15 registered child day care facility in compliance with
16 this chapter and rules adopted pursuant to this
17 chapter, the person shall not own or operate a
18 registered facility for a period of six months from
19 the date the registration is denied or revoked. The
20 department shall not act on an application for
21 registration submitted by the applicant or person
22 during the six-month period."

23 4. By striking page 6, line 31, through page 8,
24 line 35.

25 5. Page 14, line 30, by striking the figure
26 "237A.3A" and inserting the following: "237A.3".

27 6. Page 15, line 10, by striking the figure
28 "237A.3A" and inserting the following: "237A.3".

29 7. Page 16, by striking lines 19 through 22 and
30 inserting the following:

31 "e. Two family day child care home providers.

32 f. Two group day child care home providers."

33 8. By striking page 26, line 7, through page 28,
34 line 6 and inserting the following:

- 35 ". Section 237A.3A, Code 1999, is repealed."
36 9. By renumbering as necessary.

JEFF ANGELO

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 476

S-3478

- 1 Amend the Senate amendment, H-1536, to House File
2 476, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 11, by inserting after the word
5 "to" the following: "agricultural".
6 2. Page 1, by striking lines 17 through 23.
7 3. Page 1, by inserting after line 24 the
8 following:
9 ". Page 5, line 2, by inserting after the word
10 "sought." the following: "For purposes of section
11 6B.4A, if condemnation of agricultural land is sought
12 by a city or county, or an agency of a city or county,
13 for location of an industry as that term is defined in
14 section 260E.2, the application shall so state.
15 However, the city or county shall not be required to
16 disclose information on an industrial prospect with
17 which the city or county is currently negotiating.
18 ____ Page 7, by inserting after line 31 the
19 following:
20 Sec. NEW SECTION. 6B.4A REVIEW OF
21 APPLICATIONS BY COMPENSATION COMMISSION.
22 1. If a city or county, or an agency of a city or
23 county, has filed an application for condemnation of
24 agricultural land for industry, the application is
25 subject to review by the compensation commission
26 pursuant to this section.
27 2. At any time before the thirty-day notice of
28 assessment expires pursuant to section 6B.8, a
29 landowner may apply to the compensation commission for
30 review of the condemnation application to determine
31 whether the use of condemnation is necessary for the
32 placement of an industry in the community. When
33 reviewing an application, the commission shall
34 consider all of the following:
35 a. The feasibility of acquiring the agricultural
36 land by methods other than condemnation.
37 b. The public cost and public benefit from
38 locating the industry on the agricultural land.
39 c. The ability to adapt the industry development
40 plans to avoid the use of condemnation.
41 d. The existence of a specific industry to be

42 located on the agricultural land.

43 e. The amount of agricultural land requested to be
44 condemned compared to the total amount of agricultural
45 land needed for the project.

46 3. The commission shall approve or deny the
47 application for condemnation within thirty days of
48 receiving a request to review the condemnation
49 application. A majority vote of the commission
50 members is necessary to approve or deny a condemnation

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1 application. The sheriff shall notify the landowner
2 and condemner of the commission's determination by
3 certified mail.

4 4. A determination made by the compensation
5 commission pursuant to this section shall be final
6 unless appealed from. An appeal must be filed with
7 the district court within thirty days of mailing the
8 commission's determination to the condemner and the
9 landowner. At the time of appeal, the appellant shall
10 give written notice that the appeal has been taken to
11 the adverse party, or the adverse party's agent or
12 attorney. Notice of an appeal shall be served in the
13 same manner as an original notice. The appeal shall
14 be docketed in the name of the person appealing and
15 all other interested parties to the action shall be
16 defendants.

17 5. This section does not apply to condemnation of
18 agricultural land if the industry is an eligible
19 business under section 15.329 and the department of
20 economic development enters into an agreement under
21 section 15.330 with the industry.

22 6. For purposes of this section, "industry" means
23 the same as defined in section 260E.2.

24 Page 8, line 3, by inserting after the word
25 "report" the following: "containing the information
26 used by the commission in assessing the damages".

27 ____ Page 8, line 22, by inserting after the word
28 "notices." the following: "If a city or county, or an
29 agency of a city or county, is seeking to condemn
30 agricultural land for an industry as that term is
31 defined in section 260E.2, the notice shall inform the
32 landowner that the landowner may request that the
33 compensation commission review the application as
34 provided in section 6B.4A."

35 4. By striking page 1, line 27, through page 2,
36 line 13, and inserting the following:

37 "Sec. . Section 6B.21, Code 1999, is amended to
38 read as follows:

39 6B.21 APPEALS -- HOW DOCKETED AND TRIED.

40 The appeal shall be docketed in the name of the

41 person appealing and all other interested parties to
 42 the action shall be defendants. In the event the
 43 condemner and the condemnee appeal, the appeal shall
 44 be docketed in the name of the appellant which filed
 45 the application for condemnation and all other parties
 46 to the action shall be defendants. The appeal shall
 47 be tried as in an action by ordinary proceedings. The
 48 ~~appraisal of damages by the compensation commission~~
 49 ~~is admissible in the action."~~
 50 5. Page 2, by inserting before line 14 the

Page 3

1 following:
 2 ". Page 16, line 5, by inserting after the
 3 word "to" the following: "or benefiting".
 4 6. Page 2, line 23, by inserting before the word
 5 "land" the following: "agricultural".
 6 7. Page 2, line 26, by inserting before the word
 7 "land" the following: "agricultural".
 8 8. Page 2, line 35, by striking the word "is" and
 9 inserting the following: "has been".
 10 9. Page 2, line 36, by inserting after the word
 11 "commodities" the following: "during three out of the
 12 past five years".
 13 10. By renumbering, relettering, or redesignating
 14 and correcting internal references as necessary.

S-3479

1 Amend House File 656, as passed by the House, as
 2 follows:
 3 1. Page 13, by inserting after line 31, the
 4 following:
 5 "Sec. . Section 49.73, subsection 2, Code 1999,
 6 is amended to read as follows:
 7 2. The commissioner shall not shorten voting hours
 8 for any election if there is filed in the
 9 commissioner's office, at least twenty-five days
 10 before the election, a petition signed by at least
 11 fifty eligible electors of the school district or
 12 city, as the case may be, requesting that the polls be
 13 opened not later than seven o'clock a.m. All polling
 14 places where the candidates of or any public question
 15 submitted by any one political subdivision are being
 16 voted upon shall be opened at the same hour, except
 17 that this requirement shall not apply to merged areas
 18 established under chapter 260C. The hours at which
 19 the respective precinct polling places are to open
 20 shall not be changed after publication of the notice
 21 required by section 49.53. The polling places shall
 22 be closed at ~~nine o'clock~~ eight p.m. for ~~state~~ primary

23 and general elections and other partisan elections,
24 and for any other election held concurrently
25 therewith, and at eight o'clock p.m. for all other
26 elections."
27 2. By renumbering as necessary.

RICHARD F. DRAKE
SHELDON RITTMER

HOUSE AMENDMENT TO
SENATE FILE 221

S-3480

1 Amend Senate File 221, as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 34 the
4 following:
5 "Sec. . SELF-EMPLOYMENT LOAN PROGRAM --
6 INDIVIDUAL DEVELOPMENT ACCOUNTS.
7 1. Notwithstanding section 15.241, for the period
8 beginning July 1, 1999, and ending June 30, 2000, a
9 portion of the funds available under the self-
10 employment loan program account may be made available
11 to provide matching funds for individual development
12 accounts under chapter 541A. Self-employment loan
13 program funding allocated for individual development
14 accounts shall be used by account holders to start a
15 business, acquire employment-related training or
16 postsecondary education, or purchase a primary
17 residence. The allocation of loan program funding to
18 individual development account holders may be made in
19 the form of loans or grants. A majority of the loan
20 program funds allocated for individual development
21 accounts must be used to start a business or to
22 acquire training. The department of economic
23 development shall adopt rules governing the
24 administration of this provision. In addition, the
25 department of economic development and the department
26 of human services shall coordinate the use of self-
27 employment loan program funds for individual
28 development accounts.
29 2. In order to implement the provisions of this
30 section, the department of human services may contract
31 with an established, statewide nonprofit community
32 development corporation. The corporation must have a
33 national reputation and demonstrated experience in
34 poverty alleviation and asset-building programs for
35 persons with low income, long-term involvement in the
36 national individual development account movement,
37 statewide capacity and infrastructure, expertise in
38 program evaluation, and experience in managing and

39 implementing large-scale federal grants."
40 2. By renumbering as necessary.

S-3481

1 Amend House File 656, as passed by the House, as
2 follows:
3 1. Page 21, by striking lines 11 through 25.
4 2. By renumbering as necessary.

JEFF ANGELO
JOHN P. KIBBIE

S-3482

1 Amend Senate File 476 as follows:
2 1. Page 1, by striking lines 26 through 29 and
3 inserting the following: "of the state."
4 2. Page 1, line 31, by inserting after the word
5 "made" the following: "available".
6 3. Page 1, line 32, by striking the words "in
7 installments of" and inserting the following: "in an
8 amount up to".
9 4. Page 1, line 33, by inserting after the word
10 "and" the following: "in an amount up to".

DERRYL McLAREN

S-3483

1 Amend House File 656, as passed by the House, as
2 follows:
3 1. Page 16, by inserting after line 18 the
4 following:
5 "Sec. . Section 50.19, unnumbered paragraph 2,
6 Code 1999, is amended to read as follows:
7 Material pertaining to elections for federal
8 offices, including voted ballots, precinct election
9 registers, declarations of eligibility signed by
10 voters, documents relating to absentee ballots, and
11 challenges of voters, shall be preserved for twenty-
12 two months after the election. If a contest is not
13 pending the materials may be destroyed at the end of
14 the retention period.
15 Sec. . Section 50.19, Code 1999, is amended by
16 adding the following new unnumbered paragraph:
17 NEW UNNUMBERED PARAGRAPH. Unvoted ballots for all
18 elections may be destroyed ten days following the
19 deadline to contest the election for which the ballots
20 were prepared or the day after final determination of
21 all pending contests of the election for which the

- 22 ballots were prepared, whichever is later."
23 2. By renumbering as necessary.

JOHN P. KIBBIE
SHELDON RITTMER

S-3484

- 1 Amend House File 656, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 33 and 34 and
4 inserting the following: "representatives in
5 Congress."

MERLIN E. BARTZ

S-3485

- 1 Amend House File 769, as passed by the House, as
2 follows:
3 1. Page 1, by striking line 19 and inserting the
4 following: "estate for five years from the date the
5 declaration submitting the parcel to a horizontal
6 property regime was recorded or as long as the
7 apartment is used for human habitation, whichever date
8 occurs the earlier. Following that date, the
9 apartment shall be classified as required under
10 section 499B.11, subsection 1."

JOE BOLKCOM
ROBERT E. DVORSKY

S-3486

- 1 Amend the amendment, S-3479, to House File 656, as
2 passed by the House, as follows:
3 1. Page 1, by inserting after line 26, the
4 following:
5 ". Page 14, by inserting after line 23, the
6 following:
7 "Sec. . Section 49.88, Code 1999, is amended to
8 read as follows:
9 49.88 LIMITATION ON PERSONS IN BOOTH AND TIME FOR
10 VOTING.
11 No more than one person shall be allowed to occupy
12 any voting booth at any time. No person shall occupy
13 such booth for more than three minutes to cast a vote.
14 Nothing in this section shall prohibit assistance to
15 voters under section 49.90. Nothing in this section
16 shall prohibit a voter from taking the voter's minor
17 children into the voting booth with the voter."

JOHNIE HAMMOND
 BILL FINK
 JOE BOLKCOM

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 746

S-3487

- 1 Amend the Senate amendment, H-1762, to House File
 2 746, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 19 through 24 and
 5 inserting the following:
 6 ". Page 8, line 16, by inserting after the
 7 word "department." the following: "It is the intent
 8 of the".
 9 2. Page 1, by inserting after line 29 the
 10 following:
 11 ". Page 12, line 1, by striking the figure
 12 "1."
 13 Page 12, by striking lines 5 through 8."
 14 3. Page 2, by striking lines 36 through 44 and
 15 inserting the following: "economics, to support the
 16 Iowa concern hotline in providing stress counseling,
 17 information, and referral to farm families facing
 18 financial distress."
 19 4. Page 3, by inserting after line 2 the
 20 following:
 21 ". Page 17, by striking lines 19 through 31."
 22 5. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 457

S-3488

- 1 Amend Senate File 457 as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 1, by striking lines 2 through 7 and
 4 inserting the following: "1999, is amended by
 5 striking the unnumbered paragraph."
 6 2. Page 2, by inserting after line 4 the
 7 following:
 8 "Sec. . NEW SECTION. 12D.4A ADMINISTRATIVE
 9 FUND -- APPROPRIATION.
 10 For the fiscal year beginning July 1, 1998, and
 11 ending June 30, 1999, and for the fiscal year
 12 beginning July 1, 1999, and ending June 30, 2000, an
 13 amount, not to exceed four hundred thousand dollars
 14 annually, shall be transferred from the unclaimed

15 property trust fund established in section 556.18 to
16 the administrative fund for the payment of costs of
17 administration and operation of the trust. For the
18 fiscal year beginning July 1, 2000, and succeeding
19 fiscal years, there shall be appropriated to the
20 administrative fund by the general assembly from the
21 general fund of the state an amount sufficient for the
22 payment of costs of administration and operation of
23 the trust."

HOUSE AMENDMENT TO
SENATE FILE 398

S-3489

1 Amend Senate File 398, as passed by the Senate, as
2 follows:
3 1. Title page, line 2, by inserting after the
4 words "full driver's licenses" the following: "and
5 providing an effective date".

HOUSE AMENDMENT TO
SENATE FILE 445

S-3490

1 Amend Senate File 445, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by striking lines 1 through 13 and
4 inserting the following:
5 "Sec. . Section 99D.9, subsection 6, Code 1999,
6 is amended to read as follows:
7 6. A licensee ~~may~~ shall not loan to any person
8 money or any other thing of value or permit a
9 financial institution, vendor, or other person to loan
10 money on the licensed premises with the exception of
11 hotel premises, on the basis of a credit card or
12 similar instrument in person or through an electronic
13 or mechanical device including but not limited to a
14 satellite terminal as defined in section 527.2 for the
15 purpose of permitting that person to wager on any race
16 or game of chance. The use of a check or a debit card
17 with overdraft protection is not prohibited by this
18 subsection."
19 2. Page 2, by striking lines 26 through 33.
20 3. By striking page 2, line 34, through page 3,
21 line 24.
22 4. By striking page 3, line 30 through page 4,
23 line 8.
24 5. Page 4, line 25, by striking the word and
25 figures "January 1, 2002" and inserting the following:
26 "July 1, 2004".

27 6. By striking page 4, line 31, through page 5,
28 line 4.

29 7. Page 5, by inserting before line 5 the
30 following:

31 "Sec. . Section 99F.6, subsection 4, paragraph
32 a, Code 1999, is amended to read as follows:

33 a. Before a license is granted, the division of
34 criminal investigation of the department of public
35 safety shall conduct a thorough background
36 investigation of the applicant for a license to
37 operate a gambling game operation on an excursion
38 gambling boat. The applicant shall provide
39 information on a form as required by the division of
40 criminal investigation. A qualified sponsoring
41 organization licensed to operate gambling games under
42 this chapter shall distribute the receipts of all
43 gambling games, less reasonable expenses, charges,
44 taxes, fees, and deductions allowed under this
45 chapter, as winnings to players or participants or
46 shall distribute at least annually the receipts for
47 educational, civic, public, charitable, patriotic, or
48 religious uses as defined in section 99B.7, subsection
49 3, paragraph "b". However, if a licensee who is also
50 licensed to conduct pari-mutuel wagering at a horse

Page 2

1 racetrack has unpaid debt from the pari-mutuel
2 racetrack operations, the first receipts of the
3 gambling games operated within the racetrack enclosure
4 less reasonable operating expenses, taxes, and fees
5 allowed under this chapter shall be first used to pay
6 the annual indebtedness. The commission shall
7 authorize, subject to the debt payments for horse
8 racetracks and the provisions of paragraph "b" for dog
9 racetracks, a licensee who is also licensed to conduct
10 pari-mutuel dog or horse racing to use receipts from
11 gambling games within the racetrack enclosure to
12 supplement purses for races particularly for Iowa-bred
13 horses pursuant to an agreement which shall be
14 negotiated between the licensee and representatives of
15 the dog or horse owners. A qualified sponsoring
16 organization shall not make a contribution to a
17 candidate, political committee, candidate's committee,
18 state statutory political committee, county statutory
19 political committee, national political party, or
20 fund-raising event as these terms are defined in
21 section 56.2. The membership of the board of
22 directors of a qualified sponsoring organization shall
23 represent a broad interest of the communities."
24 8. Page 6, by striking lines 24 through 31.
25 9. By striking page 6, line 32, through page 7,

26 line 9, and inserting the following:

27 "Sec. . Section 99F.7, subsection 9, Code 1999,
28 is amended to read as follows:

29 9. A licensee shall not loan to any person money
30 or any other thing of value or permit a financial
31 institution, vendor, or other person to loan money on
32 the licensed premises with the exception of hotel
33 premises, on the basis of a credit card or similar
34 instrument in person or through an electronic or
35 mechanical device including but not limited to a
36 satellite terminal as defined in section 527.2 for the
37 purpose of permitting that person to wager on any game
38 of chance. The use of a check or a debit card with
39 overdraft protection is not prohibited by this
40 subsection."

41 10. Page 7, by striking lines 10 through 26.

42 11. Page 7, by inserting after line 35 the
43 following:

44 "Sec. . SUBSIDIZATION REPORT. The state racing
45 and gaming commission shall report to the general
46 assembly not later than September 1, 2001, the amount
47 of cross subsidization occurring at racetrack
48 enclosures with pari-mutuel and gambling game
49 operations. The report shall include all revenues
50 received at the racetrack enclosures from their

Page 3

1 operations and a comparison of the amounts given in
2 the charitable contributions. The report shall
3 include revenues and contributions reported for the
4 fiscal year ending June 30, 2001."

5 12. Page 8, line 8, by striking the word
6 "section" and inserting the following: "sections 10
7 and".

8 13. Page 8, line 9, by striking the word
9 "October" and inserting the following: "July".

10 14. Page 8, by striking lines 10 and 11 and
11 inserting the following:

12 ". Sections 10 and 19 of this Act, being deemed
13 of immediate importance, take effect upon enactment."

14 15. Title page, lines 3 and 4, by striking the
15 words "authorizing the use of video slot machines,".

16 16. Title page, lines 4 and 5, by striking the
17 words "providing for the transfer of collective
18 bargaining agreements,".

19 17. Title Page, by striking line 11.

20 18. Title page, by striking lines 14 and 15 and
21 inserting the following: "licenses, providing for
22 properly related matters,".

23 19. By renumbering, relettering, or redesignating
24 and correcting internal references as necessary.

S-3491

1 Amend the amendment, S-3479, to House File 656, as
2 passed by the House, as follows:
3 1. Page 1, line 26, by inserting after the word
4 "elections." the following: "For state primary and
5 general elections and other partisan elections, the
6 polls in a county shall remain open until 9 p.m. if
7 there is filed in the commissioner's office, at least
8 twenty-five days before the election, a petition
9 signed by at least fifty eligible electors of the
10 county requesting that the polls be opened until 9
11 p.m."

JOE BOLKCOM
ROBERT E. DVORSKY
MATT McCOY

S-3492

1 Amend the amendment, S-3479, to House File 656, as
2 passed by the House, as follows:
3 1. Page 1, line 26, by inserting after the word
4 "elections." the following: "However, for any state
5 primary election, general election, or other partisan
6 election, if during such election any voters in any
7 polling place in the county must wait at least thirty
8 minutes to cast a ballot, the polls shall be required
9 to remain open until 9 p.m. at every polling place in
10 the county at the next following state primary
11 election, general election, or other partisan
12 election."

MICHAEL E. GRONSTAL

S-3493

1 Amend House File 656, as passed by the House, as
2 follows:
3 1. Page 15, by inserting after line 7 the
4 following:
5 "Sec. . Section 49.109, Code 1999, is amended
6 to read as follows:
7 49.109 EMPLOYEES ENTITLED TO TIME TO VOTE.
8 Any person entitled to vote at an election in this
9 state ~~who does not have three consecutive hours in the~~
10 ~~period between the time of the opening and the time of~~
11 ~~the closing of the polls during which the person is~~
12 ~~not required to be present at work for an employer, is~~
13 ~~entitled to such up to two hours of time off from work~~
14 ~~time to vote as will in addition to the person's~~
15 ~~nonworking time total three consecutive hours during~~

16 the time the polls are open. Application by any
17 employee for such absence shall be made individually
18 and in writing prior to the date of the election, and
19 the employer shall designate the period of time to be
20 taken. The employee is not liable to any penalty nor
21 shall any deduction be made from the person's regular
22 salary or wages on account of such absence."
23 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO
SENATE FILE 462

S-3494

1 Amend Senate File 462, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 3 through 12.
4 2. By striking page 10, line 21, through page 11,
5 line 1.
6 3. Page 11, by inserting after line 24 the
7 following:
8 "Sec. . Section 321.34, Code 1999, is amended
9 by adding the following new subsection:
10 NEW SUBSECTION. 15. LEGION OF MERIT SPECIAL
11 PLATES. The owner of a motor vehicle subject to
12 registration under section 321.109, subsection 1,
13 light delivery truck, panel delivery truck, or pickup
14 who has been awarded the legion of merit may, upon
15 written application to the department and presentation
16 of satisfactory proof of the award of the legion of
17 merit as established by the Congress of the United
18 States, order special registration plates with a
19 legion of merit processed emblem. The emblem shall be
20 designed by the department in cooperation with the
21 adjutant general and shall signify that the owner was
22 awarded the legion of merit. The application is
23 subject to approval by the department, in consultation
24 with the adjutant general. The special plates shall
25 be issued at no charge and are subject to an annual
26 registration fee of fifteen dollars. The county
27 treasurer shall validate the special plates in the
28 same manner as regular registration plates are
29 validated under this section.
30 The surviving spouse of a person who was issued
31 special plates under this subsection may continue to
32 use or apply for and use the special plates subject to
33 registration of the special plates in the surviving
34 spouse's name and upon payment of the annual
35 registration fee. If the surviving spouse remarries,
36 the surviving spouse shall return the special plates

- 37 to the department and the department shall issue
38 regular registration plates to the surviving spouse."
39 4. By striking page 12, line 4, through page 13,
40 line 3.
41 5. Page 16, by striking lines 14 through 17.
42 6. Title page, line 1, by striking the words
43 "veterans preference,".
44 7. Title page, line 2, by inserting after the
45 word "claims," the following: "special veterans'
46 motor vehicle registration plates,".
47 8. By renumbering, relettering, or redesignating
48 and correcting internal references as necessary.

S-3495

- 1 Amend the amendment, S-3479, to House File 656, as
2 passed by the House, as follows:
3 1. Page 1, line 26, by inserting after the word
4 "elections." the following: "However, the polling
5 places in a county shall remain open until 9:00 p.m.
6 for any state primary and general elections and other
7 partisan elections if by 7:00 p.m. on election day
8 less than twenty-two percent of the registered voters
9 in the county have cast a ballot."

MARK SHEARER

HOUSE AMENDMENT TO
SENATE FILE 101

S-3496

- 1 Amend Senate File 101, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 11, by inserting after the word
4 "ammunition," the following: "knife of any length or
5 any other cutting device,".
6 2. Page 1, by striking line 17.
7 3. Page 1, line 23, by striking the words
8 "promoting or".
9 4. Page 2, line 1, by striking the words
10 "promotes or".
11 5. Page 2, line 2, by striking the words,
12 "promoting or".
13 6. Page 2, line 4, by striking the words
14 "promotion or".
15 7. Page 2, line 6, by striking the words "or
16 "d".
17 8. Page 2, line 7, by striking the words
18 "promotion or".
19 9. Title page, line 2, by striking the word
20 "juvenile" and inserting the following: "detention".

HOUSE AMENDMENT TO
SENATE CONCURRENT RESOLUTION 11

S-3497

- 1 Amend Senate Concurrent Resolution 11, as follows:
- 2 1. Page 4, line 6, by inserting after the word
- 3 "Legislatures" the following: "and the Council of
- 4 State Governments".

HOUSE AMENDMENT TO
SENATE FILE 469

S-3498

- 1 Amend Senate File 469, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 9, by striking the figure "2002"
- 4 and inserting the following: "2000".
- 5 2. Page 3, line 11, by striking the figure "2002"
- 6 and inserting the following: "2000".
- 7 3. By striking page 3, line 16, through page 7,
- 8 line 9.
- 9 4. Page 9, by inserting after line 17 the
- 10 following:
- 11 "Sec. . Section 422B.1, subsection 6, paragraph
- 12 b, Code 1999, is amended to read as follows:
- 13 b. Within ten days of the election at which a
- 14 majority of those voting on the question favors the
- 15 imposition, repeal, or change in the rate of a local
- 16 option tax, the governing body county auditor shall
- 17 give written notice by sending a copy of the abstract
- 18 of the ballot from the favorable election to the
- 19 director of revenue and finance or, in the case of a
- 20 local vehicle tax, to the director of the department
- 21 of transportation, of the result of the election."
- 22 5. Page 10, by inserting after line 1 the
- 23 following:
- 24 "Sec. . Section 422B.8, unnumbered paragraph 1,
- 25 Code 1999, is amended to read as follows:
- 26 A local sales and services tax at the rate of not
- 27 more than one percent may be imposed by a county on
- 28 the gross receipts taxed by the state under chapter
- 29 422, division IV. A local sales and services tax
- 30 shall be imposed on the same basis as the state sales
- 31 and services tax and may not be imposed on the sale of
- 32 any property or on any service not taxed by the state,
- 33 except the tax shall not be imposed on the gross
- 34 receipts from the sale of motor fuel or special fuel
- 35 as defined in chapter 452A, on the gross receipts from
- 36 the rental of rooms, apartments, or sleeping quarters
- 37 which are taxed under chapter 422A during the period

38 the hotel and motel tax is imposed, on the gross
39 receipts from the sale of natural gas or electric
40 energy in a city or county where the gross receipts
41 are subject to a franchise fee or user fee during the
42 period the franchise or user fee is imposed, on the
43 gross receipts from the sale of equipment by the state
44 department of transportation, and on the gross
45 receipts from the sale of a lottery ticket or share in
46 a lottery game conducted pursuant to chapter 99E. A
47 local sales and services tax is applicable to
48 transactions within those incorporated and
49 unincorporated areas of the county where it is imposed
50 and shall be collected by all persons required to

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1 collect state gross receipts taxes. However, a person
2 required to collect state retail sales tax under
3 chapter 422, division IV, is not required to collect
4 local sales and services tax on transactions delivered
5 within the area where the local sales and services tax
6 is imposed unless the person has physical presence in
7 that taxing area. All cities contiguous to each other
8 shall be treated as part of one incorporated area and
9 the tax would be imposed in each of those contiguous
10 cities only if the majority of those voting in the
11 total area covered by the contiguous cities favor its
12 imposition."

13 6. Page 10, by inserting after line 20 the
14 following:

15 "Sec. Section 422B.10, subsection 3, Code
16 1999, is amended by adding the following new
17 paragraph:

18 NEW PARAGRAPH. c. If a subsequent certified
19 census exists which modifies that most recent
20 certified federal census for a participating
21 jurisdiction under paragraphs "a" and "b", the
22 computations under paragraphs "a" and "b" shall
23 utilize the subsequent certified census in the
24 distribution formula under rules established by the
25 director of revenue and finance."

26 7. Page 11, by inserting after line 18 the
27 following:

28 "Sec. Section 422E.2, subsection 4, paragraph
29 b, unnumbered paragraph 1, Code 1999, is amended to
30 read as follows:

31 Within ten days of the election at which a majority
32 of those voting on the question favors the imposition,
33 repeal, or change in the rate of the tax, the county
34 ~~board of supervisors~~ auditor shall give written notice
35 by sending a copy of the abstract of ballot from the
36 favorable election to the director of revenue and

37 finance of the result of the election. Election costs
 38 shall be apportioned among school districts within the
 39 county on a pro rata basis in proportion to the number
 40 of registered voters in each school district and the
 41 total number of registered voters in all of the school
 42 districts within the county.

43 Sec. . Section 422E.3, subsection 3, Code 1999,
 44 is amended to read as follows:

45 3. The tax is applicable to transactions within
 46 the county where it is imposed and shall be collected
 47 by all persons required to collect state gross
 48 receipts taxes. However, a person required to collect
 49 state retail sales tax under chapter 422, division IV,
 50 is not required to collect local sales and services

Page 3

1 tax on transactions delivered within the area where
 2 the local sales and services tax is imposed unless the
 3 person has physical presence in that taxing area. The
 4 amount of the sale, for purposes of determining the
 5 amount of the tax, does not include the amount of any
 6 state gross receipts taxes or other local option sales
 7 taxes. A tax permit other than the state tax permit
 8 required under section 422.53 shall not be required by
 9 local authorities."

10 8. Page 13, by striking line 23 and inserting the
 11 following:

12 "3. Sections 15 and 16 of this Act, being deemed
 13 of immediate importance, take effect upon enactment
 14 and apply retroactively to".

15 9. Page 13, line 25, by striking the word and
 16 figures "7, and 16" and inserting the following: "and
 17 7".

18 10. By renumbering, relettering, or redesignating
 19 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 696

S-3499

1 Amend the Senate amendment, H-1638, to House File
 2 696, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 1, by striking lines 5 through 18 and
 5 inserting the following:

6 ""Sec. . Section 137F.1, subsection 8,
 7 paragraph f, Code 1999, is amended by striking the
 8 paragraph and inserting in lieu thereof the following:

9 f. Premises of a residence in which food that is

- 10 nonpotentially hazardous is sold for consumption off
11 the premises to a consumer customer, if the food is
12 labeled to identify the name and address of the person
13 preparing the food and the common name of the food.
14 Sec. . Section 137F.2, subsection 6, Code 1999,
15 is amended to read as follows:
16 6. 3-201.11(B) shall be amended to allow food
17 prepared by a home food establishment licensed under
18 chapter 137D ~~or by an operation specified under~~
19 ~~section 137F.1, subsection 8, paragraph "f", to be~~
20 used or offered for sale."
21 2. Page 1, by striking lines 33 through 35.
22 3. Page 1, by striking lines 36 through 45.
23 4. By striking page 3, line 21, through page 4,
24 line 23.
25 5. Page 4, by inserting after line 35 the
26 following:
27 "Sec. . Section 137D.9, Code 1999, is
28 repealed."
29 6. Page 4, by striking lines 43 and 44 and
30 inserting the following: "timber, removing a
31 location".
32 7. Page 4, by striking lines 46 through 48 and
33 inserting the following: "the possession of deer
34 venison, providing for other properly".

S-3500

- 1 Amend House File 772, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 5, by inserting after line 8 the
4 following:
5 "___ Notwithstanding any contrary provision of
6 this subsection, of the amount appropriated in this
7 subsection for the fiscal year beginning July 1, 1999,
8 up to \$300,000 may be used to provide implementation
9 grants to heritage tourism organizations that have the
10 congressional heritage designation and have authorized
11 matching funds."
12 2. By renumbering as necessary.

PATRICIA M. HARPER
KITTY REHBERG
LYLE E. ZIEMAN
BETTY A. SOUKUP
JOHN W. JENSEN

S-3501

- 1 Amend House File 772, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, by striking lines 20 through 23 and

- 4 inserting the following:
 5 ". For construction of an addition to the
 6 biology center at the university of northern Iowa:
 7 FY 1999-2000..... \$ 0
 8 FY 2000-2001..... \$ 10,000,000
 9 It is the intent of the general assembly that in
 10 the fiscal year beginning July 1, 2001, and ending
 11 June 30, 2002, the remainder of the funds necessary to
 12 complete the addition to the biology center at the
 13 university of northern Iowa will be appropriated to
 14 the state board of regents."
 15 2. By renumbering as necessary.

PATRICIA M. HARPER
 DONALD B. REDFERN

S-3502

- 1 Amend Senate File 474 as follows:
 2 1. Page 2, lines 2 and 3, by striking the words
 3 and figures "paragraph 1, Code 1999, is" and inserting
 4 the following: "paragraphs 1 and 6, Code 1999, are".
 5 2. Page 2, by inserting after line 22 the
 6 following:
 7 "The certificate shall bear the seal of the county
 8 treasurer or of the department, and the signature of
 9 the county treasurer, the deputy county treasurer, or
 10 the department director or deputy designee. The
 11 certificate shall provide space for the signature of
 12 the owner. The owner shall sign the certificate of
 13 title in the space provided with pen and ink upon its
 14 receipt. The certificate of title shall contain upon
 15 the reverse side a form for assignment of title or
 16 interest and warranty by the owner, for reassignments
 17 by a dealer licensed in this state or in another state
 18 if the state in which the dealer is licensed permits
 19 Iowa licensed dealers to similarly reassign
 20 certificates of title. Attached to the certificate of
 21 title shall be an application for a new certificate of
 22 title by the transferee as provided in this chapter.
 23 However, titles for mobile homes or manufactured
 24 housing shall not be reassigned by licensed dealers.
 25 All certificates of title shall be typewritten or
 26 printed by other mechanical means. Notwithstanding
 27 section 321.1, subsection 17, as used in this
 28 paragraph "dealer" means every person engaged in the
 29 business of buying, selling, or exchanging vehicles of
 30 a type required to be registered under this chapter."
 31 3. Page 2, by inserting after line 29 the
 32 following:
 33 "Sec. . Section 321.45, subsection 1,
 34 unnumbered paragraph 2, Code 1999, is amended to read

35 as follows:

36 For each new mobile home, manufactured housing,
37 travel trailer and camping trailer said manufacturer's
38 or importer's certificate shall also contain thereon
39 the exterior length and exterior width of said vehicle
40 not including any area occupied by any hitching
41 device, and the manufacturer's shipping weight."

42 4. Page 3, by inserting after line 2 the
43 following:

44 "Sec. . Section 321.46, subsection 2, Code
45 1999, is amended to read as follows:

46 2. Upon filing the application for a new
47 registration and a new title, the applicant shall pay
48 a title fee of ten dollars and a registration fee
49 prorated for the remaining unexpired months of the
50 registration year. However, no title fee shall be

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1 charged to a mobile home dealer applying for a
2 certificate of title for a used mobile home or
3 manufactured housing, titled in Iowa, as required
4 under section 321.45, subsection 4. The county
5 treasurer, if satisfied of the genuineness and
6 regularity of the application, and in the case of a
7 mobile home or manufactured housing, that taxes are
8 not owing under chapter 435, and that applicant has
9 complied with all the requirements of this chapter,
10 shall issue a new certificate of title and, except for
11 a mobile home or manufactured housing, a registration
12 card to the purchaser or transferee, shall cancel the
13 prior registration for the vehicle, and shall forward
14 the necessary copies to the department on the date of
15 issuance, as prescribed in section 321.24. Mobile
16 homes or manufactured housing titled under chapter 448
17 that have been subject under section 446.18 to a
18 public bidder sale in a county, shall be titled in the
19 county's name, with no fee and the county treasurer
20 shall issue the title."

21 5. Page 3, line 6, by inserting before the word
22 "titled" the following: "or manufactured housing".

23 6. Page 3, by inserting after line 12 the
24 following:

25 "Sec. . Section 321.50, subsection 1, Code
26 1999, is amended to read as follows:

27 1. A security interest in a vehicle subject to
28 registration under the laws of this state or a mobile
29 home or manufactured housing, except trailers whose
30 empty weight is two thousand pounds or less, and
31 except new or used vehicles held by a dealer or
32 manufacturer as inventory for sale, is perfected by
33 the delivery to the county treasurer of the county

34 where the certificate of title was issued or, in the
35 case of a new certificate, to the county treasurer
36 where the certificate will be issued, of an
37 application for certificate of title which lists the
38 security interest, or an application for notation of
39 security interest signed by the owner, or by one owner
40 of a vehicle owned jointly by more than one person, or
41 a certificate of title from another jurisdiction which
42 shows the security interest, and a fee of five dollars
43 for each security interest shown. If the owner or
44 secured party is in possession of the certificate of
45 title, it must also be delivered at this time in order
46 to perfect the security interest. If a vehicle is
47 subject to a security interest when brought into this
48 state, the validity of the security interest and the
49 date of perfection is determined by section 554.9103.
50 Delivery as provided in this subsection is an

Page 3

1 indication of a security interest on a certificate of
2 title for purposes of chapter 554.
3 Sec. . Section 321.57, unnumbered paragraph 5,
4 Code 1999, is amended to read as follows:
5 Mobile home dealers licensed under chapter 322B may
6 transport and deliver mobile homes or manufactured
7 housing in their inventory upon the highways of this
8 state with a special plate displayed on the mobile
9 home or manufactured housing as provided in sections
10 321.58 to 321.62."

11 7. Page 3, by inserting after line 31 the
12 following:

13 "Sec. . Section 321.104, subsection 6, Code
14 1999, is amended to read as follows:

15 6. For a dealer to sell or transfer a mobile home
16 or manufactured housing without delivering to the
17 purchaser or transferee a certificate of title or a
18 manufacturer's or importer's certificate properly
19 assigned to the purchaser, or to transfer a mobile
20 home or manufactured housing without disclosing to the
21 purchaser the owner of the mobile home or manufactured
22 housing in a manner prescribed by the department
23 pursuant to rules, or to fail to certify within seven
24 days to the proper county treasurer the information
25 required under section 321.45, subsection 4, or to
26 fail to apply for and obtain a certificate of title
27 for a used mobile home or manufactured housing, titled
28 in Iowa, acquired by the dealer within fifteen thirty
29 days from the date of acquisition as required under
30 section 321.45, subsection 4.

31 Sec. . Section 321.123, unnumbered paragraph 1,
32 Code 1999, is amended to read as follows:

33 All trailers except farm trailers, and mobile
 34 homes, and manufactured housing, unless otherwise
 35 provided in this section, are subject to a
 36 registration fee of ten dollars. Trailers for which
 37 the empty weight is two thousand pounds or less are
 38 exempt from the certificate of title and lien
 39 provisions of this chapter. Fees collected under this
 40 section shall not be reduced or prorated under chapter
 41 326.

42 Sec. . Section 322B.2, subsection 3, Code 1999,
 43 is amended to read as follows:

44 3. "Mobile home" means a structure, transportable
 45 in one or more sections, which exceeds eight feet in
 46 width and thirty-two feet in length, and which is
 47 built on a permanent chassis and designed to be used
 48 as a dwelling with or without a permanent foundation
 49 when connected to one or more utilities. "Mobile
 50 home" also includes "manufactured home housing" as the

Page 4

1 term is defined in section 435-1 321.1."

GENE MADDOX

S-3503

1 Amend the House amendment, S-3383, to Senate File
 2 189, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. By striking page 1, line 25, through page 2,
 5 line 32.

6 2. Page 3, by striking lines 19 and 20 and
 7 inserting the following:

8 ""Sec. . THIRD OFFENSE OWI REVOCATIONS.

9 1. When revoking a defendant's driver's license
 10 under section".

11 3. Page 3, by inserting after line 31 the
 12 following:

13 "2. a. If a defendant's driver's license is
 14 revoked for a third or subsequent violation of section
 15 321J.2 and one or more of the violations which
 16 resulted in the revocation occurred before June 30,
 17 1991, the person shall be permitted to apply to the
 18 court for restoration of the defendant's driving
 19 privileges. The application may be granted only if
 20 all of the following are shown by the defendant by a
 21 preponderance of the evidence:

22 (1) The defendant has completed an evaluation and,
 23 if recommended by the evaluation, a program of
 24 treatment for chemical dependency and is recovering,
 25 or has substantially recovered, from that dependency

26 on or tendency to abuse alcohol or drugs.

27 (2) The defendant has not been convicted, since
28 the date of the revocation order, of any subsequent
29 violations of section 321J.2 or 123.46, or any
30 comparable city or county ordinance, and the defendant
31 has not, since the date of the revocation order,
32 submitted to a chemical test under this chapter that
33 indicated an alcohol concentration as defined in
34 section 321J.1 of .10 or more, or refused to submit to
35 chemical testing under this chapter.

36 (3) The defendant has abstained from the excessive
37 consumption of alcoholic beverages and the consumption
38 of controlled substances, except at the direction of a
39 licensed physician or pursuant to a valid
40 prescription.

41 (4) The defendant's motor vehicle license is not
42 currently subject to suspension or revocation for any
43 other reason.

44 b. The court shall forward to the department a
45 record of any application submitted under paragraph
46 "a" and the results of the court's disposition of the
47 application."

48 4. By renumbering as necessary.

ANDY McKEAN
JEFF LAMBERTI

S-3504

1 Amend House File 769, as passed by the House, as
2 follows:

3 1. Page 1, line 19, by inserting after the word
4 "habitation" the following: "or until December 31,
5 2004, whichever date occurs the earlier. Following
6 that date, the apartment shall be classified as
7 required under section 499B.11, subsection 1".

8 2. Page 1, line 31, by inserting after the word
9 "habitation" the following: "or until December 31,
10 2004, whichever date occurs the earlier. Following
11 that date, the apartment shall be classified as
12 required under section 499B.11, subsection 1".

H. KAY HEDGE

S-3505

1 Amend House File 772, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 24, by inserting after line 13 the
4 following:

5 "Sec. . NEW SECTION. 161C.7 WATERSHED
6 PROTECTION.

7 1. The department of agriculture and land
8 stewardship shall initiate and coordinate the
9 establishment of a watershed protection task force and
10 provide staffing assistance to the task force. It is
11 the intent of the general assembly that the task force
12 include representatives of the department of
13 agriculture and land stewardship, the department of
14 natural resources, the emergency management division
15 of the department of public defense, county
16 conservation boards, soil and water conservation
17 districts, and any other appropriate stakeholders.
18 The task force shall study the condition of watershed
19 protection in the state and provide recommendations to
20 the department of agriculture and land stewardship
21 regarding soil conservation, water quality protection,
22 flood control, and other natural resource conservation
23 issues. The task force shall submit recommendations
24 to the department by January 1 of each year through
25 January 1, 2001.

26 2. The department of agriculture and land
27 stewardship shall implement and administer a watershed
28 protection program. A soil and water conservation
29 district, in cooperation with state agencies, local
30 units of government, and private organizations, may
31 submit an application for assistance to the department
32 which provides a strategy for protecting soil, water
33 quality, and other natural resources, and improving
34 flood control in the watershed. Upon approval of an
35 application, the department may provide a grant to the
36 soil and water conservation district for purposes of
37 carrying out the strategy provided in the application.

38 3. A watershed protection account is created
39 within the water protection fund created in section
40 161C.4. Moneys credited to the account shall be
41 distributed under the watershed protection program.

42 4. Administrative rules used for water quality
43 protection projects under the water protection fund
44 shall be used to administer the watershed protection
45 program."

46 2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
DERRYL McLAREN, Chairperson

S-3506

1 Amend House File 772, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 16, line 12, by inserting after the word
4 "ether" the following: "by volume".

DERRYL McLAREN

S-3507

- 1 Amend House File 772, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 20, by striking lines 23 through 28 and
- 4 inserting the following:
- 5 "For renovations, maintenance, and utility upgrades
- 6 at the state hospital-schools at Glenwood and Woodward
- 7 and at the state mental health institute at
- 8 Independence:
- 9 \$ 3,600,000"

DERRYL McLAREN

S-3508

- 1 Amend House File 772, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 22, line 30, by striking the words "one
- 4 member" and inserting the following: "three members".
- 5 2. Page 22, by striking line 31 and inserting the
- 6 following: "federation of Iowa,".
- 7 3. Page 22, line 35, by striking the word "The".
- 8 4. Page 23, by striking lines 1 through 3 and
- 9 inserting the following: "The governor shall appoint
- 10 the remaining member. The three members representing
- 11 the travel federation of Iowa shall represent the
- 12 three tourism regions, with one representing a county
- 13 with a population of under fifty thousand, one
- 14 representing a county with a population of at least
- 15 fifty thousand but not more than one hundred thousand,
- 16 and one representing a county with a population of
- 17 more than one hundred thousand."

DERRYL McLAREN

HOUSE AMENDMENT TO
SENATE FILE 439

S-3509

- 1 Amend Senate File 439, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 22 and 23 and
- 4 inserting the following:
- 5 "~~The Iowa board shall designate a~~ A community
- 6 empowerment assistance team or teams of state agency
- 7 ~~staff representatives shall be designated to provide~~."
- 8 2. Page 3, line 26, by striking the word "staff"
- 9 and inserting the following: "representatives".
- 10 3. Page 4, by inserting after line 23 the

11 following:

12 "Sec. . Section 71.3, subsection 9, Code 1999,
13 is amended by adding the following new paragraph:

14 NEW PARAGRAPH. c. Core functions for home
15 visitation, parent support, and preschool services
16 provided under a school ready children grant."
17 4. Page 4, line 35, by inserting after the word
18 "cost." the following: "Moneys expended by a
19 community empowerment area board to acquire necessary
20 insurance or other liability coverage shall be
21 considered an administrative cost and implementation
22 expense."

23 5. Page 5, by striking lines 31 and 32 and
24 inserting the following: "boards and the
25 administrators shall annually submit a report
26 concerning such efforts to the community empowerment
27 office. If a community empowerment area is receiving
28 a school ready children grant, this report shall be an
29 addendum to the annual report required under section
30 71.7. The state community empowerment facilitator
31 shall compile and summarize the reports which shall be
32 submitted to the governor, general assembly, and Iowa
33 board."

34 6. Page 6, by striking lines 20 through 25 and
35 inserting the following: "board. A majority of the
36 members of a community board shall be elected
37 officials and members of the public who are not
38 employed by a provider of services to or for the
39 community board. At least one".

40 7. Page 6, line 28, by striking the words "three
41 years" and inserting the following: "not more than
42 three years and the terms shall be staggered".

43 8. Page 8, by inserting after line 11 the
44 following:

45 "Sec. . Section 71.8, subsection 3, Code 1999,
46 is amended to read as follows:

47 3. An early childhood programs grant account is
48 created in the Iowa empowerment fund under the
49 authority of the director of human services. Moneys
50 credited to the account shall be distributed by the

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1 department of human services in the form of grants to
2 community empowerment areas pursuant to criteria
3 established by the Iowa board in accordance with law.
4 The criteria shall include but are not limited to a
5 requirement that a community empowerment area must be
6 ~~eligible to receive a school ready children grant~~
7 designated by the Iowa board in accordance with
8 section 71.4, in order to be eligible to receive an
9 early childhood programs grant."

10 9. Page 8, line 14, by striking the word "Unless"
11 and inserting the following: "Beginning July 1, 1999,
12 unless".

13 10. Page 8, line 16, by inserting before the word
14 "moneys" the following: "school ready children
15 grant".

16 11. Page 8, by inserting after line 26 the
17 following:

18 "Sec. 100. 1999 Iowa Acts, House File 760, section
19 2, subsection 1, paragraphs a and b, if enacted, are
20 amended to read as follows:

21 a. The area must be approved designated as a
22 community empowerment area by the Iowa empowerment
23 board in accordance with section 71.4.

24 b. The maximum funding amount a designated
25 community empowerment area is eligible to receive
26 shall be determined by applying the area's percentage
27 of the state's average monthly family investment
28 program population in the preceding fiscal year to the
29 total amount appropriated in this section for fiscal
30 year 1999-2000. If the a community empowerment
31 board's request for funding official designation is
32 received by the Iowa empowerment board on or after
33 August September 1, 1999, upon designation, the
34 maximum funding amount shall be prorated for the
35 fiscal year and rounded up to the nearest full month.
36 The department of human services may adopt emergency
37 rules to implement the provisions of this paragraph
38 and the amendment in 1999 Iowa Acts, Senate File 439,
39 to section 71.8, subsection 3, if enacted."

40 12. Page 9, line 17, by inserting after the
41 figure "2001" the following: ", and the duration of
42 such grants and of grants initially awarded prior to
43 the effective date of this Act shall be adjusted to
44 annualize the distribution of funding to grantees as
45 follows:

46 a. For the fiscal year beginning July 1, 1999, the
47 duration of the second year of school ready children
48 grants that were initially funded in the previous
49 fiscal year shall be shortened to end on June 30,
50 2000, and the amount of the grant paid out in the

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1 fiscal year beginning July 1, 1999, shall be prorated
2 accordingly. However, in the fiscal year beginning
3 July 1, 1999, the three school ready children grant
4 applications submitted in the December 1998 grant
5 cycle which were recognized by the Iowa empowerment
6 board for showing a high degree of readiness, received
7 community empowerment area designation, and received
8 partial funding in the fiscal year beginning July 1,

9 1998, shall each receive during the fiscal year
10 beginning July 1, 1999, the annual amount applied for
11 as adjusted by subtracting half of the amount of the
12 partial funding received in the previous fiscal year.
13 For those three grantees this adjusted amount shall
14 apply to the entire 1999-2000 fiscal year and shall be
15 considered to be the second year of grant funding.
16 All grantees described in this lettered paragraph
17 shall be eligible to receive the full annual amount
18 applied for and approved, in the fiscal year beginning
19 July 1, 2000.

20 b. The total amount that may be distributed in the
21 fiscal year beginning July 1, 1999, to designated
22 community empowerment areas for new school ready
23 children grants initially awarded in that fiscal year
24 shall not exceed \$3,750,000, the first-year funding
25 period for those grants in that fiscal year shall
26 commence October 1, 1999, and end June 30, 2000, and
27 the annual amount applied for and approved shall be
28 prorated accordingly. Those grantees shall be
29 eligible to receive the full annual amount applied for
30 and approved, in the fiscal year beginning July 1,
31 2000.

32 c. Of the funding appropriated for school ready
33 children grants for the fiscal year beginning July 1,
34 1999, not more than \$200,000 is allocated for the
35 community empowerment office and other technical
36 assistance activities."

37 13. Page 9, by striking lines 18 through 24 and
38 inserting the following:

39 "3. The deadline for applications for school ready
40 children grants in the fiscal year beginning July 1,
41 1999, shall be August 31, 1999, with grant awards to
42 be made on October 1, 1999.

43 4. The percentage of school ready children grant
44 funding committed to home visitation and parent
45 support services that is designed for families with
46 newborns and infants by the designated community
47 empowerment areas awarded grants in the fiscal year
48 beginning July 1, 1998, is approximately 60 percent.
49 For the fiscal year beginning July 1, 1999, based upon
50 the need identified in the community needs assessment

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1 performed by an applicant community empowerment area,
2 the applicant community empowerment area shall strive
3 to commit an equivalent percentage of any approved
4 school ready children grant funding to such services.

5 5. If unobligated school ready children grant
6 funding can be identified by the Iowa empowerment
7 board for the fiscal year beginning July 1, 1999, the

8 board may authorize a school ready children grant
9 supplement for partial assistance to those designated
10 community empowerment areas for which the costs of
11 necessary insurance or other liability coverage
12 consumes a majority or other substantial portion of
13 such areas' school ready children and early childhood
14 grant moneys that may be used for administrative and
15 other implementation expenses. The Iowa empowerment
16 board shall determine procedures and other
17 requirements to ensure the need for the assistance and
18 to contain the total supplementation within the amount
19 identified."

20 14. Page 9, by striking lines 31 and 32 and
21 inserting the following:

22 "1. Except for the provisions of this Act listed
23 in this subsection, this Act, being deemed of
24 immediate importance, takes effect upon enactment.
25 The following provisions of this Act take effect July
26 1, 1999:

27 a. Section 6, amending section 7I.2, subsection 6.

28 b. Section 12, amending section 7I.7, subsection
29 5.

30 c. Section 13, enacting 7I.8, subsection 4.

31 d. Section 100, amending 1999 Iowa Acts, House
32 File 760, section 2."

33 15. Page 10, by inserting after line 5 the
34 following:

35 "3. The Iowa empowerment board shall obtain
36 extensive community input and involvement in adopting
37 the administrative rules to implement the provisions
38 of section 7I.3, subsection 9, paragraph "c", as
39 enacted by this Act, to be applicable to grants
40 initially awarded or renewed on or after the effective
41 date of this Act. The Iowa empowerment board may
42 adopt emergency rules under section 17A.4, subsection
43 2, and section 17A.5, subsection 2, paragraph "b", to
44 implement the provisions of section 7I.3, subsection
45 9, paragraph "c", as enacted by this Act, on or before
46 August 31, 1999, and the rules shall be effective
47 immediately upon filing unless the effective date is
48 delayed by the administrative rules review committee,
49 notwithstanding section 17A.4, subsection 5, and
50 section 17A.8, subsection 9, or a later date is

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1 specified in the rules. Any rules adopted in
2 accordance with this subsection shall not take effect
3 before the rules are reviewed by the administrative
4 rules review committee. Any rules adopted in
5 accordance with this subsection shall also be
6 published as a notice of intended action as provided

- 7 in section 17A.4.
8 4. The advisory council of representatives from
9 community empowerment areas shall be used by the Iowa
10 empowerment board to revise the application and the
11 application process for school ready children grants
12 for the grant cycle immediately following the
13 effective date of this Act."
14 16. Title page, line 2, by striking the words "an
15 effective date" and inserting the following:
16 "effective dates".
17 17. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 150

S-3510

- 1 Amend Senate File 150, as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 25 the
4 following:
5 "Sec. . Section 602.1215, subsection 1, Code
6 1999, is amended to read as follows:
7 1. The district judges of each judicial election
8 district shall by majority vote appoint persons to
9 serve as clerks of the district court, one for each
10 county within the judicial election district. A
11 ~~person does not qualify for appointment to the office~~
12 ~~of clerk of the district court unless the person is at~~
13 ~~the time of application a resident of the state.~~
14 Within three months of appointment the clerk of the
15 district court must establish residence and physically
16 reside in the county. A clerk of the district court
17 may be removed from office for cause by a majority
18 vote of the district judges of the judicial election
19 district. Before removal, the clerk of the district
20 court shall be notified of the cause for removal."
21 2. By renumbering as necessary.

S-3511

- 1 Amend House File 767, as passed by the House, as
2 follows:
3 1. Page 2, line 31, by striking the words "three
4 percent over".
5 2. Page 2, line 34, by striking the word "and"
6 and inserting the following: "by more than three
7 hundred basis points".
8 3. Page 4, by inserting after line 31 the
9 following:
10 "g. The person has not engaged in dishonest or
11 unethical practices as the department may define by

12 rule pursuant to chapter 17A."

13 4. Page 5, by inserting after line 5 the
14 following:

15 "4. The department shall adopt rules pursuant to
16 chapter 17A relating to procedures for defining
17 conflicts of interests."

18 5. Page 6, line 15, by inserting after the figure
19 "15E.208." the following: "A certified capital
20 company, together with its affiliates, shall not file
21 applications on behalf of its certified investors to
22 make certified capital investments in excess of the
23 maximum amount of investments that may be certified
24 under this subsection."

25 6. By striking page 6, line 35, through page 7,
26 line 1, and inserting the following:

27 "3. An insurance company, group of insurance
28 companies, affiliate of an insurance company, or group
29 of such affiliates shall not beneficially own,
30 directly or indirectly, whether through rights,
31 options, convertible interests or otherwise, ten
32 percent".

33 7. Page 7, line 5, by striking the words "a
34 certified investor" and inserting the following: "any
35 such person".

36 8. Page 7, lines 8 and 9, by striking the words
37 "the certified investor" and inserting the following:
38 "such person".

39 9. Page 7, line 25, by inserting after the word
40 "if" the following: "the business is in need of
41 venture capital and is unable to obtain sufficient
42 conventional financing, as defined by the department,
43 and if".

44 10. Page 7, by striking lines 31 through 33.

45 11. Page 8, line 34, by inserting after the word
46 and figure "subsection 1," the following: "paragraphs
47 "a" through "j",".

48 12. Page 10, by inserting after line 23 the
49 following:

50 "f. As an alternative to a qualified business

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1 making the agreements set forth in paragraphs "c",
2 "d", and "e", a certified capital company making the
3 investment may agree that if, during the period in
4 which its investment in such qualified business is
5 outstanding or within three months after the
6 termination or repayment of such investment, the
7 qualified business relocates its headquarters outside
8 of this state or fails to continue to satisfy the
9 conditions set forth in paragraph "d" or "e", then the
10 cumulative amount of qualified investments for the

11 investment pool from which such qualified investments
12 were made shall be reduced by the amount of the
13 qualified investment in such business for the purposes
14 of section 15E.228 only, unless either of the
15 following apply:

16 (1) The certified capital company invests an
17 amount, at least equal to the investment within six
18 months of the relocation or failure to satisfy the
19 conditions set forth in paragraph "d" or "e", as
20 applicable.

21 (2) The qualified business demonstrates that it
22 has returned its headquarters to this state or has
23 reestablished compliance with the conditions set forth
24 in paragraph "d" or "e", as applicable, within three
25 months of such relocation or failure, as applicable."

26 13. Page 11, by striking lines 8 through 14 and
27 inserting the following: "'a" and section 15E.228,
28 subsection 3. The department shall adopt rules that
29 provide that proceeds".

30 14. Page 16, by striking lines 21 through 30 and
31 inserting the following:

32 "1. A certified investor which is an insurance
33 company organized under the laws of this state or
34 admitted to do business in this state shall earn, in
35 the year it makes a certified capital investment, a
36 vested tax credit against the insurance premium tax
37 liability of the certified investor under chapter 432,
38 or similar taxes, equal to one hundred percent of the
39 certified investor's certified capital investment. A
40 certified investor shall be entitled to claim up to
41 ten percent of the vested premium tax credit in any
42 taxable year of the certified investor. The credit to
43 be applied against a certified investor's premium tax
44 liability in any one year shall not exceed such
45 certified investor's premium tax liability for such
46 taxable year. Any credit in excess of the tax".

47 15. Page 18, by inserting after line 6 the
48 following:

49 "4A. If a certified capital company satisfies the
50 investment requirements under section 15E.226,

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1 subsection 2, paragraph "a", with respect to the
2 investment pool, but the certified capital company is
3 decertified, a certified investor that has received a
4 tax credit under this section with respect to that
5 investment pool shall not be subject to a recapture
6 tax with respect to the tax credits previously
7 utilized or forfeit any unused credits, provided that
8 such decertification did not occur prior to the fourth
9 anniversary of the investment date of the investment

10 pool. If the decertification did occur prior to the
 11 fourth anniversary of the investment date of the
 12 investment pool, all tax credits claimed or to be
 13 claimed prior to such anniversary shall not be subject
 14 to recapture or forfeiture, but all credits to be
 15 taken after such anniversary shall be forfeited."
 16 16. By renumbering as necessary.

JEFF LAMBERTI

S-3512

1 Amend House File 772, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 19, by striking lines 14 through 17.
 4 2. By renumbering as necessary.

KITTY REHBERG

HOUSE AMENDMENT TO
 SENATE FILE 459

S-3513

1 Amend Senate File 459, 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 257.1, subsection 2,
 6 unnumbered paragraph 2, Code 1999, is amended to read
 7 as follows:
 8 For the budget year commencing July 1, ~~1996~~ 1999,
 9 and for each succeeding budget year the regular
 10 program foundation base per pupil is ~~eighty-seven and~~
 11 ~~five-tenths~~ eighty-eight percent of the regular
 12 program state cost per pupil, ~~except that the regular~~
 13 ~~program foundation base per pupil for the portion of~~
 14 ~~weighted enrollment that is additional enrollment~~
 15 ~~because of special education is seventy-nine percent~~
 16 ~~of the regular program state cost per pupil.~~ For the
 17 budget year commencing July 1, ~~1991~~ 1999, and for each
 18 succeeding budget year the special education support
 19 services foundation base is ~~seventy-nine~~ eighty-eight
 20 percent of the special education support services
 21 state cost per pupil. The combined foundation base is
 22 the sum of the regular program foundation base and the
 23 special education support services foundation base.
 24 Sec. 2. Section 257.8, Code 1999, is amended by
 25 adding the following new subsections:
 26 NEW SUBSECTION. 2A. Notwithstanding the
 27 calculation in subsection 2, the department of
 28 management shall calculate the regular program

29 allowable growth for the budget year beginning July 1,
30 1999, for a school district which has requested and
31 received approval to fund a gifted and talented
32 program pursuant to section 257.46, Code 1999, for the
33 budget year beginning July 1, 1999, by multiplying the
34 state percent of growth for the budget year by the
35 regular program state cost per pupil for the base
36 year, and add to the resulting product thirty-eight
37 dollars. For purposes of determining the amount of a
38 budget adjustment as defined in section 257.14, for a
39 school district which calculated allowable growth for
40 the budget year beginning July 1, 1999, pursuant to
41 this subsection, thirty-eight dollars shall be
42 subtracted from the school district's regular program
43 cost per pupil for the budget year beginning July 1,
44 1999, prior to determining the amount of the
45 adjustment.

46 NEW SUBSECTION. 2B. a. A school district which
47 has not requested and received approval to fund a
48 gifted and talented program pursuant to section
49 257.46, Code 1999, for the budget year beginning July
50 1, 1999, shall calculate the regular program allowable

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1 growth for the budget year beginning July 1, 1999,
2 pursuant to subsection 2.

3 b. The board of directors of a school district
4 which has not requested and received approval to fund
5 a gifted and talented program pursuant to section
6 257.46, Code 1999, for the budget year beginning July
7 1, 1999, but seeks funding for such a program under
8 subsection 2A for the budget year beginning July 1,
9 2000, may adopt a resolution requesting such funding
10 and submit the resolution and a proposed gifted and
11 talented program plan and budget to the department of
12 education by October 1, 1999. The department shall
13 review the request and, if it approves the request for
14 funding, the department shall forward the approved
15 request to the department of management.

16 c. A school district determining allowable growth
17 pursuant to section 257.8, subsection 2, may apply to
18 the school budget review committee for modified
19 allowable growth pursuant to section 257.31,
20 subsection 5, for the school budget year beginning
21 July 1, 1999, and succeeding budget years.

22 NEW SUBSECTION. 2C. a. A school district which
23 calculated allowable growth for the budget year
24 beginning July 1, 1999, pursuant to the provisions of
25 subsection 2A, shall calculate allowable growth
26 pursuant to the provisions of subsection 2 for the
27 school budget year beginning July 1, 2000, and

28 succeeding budget years, utilizing a regular program
29 state cost per pupil figure which incorporates the
30 thirty-eight dollar increase in regular program
31 allowable growth calculated for the budget year
32 beginning July 1, 1999.
33 b. A school district which calculated allowable
34 growth for the budget year beginning July 1, 1999,
35 pursuant to the provisions of subsection 2B, shall
36 calculate allowable growth pursuant to the provisions
37 of subsection 2 for the school budget year beginning
38 July 1, 2000, and succeeding budget years, utilizing a
39 regular program state cost per pupil figure which does
40 not incorporate the thirty-eight dollar increase in
41 regular program allowable growth calculated for the
42 budget year beginning July 1, 1999. However, if such
43 school district receives approval for additional
44 funding from the department for the gifted and
45 talented program for the budget year beginning July 1,
46 2000, under subsection 2B, paragraph "b", the school
47 district shall receive allowable growth for the budget
48 year beginning July 1, 2000, and subsequent budget
49 years in the manner provided for school districts
50 under paragraph "a" of this subsection.

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1 NEW SUBSECTION. 4. For budget years beginning
2 July 1, 2000, and subsequent budget years, references
3 to the terms "allowable growth", "regular program
4 state cost per pupil", and "regular program district
5 cost per pupil" shall mean those terms as calculated
6 for those school districts that calculated or did not
7 calculate regular program allowable growth for the
8 school budget year beginning July 1, 1999, with the
9 additional thirty-eight dollars, as applicable.
10 Sec. 3. Section 257.10, subsection 5, Code 1999,
11 is amended to read as follows:
12 5. COMBINED DISTRICT COST PER PUPIL. The combined
13 district cost per pupil for a school district is the
14 sum of the regular program district cost per pupil and
15 the special education support services district cost
16 per pupil. Combined district cost per pupil does not
17 include additional allowable growth added for school
18 districts that have a negative balance of funds raised
19 for special education instruction programs, additional
20 allowable growth granted by the school budget review
21 committee for a single school year, or additional
22 allowable growth added for programs for dropout
23 prevention and for programs for gifted and talented
24 children.
25 Sec. 4. Section 257.42, unnumbered paragraphs 1,
26 4, and 5, Code 1999, are amended to read as follows:

27 Boards of school districts, individually or jointly
 28 with the boards of other school districts, ~~requesting~~
 29 ~~to use additional allowable growth for gifted and~~
 30 ~~talented children programs, may shall~~ annually submit
 31 program plans for gifted and talented children
 32 programs and budget costs, ~~including requests for~~
 33 ~~additional allowable growth for funding the programs,~~
 34 to the department of education and to the applicable
 35 gifted and talented children advisory council, if an
 36 advisory council has been established, as provided in
 37 this chapter.

38 The department of education shall adopt rules under
 39 chapter 17A relating to the administration of sections
 40 257.42 through 257.49. The rules shall prescribe the
 41 format of program plans submitted under section 257.43
 42 and shall require that programs fulfill specified
 43 objectives. The department shall encourage and assist
 44 school districts to provide programs for gifted and
 45 talented children ~~whether or not additional allowable~~
 46 ~~growth is requested under this chapter.~~

47 The department may request that the staff of the
 48 auditor of state conduct an independent program audit
 49 to verify that the gifted and talented programs funded
 50 ~~by additional allowable growth~~ conform to a district's

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1 program plans.

2 Sec. 5. Section 257.43, Code 1999, is amended to
 3 read as follows:

4 257.43 PROGRAM PLANS.

5 The program plans submitted by school districts
 6 shall be part of the school improvement plan submitted
 7 pursuant to section 256.7, subsection 21, paragraph
 8 "a", and shall include all of the following:

- 9 1. Program goals, objectives, and activities to,
- 10 meet the needs of gifted and talented children.
- 11 2. Student identification criteria and procedures.
- 12 3. Staff in-service education design.
- 13 4. Staff utilization plans.
- 14 5. Evaluation criteria and procedures and
- 15 performance measures.
- 16 6. Program budget.
- 17 7. Qualifications required of personnel
- 18 administering the program.
- 19 8. Other factors the department requires.

20 Sec. 6. Section 257.45, subsection 1, Code 1999,
 21 is amended to read as follows:

- 22 1. The board of directors of a school district
- 23 ~~requesting to use additional allowable growth for~~
 24 ~~gifted and talented children programs~~ shall submit
 25 applications for approval for the programs to the

26 department not later than November 1 preceding the
27 fiscal year during which the program will be offered.
28 The board shall also submit a copy of the program
29 plans to the gifted and talented children advisory
30 council, if an advisory council has been established.
31 The department shall review the program plans and
32 shall prior to January 15 either grant approval for
33 the program or return the request for approval with
34 comments of the department included. Any unapproved
35 request for a program may be resubmitted with
36 modifications to the department not later than a date
37 established by the department. Not later than
38 February 15 the department shall notify the department
39 of management and the school budget review committee
40 of the names of the school districts for which gifted
41 and talented children programs ~~using additional~~
42 ~~allowable growth for funding~~ have been approved and
43 the approved budget of each program listed separately
44 for each school district having an approved program.
45 Sec. 7. Section 257.46, Code 1999, is amended to
46 read as follows:
47 257.46 FUNDING.
48 1. The budget of an approved gifted and talented
49 children program for a school district, after
50 subtracting funds received from other sources for that

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1 purpose, shall be funded annually on a basis of one-
2 fourth or more from the district cost of the school
3 district ~~and up to three fourths by an increase in~~
4 ~~allowable growth as defined in section 257.8. The~~
5 ~~approved budget for a gifted and talented children~~
6 ~~program shall not exceed an amount equal to one and~~
7 ~~twenty four hundredths percent of the district cost~~
8 ~~per pupil of the district for the base year multiplied~~
9 ~~by the budget enrollment of the district for the~~
10 ~~budget year. Annually, the department of management~~
11 ~~shall establish a modified allowable growth for each~~
12 ~~such district equal to the difference between the~~
13 ~~approved budget for the gifted and talented children~~
14 ~~program for that district and the sum of the amount~~
15 ~~funded from the district cost of the school district~~
16 ~~plus funds received from other sources.~~
17 2. The remaining portion of the budget shall be
18 funded by the thirty-eight dollar increase in
19 allowable growth for the school budget year beginning
20 July 1, 1999, increased by the growth of the regular
21 program district cost each year, or by modified
22 allowable growth received from the school budget
23 review committee, pursuant to the applicable
24 provisions of section 257.8. School districts shall

25 annually report the amount expended for a gifted and
 26 talented program to the department of education. The
 27 proportion of a school district's budget which
 28 corresponds to the thirty-eight dollar increase in
 29 allowable growth for the school budget year beginning
 30 July 1, 1999, if applicable, or the modified allowable
 31 growth, added to the amount in subsection 1, shall be
 32 utilized exclusively for a school district's talented
 33 and gifted program.

34 3. If any portion of the gifted and talented
 35 program budget remains unexpended at the end of the
 36 budget year, ~~the part of the remainder equal to the~~
 37 ~~proportion of the original budget which was funded by~~
 38 ~~an increase in allowable growth, as defined in section~~
 39 ~~257.8, shall be carried over to the subsequent budget~~
 40 year and added to the gifted and talented program
 41 budget for that year.

42 Sec. 8. 1989 Iowa Acts, chapter 135, section 135,
 43 is repealed effective July 1, 1999. Legislative
 44 review of the provisions of chapter 257 shall occur
 45 every five years, with the first such review to begin
 46 no later than July 1, 2004.

47 Sec. 9. APPLICABILITY DATE. This Act, being
 48 deemed of immediate importance, takes effect upon
 49 enactment for the computation of state school aid for
 50 school budget years beginning on or after July 1,

Page 6

1 1999."

2 2. Title page, lines 2 and 3, by striking the
 3 words "and making appropriations" and inserting the
 4 following: "including increasing the state foundation
 5 base and increasing allowable growth for purposes of
 6 funding programs for gifted and talented children,".

S-3514

1 Amend House File 772, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, line 34, by striking the figure "1."

4 2. Page 2, line 4, by striking the word

5 "subsection" and inserting the following: "section".

6 3. Page 2, by striking line 8 and inserting the
 7 following:

8 "1. Of the amount appropriated in this section for
 9 the".

10 4. Page 2, by striking line 12 and inserting the
 11 following:

12 "2. Of the amount appropriated in this section for
 13 the".

14 5. Page 2, by striking line 18 and inserting the

15 following:

16 "3. Of the amount appropriated in this section
17 for".

18 6. Page 2, by striking line 23 and inserting the
19 following:

20 "4. Of the amount appropriated in this section for
21 the".

22 7. Page 2, line 32, by striking the word
23 "subsection" and inserting the following: "section".

24 8. Page 2, line 35, by striking the word
25 "subsection" and inserting the following: "section".

26 9. Page 3, by striking lines 3 and 4 and
27 inserting the following: "provided in subsection 4.
28 Except as provided in subsection 1, each grant awarded
29 from moneys appropriated in this".

30 10. Page 3, by striking lines 7 through 18.

31 11. Page 4, by striking line 24 and inserting the
32 following:

33 "FY 1999-2000..... \$ 10,250,000"

34 12. Page 7, by striking lines 7 through 11 and
35 inserting the following:

36 "With respect to the proposed construction,
37 financing, and anticipated operation and maintenance
38 of the parking structure, the department shall, in
39 cooperation and consultation with the department of
40 management, a representative of the general assembly,
41 and the treasurer of state, develop cost data for the
42 construction, operation, and maintenance of the
43 structure."

44 13. Page 7, by inserting after line 27 the
45 following:

46 ". For capitol interior restoration:

47 FY 1999-2000..... \$ 4,381,000

48 FY 2000-2001..... \$ 4,324,100

49 The department shall cooperate with the legislative
50 and judicial branches regarding decisions involving

Page 2

1 the renovation, remodeling, preparation, or assignment
2 of space occupied or used by the respective branches
3 within the state capitol building pursuant to section
4 2.43.

5 Of the amount appropriated in this subsection for
6 the fiscal year beginning July 1, 1999, \$50,000 shall
7 be allocated to the department of cultural affairs to
8 be used to conduct a study to stabilize the battle
9 flag collection's condition by a professional flag
10 conservator and for other necessary expenses incurred
11 by the department, notwithstanding section 8.57,
12 subsection 5, paragraph "c".

13. For renovation of office space occupied or

14 used by the governor, governor's staff, and department
15 of management in the state capitol building:

16 FY 1999-2000..... \$ 250,000
17 FY 2000-2001..... \$ 0

18 . For renovations to and shelving for the fifth
19 floor of the law library in the state capitol
20 building:

21 FY 1999-2000..... \$ 400,000
22 FY 2000-2001..... \$ 0

23 . For the design and construction of an Iowa
24 hall of pride:

25 FY 1999-2000..... \$ 1,500,000
26 FY 2000-2001..... \$ 1,500,000

27 The department may enter into an agreement under
28 chapter 28E with public and private agencies for
29 purposes of planning, designing, constructing,
30 operating, and maintaining an Iowa hall of pride on
31 the capitol complex.

32 The legislative council shall review design and
33 location proposals for construction of the Iowa hall
34 of pride. The department shall submit a report to the
35 general assembly regarding the operational and
36 maintenance aspects of the Iowa hall of pride."

37 14. By striking page 8, line 19, through page 9,
38 line 29, and inserting the following: "for the fiscal
39 biennium beginning July 1, 1999, and ending June 30,
40 2001, the following amounts, or so much thereof as is
41 necessary, to be used for the purposes designated,
42 notwithstanding section 8.57, subsection 5, paragraph
43 "c":

44 For planning, design, and construction of
45 legislative support space in the area of the capitol
46 complex:

47 FY 1999-2000..... \$ 1,600,000
48 FY 2000-2001..... \$ 0"

49 15. Page 14, by striking lines 4 through 7.

50 16. Page 18, by striking line 27 and inserting

Page 3

1 the following:

2 "FY 1999-2000..... \$ 2,300,000"

3 17. By renumbering and correcting internal
4 references as necessary.

MARY LOU FREEMAN

S-3515

1 Amend House File 772, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 2, line 35, through page 3,

4 line 3, and inserting the following: "Except as
5 provided in paragraph".

JOE BOLKCOM
MARY LOU FREEMAN

S-3516

1 Amend House File 772, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by striking lines 26 and 27 and
4 inserting the following: "assistance fund created in
5 section 15E.175:"

6 2. Page 3, by inserting after line 29 the
7 following:

8 "a. Of the amount appropriated in this subsection
9 for each fiscal year, up to \$5,000,000 may be used for
10 purposes of the physical infrastructure assistance
11 program. The department shall maximize these moneys,
12 to the extent possible, for physical infrastructure
13 assistance program projects which meet the definition
14 of "vertical infrastructure", or for projects which
15 facilitate the creation of "vertical infrastructure"
16 projects. The department shall report to the general
17 assembly by June 30 of each fiscal year for which
18 funds are appropriated in this subsection regarding
19 the amount of such funds used for "vertical
20 infrastructure" projects and the amount of such funds
21 used for projects which facilitate the creation of
22 "vertical infrastructure"."

23 3. Page 3, line 30, by inserting before the words
24 "Of the" the following: "b."

25 4. Page 3, by striking lines 31 through 34 and
26 inserting the following: "fiscal year, \$7,500,000
27 shall be used by the department for accelerated career
28 education program capital projects at community
29 colleges which are authorized under chapter 260G, if
30 enacted by 1999 Iowa Acts, Senate File 465, and which
31 meet the definition of "vertical infrastructure" in
32 section 8.57, subsection 5, paragraph "c"."

33 5. By striking page 3, line 35, through page 4,
34 line 3, and inserting the following: "Of these
35 amounts, \$3,000,000 in each fiscal year shall be
36 allocated equally among the community colleges in the
37 state, to be used for such projects which meet all of
38 the requirements in chapter 260G, if enacted by 1999
39 Iowa Acts, Senate File 465. If any portion of the
40 equal allocation to a community college is not
41 obligated or encumbered by April 1 of the fiscal year
42 for which the allocation is made, the unobligated and
43 unencumbered portions shall be available for use by
44 other community colleges.

45 If 1999 Iowa Acts, Senate File 465, is enacted, the
 46 department shall adopt rules regarding development and
 47 funding of accelerated career education program
 48 capital projects. The rules shall provide for
 49 prioritization of funding for those projects which do
 50 all of the following:"

Page 2

- 1 6. Page 4, line 4, by striking the letter "a."
- 2 and inserting the following: "(1)".
- 3 7. Page 4, line 6, by striking the letter "b."
- 4 and inserting the following: "(2)".
- 5 8. Page 4, by striking lines 10 and 11 and
- 6 inserting the following:
- 7 "(3) Provide evidence of local public or private
- 8 contributions which meet the requirements of chapter
- 9 260G, if enacted by 1999 Iowa Acts, Senate File 465."
- 10 9. Page 4, line 12, by striking the letter "d."
- 11 and inserting the following: "(4)".
- 12 10. Page 4, by striking lines 14 through 19.
- 13 11. By renumbering and correcting internal
- 14 references as necessary.

JEFF LAMBERTI

S-3517

- 1 Amend House File 761, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 21 and 22 and
- 4 inserting the following:
- 5 "6. "Child care home" means a person or program
- 6 providing child care as a family child care home or a
- 7 group child care home as authorized under section
- 8 237A.3."
- 9 2. By striking page 3, line 28 through page 4,
- 10 line 1 and inserting the following:
- 11 "8. a. "Family day child care home" means a
- 12 person or program which provides child day care to
- 13 less than seven children at any one time or to less
- 14 than twelve children at any one time as authorized by
- 15 section 237A.3, subsection 1.
- 16 b. "Group day child care home" means a facility
- 17 providing child day care for more than six but less
- 18 than twelve children as authorized in accordance with
- 19 section 237A.3, subsection 2, or for less than sixteen
- 20 children at any one time as authorized in accordance
- 21 with section 237A.3, subsection 3."
- 22 3. Page 6, by striking lines 20 through 30.
- 23 4. Page 6, by inserting before line 31 the
- 24 following:

25 "Sec. . Section 237A.3, Code 1999, is amended
26 to read as follows:
27 237A.3 REGISTRATION OF FAMILY AND GROUP DAY CHILD
28 CARE HOMES.
29 1. a. A person who operates or establishes a
30 family day child care home may apply to the department
31 for registration under this chapter. The department
32 shall issue a certificate of registration upon receipt
33 of a statement from the family day child care home
34 that the home complies with rules adopted by the
35 department. The registration certificate shall be
36 posted in a conspicuous place in the family day child
37 care home, shall state the name of the registrant, the
38 number of individuals who may be received for care at
39 any one time, and the address of the home, and shall
40 include a check list of registration compliances.
41 b. No greater number of children than is
42 authorized by the registration certificate shall be
43 kept in the family day child care home at any one
44 time. However, a registered or unregistered family
45 day child care home may provide care for more than six
46 but less than twelve children at any one time for a
47 period of less than two hours, provided that each
48 child in excess of six children is attending school in
49 kindergarten or a higher grade level.
50 c. A family day child care home may provide care

Page 2

1 in accordance with this subsection for more than six
2 but less than twelve children for two hours or more
3 during a day with inclement weather following the
4 cancellation of school classes. The home must have
5 prior written approval from the parent or guardian of
6 each child present in the home concerning the presence
7 of excess children in the home pursuant to this
8 paragraph. The home must have a responsible
9 individual, age fourteen or older, on duty to assist
10 the home provider when more than six children are
11 present in accordance with the provisions of this
12 paragraph. In addition, one or more of the following
13 conditions shall apply to each child present in the
14 home in excess of six children:
15 (1) The home provides care to the child on a
16 regular basis for periods of less than two hours.
17 (2) If the child was not present in the family day
18 child care home, the child would be unattended.
19 (3) The home regularly provides care to a sibling
20 of the child.
21 d. In determining the number of children cared for
22 at any one time in a registered or unregistered family
23 day child care home, if the person who operates or

24 establishes the home is a child's parent, guardian,
25 ~~relative~~, or custodian and the child is not attending
26 school in kindergarten or a higher grade level or is
27 not receiving child day care full-time on a regular
28 basis from another person, the child shall be
29 considered to be receiving child day care from the
30 person and shall be counted as one of the children
31 cared for in the home.

32 e. The registration process may be repeated on an
33 annual basis.

34 f. A child day care home provider or program which
35 is not a family day child care home by reason of the
36 definition of child day care in section 237A.1,
37 ~~subsection 4~~, but which provides care, supervision, or
38 guidance to a child may be issued a certificate of
39 registration under this chapter.

40 2. a. A person shall not operate or establish a
41 group day child care home unless the person obtains a
42 certificate of registration under this chapter. Two
43 persons who comply with the individual requirements
44 for registration as a group day child care provider
45 may request that the certificate be issued to the two
46 persons jointly and the department shall issue the
47 joint certificate provided the group day child care
48 home requirements for registration are met. All other
49 requirements of this chapter for registered family day
50 child care homes and the rules adopted under this

Page 3

1 chapter for registered family day child care homes
2 apply to group day child care homes. In addition, the
3 department shall adopt rules relating to the provision
4 in group day child care homes for a separate area for
5 sick children. In consultation with the state fire
6 marshal, the department shall adopt rules relating to
7 the provision of fire extinguishers, smoke detectors,
8 and two exits accessible to children.

9 b. Except as provided in subsection 3, a group day
10 child care home shall not provide child day care to
11 more than eleven children at any one time. If there
12 are more than six children present for a period of two
13 hours or more, the group day child care home must have
14 at least one responsible individual who is at least
15 fourteen years of age present to assist the group day
16 child care provider in accordance with either of the
17 following conditions:

18 (1) If the responsible individual is a joint
19 holder of the certificate of registration, not more
20 than four of the children present shall be less than
21 twenty-four months of age and not more than ten of the
22 children present shall be twenty-four months of age or

- 23 older but not attending school in kindergarten or a
24 higher grade level.
- 25 (2) If the responsible individual is not a joint
26 holder of the certificate of registration, but is at
27 least fourteen years of age, not more than four of the
28 children shall be less than twenty-four months of age
29 and each child in excess of six children shall be
30 attending school in kindergarten or a higher grade
31 level.
- 32 3. A registered group day child care home may
33 provide care in accordance with this subsection for
34 more than eleven but less than sixteen children for a
35 period of less than two hours or for a period of two
36 hours or more during a day with inclement weather
37 following the cancellation of school classes. The
38 home must have the prior written approval from the
39 parent or guardian of each child present in the home
40 concerning the presence of excess children in the
41 home. In addition, one or more of the following
42 conditions shall apply to each child present in the
43 home in excess of eleven children during a period of
44 inclement weather:
- 45 a. The group day child care home provides care to
46 the child on a regular basis for periods of less than
47 two hours.
- 48 b. If the child was not present in the group day
49 child care home, the child would be unattended.
- 50 c. The group day child care home provides care to

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- 1 a sibling of the child.
- 2 4. A person who operates or establishes a family
3 ~~day care home or a group day~~ child care home and who
4 is a child foster care licensee under chapter 237
5 shall register with the department under this chapter.
6 For purposes of registration and determination of the
7 maximum number of children who can be provided child
8 ~~day care by the family day care home or group day~~
9 child care home, the children receiving child foster
10 care shall be considered the children of the person
11 operating the ~~family day care home or group day~~ child
12 care home.
- 13 5. If the department has denied or revoked a
14 registration because the applicant or person has
15 continually or repeatedly failed to operate a
16 registered child day care facility in compliance with
17 this chapter and rules adopted pursuant to this
18 chapter, the person shall not own or operate a
19 registered facility for a period of six months from
20 the date the registration is denied or revoked. The
21 department shall not act on an application for

22 registration submitted by the applicant or person
23 during the six-month period."
24 5. By striking page 6, line 31, through page 7,
25 line 12, and inserting the following:
26 "Sec. . Section 237A.3A, subsection 1, Code
27 1999, is amended to read as follows:
28 1. PILOT PROJECT. The department shall implement
29 a pilot project applying the provisions of this
30 section to registered family or group day child care
31 homes located in one county of this state. The
32 provisions of this section shall not apply to
33 unregistered family day child care homes located in
34 the pilot project county. The county selected for the
35 pilot project shall be a rural county where there is
36 interest among child day care providers and consumers
37 in implementing the pilot project. ~~In addition, if~~
38 ~~deemed feasible by the department, During the fiscal~~
39 ~~year beginning July 1, 1999, the department may shall~~
40 ~~implement the pilot project in one additional urban or~~
41 ~~mixed rural and urban county in each of the~~
42 ~~department's regions~~ where there is interest in
43 implementing the pilot project. ~~The department shall~~
44 ~~implement the pilot project on or after July 1, 1997.~~
45 In addition, the department may implement the pilot
46 project in one other county in each of the
47 department's regions where there is interest in
48 implementing the pilot project. If a definition in
49 section 237A.1, a provision in section 237A.3, or an
50 administrative rule adopted under this chapter is in

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1 conflict with this section, this section and the rules
2 adopted to implement this section shall apply to the
3 pilot project.
4 Sec. . Section 237A.3A, subsection 2, Code
5 1999, is amended by striking the subsection and
6 inserting in lieu thereof the following:
7 2. DEFINITION. For the purposes of this section,
8 unless the context otherwise requires, "child care
9 home" means a person registered under this section to
10 provide child care in a pilot project county."
11 6. Page 7, by striking line 15 and inserting the
12 following:
13 "c. A person or program in a pilot project county
14 which".
15 7. Page 7, by striking lines 18 and 19 and
16 inserting the following: "issued a certificate of
17 registration under this section."
18 8. Page 8, by striking lines 14 through 23.
19 9. Page 14, line 30, by striking the figure
20 "237A.3A" and inserting the following: "237A.3".

- 21 10. Page 15, line 10, by striking the figure
22 "237A.3A" and inserting the following: "237A.3".
- 23 11. Page 16, by striking lines 19 through 22 and
24 inserting the following:
25 "e. Two family day child care home providers.
26 f. Two group day child care home providers."
- 27 12. Page 16, by striking lines 27 through 32 and
28 inserting the following:
29 "i. One designee of the department of human
30 services ~~or the Iowa department of public health.~~
31 j. One designee of the Iowa department of public
32 health.
33 k. One designee of the department of education.
34 ~~k l.~~ One head start program provider.
35 l m. Two legislators appointed in a manner so that
36 both major political parties are represented."
- 37 13. Page 22, by inserting after line 4 the
38 following:
39 "Sec. . REPEAL. 1998 Iowa Acts, chapter 1127,
40 section 4, is repealed."
- 41 14. By striking page 26, line 7, through page 28,
42 line 6 and inserting the following:
43 "1. The following transition exception shall apply
44 to child care home providers registering in pilot
45 project counties under section 237A.3A on or after
46 July 1, 1999, and in lieu of the transition exception
47 authorized in 1998 Iowa Acts, chapter 1127, section 4,
48 for child care homes that were under that transition
49 exception prior to July 1, 1999:
50 a. If a child care home is providing child care to

Page 6

- 1 four infants at the time of registration under section
2 237A.3A, the child care home may continue to provide
3 child care to those four infants. However, if the
4 child care home no longer provides child care to one
5 or more of the four infants or one or more of the four
6 infants reaches the age of twenty-four months, the
7 exception authorized in this subsection shall no
8 longer apply. This exception does not affect the
9 overall limitation on the number of children for which
10 the child care home is authorized to provide child
11 care.
- 12 b. If, at the time of registration under section
13 237A.3A, a child care home is providing child care to
14 school age children in excess of the number of school
15 age children authorized for the registration level,
16 the child care home may continue to provide child care
17 to those children and the child care home provider may
18 exceed the total number of children authorized for the
19 level of registration by the number of school age

20 children in excess of the number authorized for the
21 registration level. This exception is subject to all
22 of the following:

23 (1) The child care home must comply with the other
24 requirements relating to number of children for which
25 the child care home is authorized to provide child
26 care at that registration level.

27 (2) The maximum number of children attributable to
28 the authorization for school age children at the
29 applicable registration level is five.

30 (3) If more than eight children are present at any
31 one time for more than two hours, the child care home
32 provider shall be assisted by a responsible person who
33 is at least fourteen years of age.

34 (4) If the child care home no longer provides
35 child care to an individual school age child who was
36 receiving child care from the child care home at the
37 time of registration under section 237A.3A, the excess
38 number of children allowed under this exception shall
39 be reduced accordingly.

40 2. The department of human services shall pursue
41 every available option to secure federal or other
42 funding that may be used to make available additional
43 home child care consultants to assist in the expanded
44 implementation of section 237A.3A pilot projects, as
45 amended by this Act. If the department is able to
46 secure additional funding for this purpose, the
47 department may expand home child care consultant
48 assistance provided by child care resource and
49 referral services in pilot project counties
50 accordingly.

Page 7

1 3. The department of human services shall report
2 to the governor and general assembly concerning the
3 implementation of the expansion of the child care home
4 registration levels pilot project under section
5 237A.3A, as amended by this Act. The report shall be
6 submitted in January 2000. The department shall work
7 with child care resource and referral services in
8 obtaining more information regarding the effects of
9 the pilot project, including changes in the quantity
10 of registered and unregistered child care home
11 providers and child care slots, amount of turnover in
12 active child care home providers, and reasons for
13 child care home providers changing their registered
14 and unregistered status. The department may utilize
15 survey, interview, or other means to collect the data
16 for the report.

17 4. The department may submit a proposal to the
18 general assembly for enactment of administratively

19 applied civil penalties for child care registrant or
20 licensee failure to comply with key standards for the
21 operation and maintenance of a child care facility.
22 In developing the proposal, the department shall
23 consult with the state child care advisory council,
24 child care facility providers, families, and other
25 interested parties. The proposal shall specify the
26 offenses or acts which are subject to a civil penalty
27 and the civil penalty amounts."
28 15. By renumbering as necessary.

MAGGIE TINSMAN
JEFF ANGELO
NANCY J. BOETTGER
KITTY REHBERG
MERLIN E. BARTZ

S-3518

1 Amend Senate File 286 as follows:
2 1. Page 1, line 34, by inserting after the word
3 "unusable" the following: "all or a part of".
4 2. Page 2, line 2, by inserting after the word
5 "which" the following: "all or a part of".
6 3. Page 2, by inserting after line 19 the
7 following:
8 "Sec. . Section 15E.196, Code 1999, is amended
9 by adding the following new subsection:
10 NEW SUBSECTION. 6. Insurance premium tax credit,
11 as provided in section 15.333A.
12 Sec. . The legislative council is requested to
13 establish an enterprise zone interim study committee
14 to consider all of the following issues regarding the
15 enterprise zone program established in division XVIII
16 of chapter 15E:
17 1. Eligibility criteria under the enterprise zone
18 program.
19 2. The movement of existing businesses into
20 enterprise zones.
21 3. The establishment of additional enterprise
22 zones.
23 4. The current overall performance and
24 effectiveness of the enterprise zone program."
25 4. Title page, by striking lines 1 and 2 and
26 inserting the following: "An Act relating to economic
27 development tax credits by amending the new investment
28 tax credit under the new jobs and income program,
29 amending the incentives and assistance under the
30 enterprise zone program, and requesting an enterprise
31 zone interim study committee."

32 5. By renumbering, relettering, or redesignating
33 and correcting internal references as necessary.

TOM FLYNN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 322

S-3519

1 Amend the Senate amendment, H-1791, to House File
2 322, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 4 the
5 following:
6 "Section 1. Section 9H.1, subsection 12, Code
7 1999, is amended to read as follows:
8 12. "Feedlot" means a lot, yard, corral, building,
9 or other area in which hogs or cattle fed for
10 slaughter are confined. The term includes areas which
11 are used for the raising of crops or other vegetation
12 and upon which hogs or cattle fed for slaughter are
13 allowed to graze or feed."
14 2. Page 5, line 25, by striking the words "holds
15 a legal interest in" and inserting the following:
16 "owns or leases".
17 3. Page 5, line 30, by striking the words "holds
18 a legal".
19 4. Page 5, line 31, by striking the words
20 "interest in" and inserting the following: "owns or
21 leases".
22 5. Page 5, lines 39 and 40, by striking the words
23 "holds a legal interest in" and inserting the
24 following: "owns or leases".
25 6. Page 7, line 21, by striking the words
26 "contract producer" and inserting the following:
27 "contractor".
28 7. Page 7, line 36, by striking the words
29 "contract producer" and inserting the following:
30 "contractor".
31 8. Page 9, line 48, by striking the word
32 "executes" and inserting the following: "enforces".
33 9. Page 9, by striking lines 49 and 50 and
34 inserting the following: "provision in a production
35 contract that provides that information contained in
36 the production contract is confidential as provided in
37 section 8E.3."
38 10. Page 10, by inserting after line 18, the
39 following:
40 ". Title page, line 1, by striking the words
41 "production contracts" and inserting the following:

- 42 "agricultural production".
 43 11. By renumbering as necessary.

S-3520

- 1 Amend House File 772, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 12, by striking lines 26 through 30.

DENNIS H. BLACK

S-3521

- 1 Amend House File 772, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 29, by striking the figure
 4 "200,000" and inserting the following: "400,000".

MICHAEL W. CONNOLLY

S-3522

- 1 Amend the House amendment, S-3494, to Senate File
 2 462, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 3 through 5.
 5 2. Page 1, by striking lines 39 and 40.
 6 3. Page 1, by striking lines 42 and 43.

RICHARD F. DRAKE
 JOHN P. KIBBIE

S-3523

- 1 Amend House File 772, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 20, by striking lines 13 and 14 and
 4 inserting the following:
 5 "FY 1999-2000 \$ 15,000,000
 6 FY 2000-2001 \$ 20,000,000"
 7 2. Page 21, by inserting after line 22 the
 8 following:
 9 "Sec. . Section 8.57, subsection 5, paragraph
 10 e, Code 1999, is amended to read as follows:
 11 e. Notwithstanding provisions to the contrary in
 12 sections 99D.17 and 99F.11, for each of the fiscal
 13 years in the fiscal period beginning July 1, 1995, and
 14 July 1, 1996, ending June 30, 1999, not more than a
 15 total of sixty million dollars; for the fiscal year
 16 beginning July 1, 1999, not more than fifty-five
 17 million five hundred thousand dollars; and for the
 18 fiscal year beginning July 1, 2000, and for each

19 fiscal year thereafter, not more than fifty million
 20 five hundred thousand dollars; shall be deposited in
 21 the general fund of the state in any fiscal year
 22 pursuant to sections 99D.17 and 99F.11. The total
 23 moneys in excess of the moneys deposited in the
 24 general fund in a fiscal year shall be deposited in
 25 the infrastructure fund and shall be used as provided
 26 in this section, notwithstanding section 8.60."
 27 3. By renumbering as necessary.

DENNIS H. BLACK
 MARY A. LUNDBY
 ROBERT E. DVORSKY
 BILL FINK
 BETTY A. SOUKUP
 JOHN JUDGE
 TOM FLYNN
 JOHNIE HAMMOND
 MICHAEL E. GRONSTAL
 STEVEN D. HANSEN
 EUGENE S. FRAISE
 MICHAEL W. CONNOLLY
 JOE BOLKCOM
 MARK SHEARER
 PATRICIA M. HARPER
 MATT McCOY
 ELAINE SZYMONIAK
 JOHN P. KIBBIE
 WALLY E. HORN
 DICK L. DEARDEN

S-3524

1 Amend the amendment, S-3514, to House File 772, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 24 through 29 and
 5 inserting the following:
 6 "____. By striking page 2, line 35, through page
 7 3, line 5, and inserting the following: "Except as
 8 provided in subsection 1, each grant awarded from
 9 moneys appropriated in this section shall not exceed
 10 \$100,000 per project. Not more."
 11 2. By renumbering as necessary.

JOE BOLKCOM
 MARY LOU FREEMAN

S-3525

1 Amend the House amendment, S-3509, to Senate File
 2 439, as amended, passed, and reprinted by the Senate,

3 as follows:

- 4 1. By striking page 1, line 43 through page 2,
- 5 line 9.
- 6 2. Page 2, by striking lines 16 through 39.
- 7 3. Page 4, by striking lines 31 and 32.
- 8 4. By renumbering as necessary.

NANCY J. BOETTGER
ELAINE SZYMONIAK
MAGGIE TINSMAN

S-3526

1 Amend House File 772, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 21, by inserting after line 22 the
4 following:

5 "Sec. . Section 8.57, subsection 5, paragraph
6 e, Code 1999, is amended to read as follows:

7 e. Notwithstanding provisions to the contrary in
8 sections 99D.17 and 99F.11, for each of the fiscal
9 years in the fiscal period beginning July 1, 1995, and
10 July 1, 1996, ending June 30, 1999, not more than a
11 total of sixty million dollars; for the fiscal year
12 beginning July 1, 1999, not more than fifty million
13 dollars; and for the fiscal year beginning July 1,
14 2000, and for each fiscal year thereafter, not more
15 than forty million dollars; shall be deposited in the
16 general fund of the state in any fiscal year pursuant
17 to sections 99D.17 and 99F.11. The total moneys in
18 excess of the moneys deposited in the general fund in
19 a fiscal year shall be deposited in the infrastructure
20 fund and shall be used as provided in this section,
21 notwithstanding section 8.60."

22 2. Page 29, by inserting after line 5 the
23 following:

24 "Sec. . **NEW SECTION. 256.29 PHYSICAL PLANT**
25 **AND EQUIPMENT LEVY STATE AID PROGRAM -- APPROPRIATION.**

26 1. There is appropriated from the rebuild Iowa
27 infrastructure fund to the department of education the
28 following amounts for the following fiscal years for
29 allocation to school districts under the physical
30 plant and equipment levy state aid program:

31 a. For the fiscal year beginning July 1, 1999, and
32 ending June 30, 2000, the sum of ten million dollars.

33 b. For the fiscal year beginning July 1, 2000, and
34 ending June 30, 2001, the sum of twenty million
35 dollars.

36 c. It is the intent of the general assembly to
37 increase by ten million dollars annually the amount
38 appropriated in paragraph "b", until the total amount
39 appropriated annually for purposes of the physical

40 plant and equipment levy state aid program reaches
41 fifty million dollars.
42 2. The purpose of the physical plant and equipment
43 levy state aid program is to provide a means for Iowa
44 schools to reduce their long-term borrowing costs and
45 thus reduce costs to taxpayers. A school district
46 shall expend funds received pursuant to this section
47 for a project as defined in subsection 3.
48 3. For purposes of this section, "project" means
49 any undertaking by a school district for which
50 expenditures are authorized under chapter 298,

Page 2

1 including all costs and expenses associated with
2 authorization for, and commencement of, a project.
3 "School district" means a public school corporation
4 organized under chapter 274.
5 4. The department shall determine the physical
6 plant and equipment levy state aid per pupil by
7 multiplying the regular program state cost per pupil
8 by five percent minus the district assessed valuation
9 per budget pupil multiplied by thirty-three cents per
10 one thousand dollars assessed valuation. The total
11 physical plant and equipment levy state aid shall be
12 determined by multiplying the district's budget
13 enrollment for the budget year by the district's
14 physical plant and equipment levy state aid per pupil.
15 However, if the amount appropriated in subsection 1
16 for a given year is insufficient to provide the full
17 amount of physical plant and equipment levy state aid,
18 the amount of physical plant and equipment levy state
19 aid allocated to each district from the appropriation
20 made in subsection 1 shall be equal to the percentage
21 that the physical plant and equipment levy state aid
22 for the district bears to the total amount of physical
23 plant and equipment levy state aid of all districts in
24 the state.
25 5. For each year in which an appropriation is made
26 to the physical plant and equipment levy state aid
27 program, the allocation to each school district shall
28 be made in one payment on or about October 15 of the
29 fiscal year for which the appropriation is made,
30 taking into consideration the relative budget and cash
31 position of the state resources. Moneys received
32 under this section shall not be commingled with state
33 aid payments made under section 257.16 to a school
34 district and shall be accounted for by the local
35 school district separately from state aid payments.
36 Payments made to school districts under this section
37 are miscellaneous income for purposes of chapter 257."

38 3. By renumbering, relettering, and redesignating
39 as necessary.

MICHAEL E. GRONSTAL
DENNIS H. BLACK
STEVEN D. HANSEN
ROBERT E. DVORSKY
BILL FINK
MICHAEL W. CONNOLLY
MARK SHEARER
PATRICIA M. HARPER
MATT McCOY
EUGENE S. FRAISE
JOHNIE HAMMOND
BETTY A. SOUKUP
JOHN JUDGE
TOM FLYNN
JOE BOLKCOM
ELAINE SZYMONIAK

S-3527

1 Amend House File 773, as passed by the House, as
2 follows:
3 1. Page 3, by inserting after line 4 the
4 following:
5 "Sec. . Section 598.21, subsection 5A,
6 paragraph a, subparagraph (3), Code 1999, is amended
7 to read as follows:
8 (3) The child's expected contribution shall be
9 deducted from the cost of postsecondary education and
10 the court shall apportion responsibility for the
11 remaining cost of postsecondary education to each
12 parent. The A rebuttable presumption arises that the
13 amount paid by each a parent or the child shall not
14 exceed thirty-three and one-third percent of the total
15 cost of postsecondary education. Factors that the
16 court shall consider in determining whether the
17 presumption has been rebutted shall include all of the
18 following:
19 (a) The financial resources of each parent.
20 (b) The financial resources of the child.
21 (c) The health of the child.
22 (d) The scholastic aptitude of the child.
23 (e) Other factors the court determines to be
24 relevant in an individual case."
25 2. Title page, line 1, by inserting after the
26 word "including" the following: "a postsecondary

- 27 education subsidy,"
28 3. By renumbering as necessary.

JOHN JUDGE
MARY E. KRAMER

S-3528

- 1 Amend House File 772, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 21, by inserting after line 22 the
4 following:
5 "Sec. . Section 8.57, subsection 5, paragraph
6 e, Code 1999, is amended to read as follows:
7 e. Notwithstanding provisions to the contrary in
8 sections 99D.17 and 99F.11, for each of the fiscal
9 years in the fiscal period beginning July 1, 1995, and
10 July 1, 1996, ending June 30, 1999, not more than a
11 total of sixty million dollars; for the fiscal year
12 beginning July 1, 1999, not more than fifty million
13 dollars; and for the fiscal year beginning July 1,
14 2000, and for each fiscal year thereafter, not more
15 than forty million dollars; shall be deposited in the
16 general fund of the state in any fiscal year pursuant
17 to sections 99D.17 and 99F.11. The total moneys in
18 excess of the moneys deposited in the general fund in
19 a fiscal year shall be deposited in the infrastructure
20 fund and shall be used as provided in this section,
21 notwithstanding section 8.60."
22 2. Page 23, by inserting after line 23 the
23 following:
24 "Sec. . **NEW SECTION. 16.110 IOWA SCHOOL**
25 **DISTRICT REVOLVING LOAN FUND PROGRAM -- DEFINITIONS.**
26 1. The Iowa school district revolving loan fund
27 program is established for the purpose of making loans
28 available to school districts to finance all or part
29 of the costs of a project. The purpose of the program
30 is to provide a means for Iowa schools to reduce their
31 long-term borrowing costs and thus reduce costs to
32 taxpayers.
33 2. The authority shall process, review, and
34 approve loan applications which satisfy the rules
35 adopted by the authority in implementing the Iowa
36 school district revolving loan fund program. The
37 school districts to which loans are to be made, the
38 purposes of the loan, the amount of each loan, the
39 interest rate of the loan, and the repayment terms of
40 the loan shall be determined by the authority in
41 accordance with its rules.
42 3. For purposes of this section and sections
43 16.111 through 16.115, "project" means any undertaking
44 by a school district for which financing is authorized

45 under chapter 296 or 298 to the extent the project
46 replaces or repairs a school building that is a danger
47 to public health or safety, or is otherwise dangerous
48 to human life, including all costs and expenses
49 associated with authorization for, and commencement
50 of, a project. However, "school district" means a

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1 public school district as governed by chapter 274.
2 Sec. NEW SECTION. 16.111 REVOLVING LOAN
3 FUND ESTABLISHED.

4 1. The Iowa school district revolving loan fund is
5 established in the state treasury under the control of
6 the authority. The revolving loan fund shall include
7 sums appropriated to the fund by the general assembly
8 and all receipts from loans made to school districts
9 by the authority, and any other sums designated for
10 deposit in the revolving loan fund from any public or
11 private source. All moneys appropriated to and
12 deposited in the revolving loan fund are appropriated
13 and shall be used for the sole purpose of making loans
14 to school districts to finance all or part of the cost
15 of projects. Moneys in the fund may also be used to
16 pay the costs and expenses associated with
17 administration of the Iowa school district revolving
18 loan fund program. A loan made to a school district
19 from the revolving loan fund is an indebtedness of the
20 school district within the meaning of any
21 constitutional or statutory school district debt
22 limitation in effect at the time the loan agreement is
23 made.

24 2. The moneys in the revolving loan fund are not
25 considered part of the general fund of the state, are
26 not subject to appropriation for any other purpose by
27 the general assembly, and in determining a general
28 fund balance shall not be included in the general fund
29 of the state but shall remain in the revolving loan
30 fund to be used for its respective purposes. The Iowa
31 school district revolving loan fund is a separate
32 dedicated fund under the administration and control of
33 the authority and subject to section 16.31. Moneys on
34 deposit in the fund shall be invested by the treasurer
35 of state in cooperation with the authority, and the
36 income from the investments shall be credited to and
37 deposited in the fund.

38 3. The authority may establish and maintain other
39 funds or accounts determined to be necessary to carry
40 out the purposes of sections 16.110 through 16.115 and
41 shall provide for the funding, administration,
42 investment, restrictions, and disposition of the funds
43 and accounts.

44 Sec. NEW SECTION. 16.112 BONDS AND NOTES
45 ISSUED BY AUTHORITY.

46 1. The authority may issue its bonds and notes for
47 the purpose of funding the revolving loan fund
48 established in section 16.111. The authority may
49 enter into one or more lending agreements or purchase
50 agreements with one or more bondholders or noteholders

Page 3

1 containing the terms and conditions of the repayment
2 of and the security for the bonds or notes. The
3 authority and the bondholders or noteholders or a
4 trustee agent designated by the authority may enter
5 into agreements to provide for any of the following:
6 a. That the proceeds of the bonds and notes and
7 the investments of the proceeds may be received, held,
8 and disbursed by the authority or by a trustee or
9 agent designated by the authority.

10 b. That the bondholders or noteholders or a
11 trustee or agent designated by the authority may
12 collect, invest, and apply the amount payable under
13 the loan agreements or any other instruments securing
14 the debt obligations under the loan agreements.

15 c. That the bondholders or noteholders may enforce
16 the remedies provided in the loan agreements or other
17 instruments on their own behalf without the
18 appointment or designation of a trustee. If there is
19 a default in the principal of or interest on the bonds
20 or notes or in the performance of any agreement
21 contained in the loan agreements or other instruments,
22 the payment or performance may be enforced in
23 accordance with the loan agreement or other
24 instrument.

25 d. Other terms and conditions as deemed necessary
26 or appropriate by the authority.

27 2. The powers granted the authority under this
28 section are in addition to other powers contained in
29 this chapter. All other provisions of this chapter,
30 except section 16.28, subsection 4, apply to bonds or
31 notes issued and powers granted to the authority under
32 this section except to the extent they are
33 inconsistent with this section.

34 3. All bonds or notes issued by the authority in
35 connection with the program are exempt from taxation
36 by this state and the interest on the bonds or notes
37 is exempt from state income tax.

38 Sec. NEW SECTION. 16.113 SECURITY --
39 RESERVE FUNDS -- PLEDGES -- NONLIABILITY --
40 IRREVOCABLE CONTRACTS.

41 1. The authority may provide in the resolution,
42 trust agreement, or other instrument authorizing the

43 issuance of its bonds or notes pursuant to section
44 16.112 that the principal of, premium, and interest on
45 the bonds or notes are payable from any of the
46 following and may pledge the same to its bonds and
47 notes:
48 a. The income and receipts or other moneys derived
49 from the projects financed with the proceeds of the
50 bonds or notes.

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1 b. The income and receipts or other moneys derived
2 from designated projects whether or not the projects
3 are financed in whole or in part with the proceeds of
4 the bonds or notes.
5 c. The authority's income and receipts or other
6 assets generally, or a designated part or parts of
7 them.
8 2. The authority may establish reserve funds to
9 secure one or more issues of its bonds or notes. The
10 authority may deposit in a reserve fund established
11 under this subsection the proceeds of the sale of its
12 bonds or notes and other moneys which are made
13 available from any other source.
14 3. It is the intention of the general assembly
15 that a pledge made in respect of bonds or notes shall
16 be valid and binding from the time the pledge is made,
17 that the moneys or property so pledged and received
18 after the pledge by the authority shall immediately be
19 subject to the lien of the pledge without physical
20 delivery or further act, and that the lien of the
21 pledge shall be valid and binding as against all
22 parties having claims of any kind in tort, contract,
23 or otherwise against the authority whether or not the
24 parties have notice of the lien. The resolution,
25 trust agreement, or any other instrument by which a
26 pledge is created does not need to be recorded or
27 filed under the Iowa uniform commercial code to be
28 valid, binding, or effective against the parties.
29 4. The members of the authority or persons
30 executing the bonds or notes are not personally liable
31 on the bonds or notes and are not subject to personal
32 liability or accountability by reason of the issuance
33 of the bonds or notes.
34 5. The bonds or notes issued by the authority are
35 not an indebtedness or other liability of the state or
36 of a political subdivision of the state within the
37 meaning of any constitutional or statutory debt
38 limitations but are special obligations of the
39 authority, and are payable solely from the income and
40 receipts or other funds or property of the authority,
41 and the amounts on deposit in the revolving loan fund,

42 and the amounts payable to the authority under its
43 loan agreements with a school district to the extent
44 that the amounts are designated in the resolution,
45 trust agreement, or other instrument of the authority
46 authorizing the issuance of the bonds or notes as
47 being available as security for such bonds or notes.
48 The authority shall not pledge the faith or credit of
49 the state or of a political subdivision of the state
50 to the payment of any bonds or notes. The issuance of

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1 any bonds or notes by the authority does not directly,
2 indirectly, or contingently obligate the state or a
3 political subdivision of the state to apply moneys
4 from, or levy or pledge any form of taxation whatever
5 to, the payment of the bonds or notes.
6 6. The state pledges to and agrees with the
7 holders of bonds or notes issued under section 16.112
8 that the state will not limit or alter the rights and
9 powers vested in the authority to fulfill the terms of
10 a contract made by the authority with respect to the
11 bonds or notes, or in any way impair the rights and
12 remedies of the holders until the bonds or notes,
13 together with the interest on them, including interest
14 on unpaid installments of interest, and all costs and
15 expenses in connection with an action or proceeding by
16 or on behalf of the holders, are fully met and
17 discharged. The authority is authorized to include
18 this pledge and agreement of the state, as it refers
19 to holders of bonds or notes of the authority, in a
20 contract with the holders.

21 Sec. . NEW SECTION. 16.114 APPROPRIATION.

22 1. a. There is appropriated from the rebuild Iowa
23 infrastructure fund to the department of education for
24 the fiscal year beginning July 1, 1999, the sum of ten
25 million dollars for deposit in the revolving loan fund
26 established in section 16.111.

27 b. There is appropriated from the rebuild Iowa
28 infrastructure fund to the department of education for
29 the fiscal year beginning July 1, 2000, the sum of
30 twenty million dollars for deposit in the revolving
31 loan fund established in section 16.111.

32 2. It is the intent of the general assembly to
33 increase by ten million dollars annually the amount
34 appropriated in subsection 1, paragraph "b", until the
35 total amount appropriated annually for purposes of the
36 Iowa school district revolving loan fund program
37 reaches fifty million dollars.

38 Sec. . NEW SECTION. 16.115 ADOPTION OF RULES.

39 The authority shall adopt rules pursuant to chapter

40 17A to implement sections 16.110 through 16.114."

41 3. By renumbering as necessary.

JOHN JUDGE
 TOM FLYNN
 MATT McCOY
 BETTY A. SOUKUP
 JOHNIE HAMMOND
 MICHAEL W. CONNOLLY
 JOE BOLKCOM
 MARK SHEARER
 PATRICIA M. HARPER
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 DENNIS H. BLACK
 STEVEN D. HANSEN
 ROBERT E. DVORSKY
 BILL FINK
 WALLY E. HORN
 DICK L. DEARDEN
 JOHN P. KIBBIE

S-3529

1 Amend the amendment, S-3505, to House File 772, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 28, by inserting after the word
 5 "program." the following: "The department of
 6 agriculture and land stewardship, in consultation with
 7 the department of natural resources, shall annually
 8 establish a prioritized list of watersheds that are of
 9 the highest importance to the state's water quality.
 10 The watershed protection program shall, to the extent
 11 practical, target for assistance those watersheds on
 12 the prioritized list."

DERRYL McLAREN

S-3530

1 Amend House File 433, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 9, by striking the word
 4 "duration." and inserting the following: "duration.
 5 and which satisfies all of the following:
 6 (1) Provides for the signature and initials of the
 7 consumer on each page of the contract and is so signed
 8 and initialed by the consumer.
 9 (2) Clearly and conspicuously sets forth on the
 10 first page of the contract any fee for cancellation of

11 the contract, and provides a separate space for the
 12 consumer to initial the agreement with respect to the
 13 acceptance of such cancellation fee.
 14 (3) Clearly and conspicuously sets forth any
 15 waiver on the part of the consumer to bring an action
 16 in court against the service provider, and provides a
 17 separate space for the consumer to initial the
 18 agreement with respect to the acceptance of such
 19 waiver.
 20 (4) Clearly and conspicuously sets forth on the
 21 first page of the contract any nonstandard terms and
 22 conditions, terms and conditions which are to be
 23 negotiated between the service provider and the
 24 individual consumer, and any terms or conditions which
 25 establish financial obligations on the part of the
 26 consumer.
 27 (5) Provides for a notice to be mailed to the
 28 consumer, separate from any other mailing made by the
 29 service provider to the consumer, which gives notice
 30 to the consumer of any automatic renewal of the
 31 agreement, and which notice is mailed to the consumer
 32 no more than thirty days or less than twenty days
 33 prior to the date of such automatic renewal."

STEVE KING
 JERRY BEHN
 MARY A. LUNDBY

S-3531

1 Amend House File 772, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 34, by striking the figure "1."
 4 2. Page 2, by striking line 3 and inserting the
 5 following:
 6 "FY 2000-2001..... \$ 1,450,000"
 7 3. Page 2, line 4, by striking the word
 8 "subsection" and inserting the following: "section".
 9 4. Page 2, by striking line 8 and inserting the
 10 following:
 11 "1. Of the amount appropriated in this section for
 12 the".
 13 5. Page 2, by striking line 12 and inserting the
 14 following:
 15 "2. Of the amount appropriated in this section for
 16 the".
 17 6. Page 2, by striking line 18 and inserting the
 18 following:
 19 "3. Of the amount appropriated in this section
 20 for".
 21 7. Page 2, by striking line 23 and inserting the
 22 following:

- 23 "4. Of the amount appropriated in this section for
24 the".
- 25 8. Page 2, line 32, by striking the word
26 "subsection" and inserting the following: "section".
- 27 9. Page 2, line 35, by striking the word
28 "subsection" and inserting the following: "section".
- 29 10. Page 3, by striking lines 3 through 5 and
30 inserting the following: "provided in subsection 4.
31 Except as provided in subsection 1, each grant awarded
32 from moneys appropriated in this section shall not
33 exceed \$100,000 per project. Not more".
- 34 11. Page 3, by striking lines 7 through 18.
- 35 12. Page 7, by striking lines 7 through 11 and
36 inserting the following:
37 "With respect to the proposed construction,
38 financing, and anticipated operation and maintenance
39 of the parking structure, the department shall, in
40 cooperation and consultation with the department of
41 management, a representative of the general assembly,
42 and the treasurer of state, develop cost data for the
43 construction, operation, and maintenance of the
44 structure."
- 45 13. Page 7, by inserting after line 27 the
46 following:
47 ". For capitol interior restoration:
48 FY 1999-2000..... \$ 4,381,000
49 FY 2000-2001..... \$ 4,324,100
50 The department shall cooperate with the legislative

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- 1 and judicial branches regarding decisions involving
2 the renovation, remodeling, preparation, or assignment
3 of space occupied or used by the respective branches
4 within the state capitol building pursuant to section
5 2.43.
- 6 Of the amount appropriated in this subsection for
7 the fiscal year beginning July 1, 1999, \$50,000 shall
8 be allocated to the department of cultural affairs to
9 be used to conduct a study to stabilize the battle
10 flag collection's condition by a professional flag
11 conservator and for other necessary expenses incurred
12 by the department, notwithstanding section 8.57,
13 subsection 5, paragraph "c".
- 14 For renovation of office space occupied or
15 used by the governor, governor's staff, and department
16 of management in the state capitol building:
17 FY 1999-2000..... \$ 250,000
18 FY 2000-2001..... \$ 0
- 19 For renovations to and shelving for the fifth
20 floor of the law library in the state capitol
21 building:

22 FY 1999-2000..... \$ 400,000
 23 FY 2000-2001..... \$ 0
 24 For a study to determine the requirements for
 25 and feasibility of constructing a pedestrian bridge
 26 across court avenue to connect the new judicial
 27 building with other areas of the capitol complex:
 28 FY 1999-2000..... \$ 25,000
 29 FY 2000-2001..... \$ 0
 30 For the design and construction of an Iowa
 31 hall of pride:
 32 FY 1999-2000..... \$ 1,500,000
 33 FY 2000-2001..... \$ 275,000
 34 The department may enter into an agreement under
 35 chapter 28E with public and private agencies for
 36 purposes of planning, designing, constructing,
 37 operating, and maintaining an Iowa hall of pride on
 38 the capitol complex.
 39 The legislative council shall review design and
 40 location proposals for construction of the Iowa hall
 41 of pride. The department shall submit a report to the
 42 general assembly regarding the operational and
 43 maintenance aspects of the Iowa hall of pride."
 44 14. By striking page 8, line 19, through page 9,
 45 line 29, and inserting the following: "for the fiscal
 46 biennium beginning July 1, 1999, and ending June 30,
 47 2001, the following amounts, or so much thereof as is
 48 necessary, to be used for the purposes designated,
 49 notwithstanding section 8.57, subsection 5, paragraph
 50 "c":

Page 3

1 For planning, design, and construction of
 2 legislative support space in the area of the capitol
 3 complex:
 4 FY 1999-2000..... \$ 1,600,000
 5 FY 2000-2001..... \$ 0"
 6 15. Page 14, by striking lines 4 through 7.
 7 16. Page 18, by striking line 27 and inserting
 8 the following:
 9 "FY 1999-2000..... \$ 2,300,000"
 10 17. By renumbering and correcting internal
 11 references as necessary.

STEWART E. IVERSON, Jr.

S-3532

1 Amend Senate file 480 as follows:
 2 1. Page 13, by inserting after line 10 the
 3 following:
 4 "Sec. 100. Section 257.11, Code 1999, is amended

5 by striking the section and inserting in lieu thereof
6 the following:

7 257.11 SUPPLEMENTARY WEIGHTING.

8 1. REGULAR CURRICULUM. Pupils in a regular
9 curriculum attending all their classes in the district
10 in which they reside, taught by teachers employed by
11 that district, and having administrators employed by
12 that district, are assigned a weighting of one.

13 2. DISTRICT-TO-DISTRICT SHARING.

14 a. In order to provide additional funds for school
15 districts which send their resident pupils to another
16 school district, which jointly employ and share the
17 services of teachers under section 280.15, or which
18 use the services of a teacher employed by another
19 school district, a supplementary weighting plan for
20 determining enrollment is adopted.

21 b. If the school budget review committee certifies
22 to the department of management that the shared
23 classes or teachers would otherwise not be implemented
24 without the assignment of additional weighting, pupils
25 attending classes in another school district,
26 attending classes taught by a teacher who is employed
27 jointly under section 280.15, or attending classes
28 taught by a teacher who is employed by another school
29 district, are assigned a weighting, in addition to the
30 weighting assigned in subsection 1, of forty-eight
31 hundredths of the percentage of the pupil's school day
32 during which the pupil attends classes in another
33 district, attends classes taught by a teacher who is
34 jointly employed under section 280.15, or attends
35 classes taught by a teacher who is employed by another
36 school district.

37 3. DISTRICT-TO-COMMUNITY-COLLEGE SHARING.

38 a. In order to provide additional funds for school
39 districts which send their resident pupils to a
40 community college for classes, a supplementary
41 weighting plan for determining enrollment is adopted.

42 b. If the school budget review committee certifies
43 to the department of management that the class would
44 not otherwise be implemented without the assignment of
45 additional weighting, pupils attending a community
46 college-offered class or attending a class taught by a
47 community college-employed teacher are assigned a
48 weighting, in addition to the weighting assigned in
49 subsection 1, of forty-eight hundredths of the
50 percentage of the pupil's school day during which the

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1 pupil attends class in the community college or
2 attends a class taught by a community college-employed
3 teacher. The following requirements shall be met for

4 the purposes of assigning an additional weighting for
5 classes offered through a sharing agreement between a
6 school district and community college. The class must
7 be:

8 (1) Supplementing high school classes and not
9 supplanting a class that was offered in the preceding
10 year or the second preceding year.

11 (2) Included in the community college catalog or
12 other official college literature describing class
13 offerings.

14 (3) Open to all registered community college
15 students, not just high school students.

16 (4) For college credit and the credit must apply
17 toward an associate of arts or associate of science
18 degree, or toward an associate of applied arts or
19 associate of applied science degree, or toward
20 completion of a diploma program.

21 (5) Taught by a teacher meeting requirements for
22 providing instruction at the community college level.

23 (6) Taught utilizing the class syllabus approved
24 by the community college.

25 (7) Of the same quality as a class offered on a
26 community college campus.

27 4. AT-RISK PROGRAMS.

28 a. In order to provide additional funding to
29 school districts for programs serving at-risk pupils
30 in grades nine through twelve, a supplementary
31 weighting plan for at-risk pupils is adopted. A
32 supplementary weighting of fifty-one thousandths per
33 pupil shall be assigned to the percentage of pupils in
34 a school district enrolled in grades one through
35 twelve who are eligible for free or reduced price
36 meals under the federal National School Lunch Act and
37 the federal Child Nutrition Act of 1966, 42 U.S.C. }
38 1751-1785, multiplied by the enrollment in grades nine
39 through twelve in the school district, and a
40 supplementary weighting of fourteen thousandths shall
41 be assigned to pupils in grades nine through twelve
42 based on the actual enrollment of pupils in grades
43 nine through twelve in the school district. Amounts
44 received as supplementary weighting for at-risk pupils
45 shall be utilized by a school district to develop or
46 maintain alternative programs or an at-risk pupils'
47 program, including alternative high school programs,
48 and shall be in addition to and not supplanting moneys
49 appropriated in section 279.51 and moneys otherwise
50 appropriated by law to supplement that funding.

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1 b. Notwithstanding paragraph "a", a school
2 district which received supplementary weighting for an

3 alternative high school program offered by a community
4 college or another school district, for the school
5 budget year beginning July 1, 1998, shall receive a
6 minimum of one hundred percent of the amount
7 determined by the application of supplementary
8 weighting for students in an alternative high school
9 program for the school budget year beginning July 1,
10 1999, and for the succeeding school budget year. This
11 amount shall be adjusted according to the provisions
12 of section 257.6 based upon reports filed under
13 section 11.6. The adjusted amount shall be used as
14 the basis for any guarantees or reductions under this
15 section beginning with the budget year commencing July
16 1, 2000. Effective for the school budget year
17 beginning July 1, 2001, and for succeeding budget
18 years, a school district which received supplementary
19 weighting for an alternative high school program
20 offered by a community college or another school
21 district for the school budget year beginning July 1,
22 1998, shall receive a twenty percent reduction in the
23 amount received pursuant to this paragraph each year
24 until the amount generated by the supplementary
25 weighting authorized in paragraph "a" is reached.

26 5. SHARED CLASSES DELIVERED OVER THE IOWA
27 COMMUNICATIONS NETWORK. A pupil attending a class in
28 which students from one or more other school districts
29 are enrolled and which is taught via the Iowa
30 communications network is not deemed to be attending a
31 class in another school district or in a community
32 college for the purposes of this section and the
33 school district is not eligible for supplementary
34 weighting for that class under this section.

35 6. PUPILS INELIGIBLE. A pupil eligible for the
36 weighting plan provided in section 256B.9, or
37 attending classes authorized pursuant to chapter 261C,
38 is not eligible for supplementary weighting pursuant
39 to this section. A pupil attending an alternative
40 high school or an alternative program shall receive
41 supplementary weighting pursuant to subsection 4, and
42 shall not be eligible for supplementary weighting
43 pursuant to subsection 2 or 3.

44 Sec. 101. ENROLLMENT ADJUSTMENT. For the school
45 budget year beginning July 1, 1999, a school district
46 participating in an alternative high school program
47 offered by a community college, which undercounted its
48 weighted enrollment attributable to participation in
49 the alternative high school program by 55 or more
50 students when determining enrollment pursuant to

Page 4

- 1 section 257.6 on September 18, 1998, shall be
 2 authorized to adjust the enrollment count to reflect
 3 the revised weighted enrollment count in a report
 4 which shall be submitted to the department of
 5 education within 30 days after the effective date of
 6 this section. The department of education shall
 7 forward the report to the department of management,
 8 which shall adjust the budget enrollment for the
 9 school district accordingly.
- 10 Sec. 102. Section 257.12, Code 1999, is repealed."
 11 2. Page 13, by inserting before line 11 the
 12 following:
 13 "Sec. . EFFECTIVE DATE. Sections 100 through
 14 102 of this division of this Act, being deemed of
 15 immediate importance, take effect upon enactment."
 16 3. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-3533

- 1 Amend House File 772, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 12, by striking lines 26 through 30.

GENE MADDOX
 JEFF LAMBERTI
 MATT McCOY

S-3534

- 1 Amend House File 772, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 18, by inserting after line 18 the
 4 following:
 5 "____. Of the amount appropriated in this
 6 subsection for each fiscal year, up to \$500,000 may be
 7 used to provide assistance for the dredging of and
 8 improvements to Easter lake. This assistance shall be
 9 provided on a matching basis of one dollar of state
 10 funds for every dollar contributed by a source other
 11 than the state."
 12 2. By renumbering as necessary.

MATT McCOY

HOUSE AMENDMENT TO
SENATE FILE 458

S-3535

- 1 Amend Senate File 458, 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 441.49, unnumbered paragraph
- 6 3, Code 1999, is amended to read as follows:
- 7 On or before October 15 the county auditor shall
- 8 cause to be published in official newspapers of
- 9 general circulation the final equalization order. The
- 10 publication shall include, in type larger than the
- 11 remainder of the publication, the following statement:
- 12 "Assessed values are equalized by the department of
- 13 revenue and finance every two years. Local taxing
- 14 authorities determine the final tax levies and may
- 15 reduce property tax rates to compensate for any
- 16 increase in valuation due to equalization." Failure
- 17 to publish the equalization order has no effect upon
- 18 the validity of the orders."
- 19 2. Page 1, line 1, by striking the words
- 20 "paragraphs h, and" and inserting the following:
- 21 "paragraph".
- 22 3. Page 1, line 2, by striking the word "are" and
- 23 inserting the following: "is".
- 24 4. Page 1, by striking lines 3 through 6.
- 25 5. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 76

S-3536

- 1 Amend Senate File 76, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 22, by striking the word
- 4 "committee" and inserting the following: "and
- 5 oversight committees".
- 6 2. By striking page 1, line 31, through page 2,
- 7 line 9, and inserting the following:
- 8 "Sec. . There is appropriated from the road use
- 9 tax fund to the state department of transportation for
- 10 the fiscal year beginning July 1, 1999, and ending
- 11 June 30, 2000, the following amount, or so much
- 12 thereof as is necessary, for the purpose designated:
- 13 For costs associated with the county issuance of
- 14 driver's licenses:
- 15 \$ 308,000"
- 16 3. Page 2, by inserting after line 16 the

- 17 following:
- 18 "Sec. . ASSISTANCE FOR RAILROAD CLOSE-CLEARANCE
 19 WARNING DEVICES. Notwithstanding any contrary
 20 provision in section 327H.20A, the state department of
 21 transportation may use moneys in the railroad
 22 revolving loan fund to erect close-clearance warning
 23 devices along railroad rights of way when necessary."
 24 4. Title page, line 2, by striking the words
 25 "reversion of" and inserting the following: "use of
 26 reverting".
 27 5. Title page, line 3, by striking the words "a
 28 standing" and inserting the following: "an".
 29 6. Title page, line 4, by inserting after the
 30 word "funds" the following: "and providing an
 31 effective date".
 32 7. By renumbering, relettering, or redesignating
 33 and correcting internal references as necessary.

S-3537

- 1 Amend House File 772, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 4, by striking lines 22 and 23 and
 4 inserting the following: "tourism development
 5 program, as established in this Act."
 6 2. Page 4, line 32, by inserting after the word
 7 "markets" the following: ", notwithstanding section
 8 8.57, subsection 5, paragraph "c".
 9 3. Page 5, line 6, by inserting after the word
 10 "facility" the following: ", notwithstanding section
 11 8.57, subsection 5, paragraph "c".
 12 4. Page 5, by striking lines 17 and 18 and
 13 inserting the following: "appropriation provided for
 14 in that section:"
 15 5. Page 5, by striking lines 24 and 25 and
 16 inserting the following: "advanced technology, or
 17 biotechnology:"
 18 6. Page 6, by striking lines 20 through 23.
 19 7. Page 7, by striking lines 13 and 14 and
 20 inserting the following: "on the capitol complex:"
 21 8. Page 8, by striking lines 25 and 26 and
 22 inserting the following: "necessary, to be used for
 23 the purposes designated:"
 24 9. Page 9, line 5, by inserting after the word
 25 "department" the following: ", notwithstanding
 26 section 8.57, subsection 5, paragraph "c".
 27 10. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3538

- 1 Amend House File 781, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 10, line 31, through page 11,
- 4 line 7.

MIKE SEXTON
JERRY BEHN
KITTY REHBERG
STEVE KING
KEN VEENSTRA
LARRY McKIBBEN

S-3539

- 1 Amend House File 772, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 28 the
- 4 following:
- 5 "Of the amount appropriated in this subsection for
- 6 each fiscal year, up to \$12,500,000 may be used to
- 7 fund a Loess Hills tropical racetrack casino library."

JOHN REDWINE
STEVEN D. HANSEN

S-3540

- 1 Amend the amendment, S-3531, to House File 772, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 27 through 33 and
- 5 inserting the following:
- 6 "____. By striking page 2, line 35, through page
- 7 3, line 5, and inserting the following: "Except as
- 8 provided in subsection 1, each grant awarded from
- 9 moneys appropriated in this section shall not exceed
- 10 \$100,000 per project. Not more".
- 11 2. By renumbering as necessary.

JOE BOLKCOM
MARY LOU FREEMAN

S-3541

- 1 Amend House File 772, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 29, by inserting after line 10 the
- 4 following:
- 5 "Sec. . Section 414.1, Code 1999, is amended to
- 6 read as follows:

7 414.1 BUILDING RESTRICTIONS -- POWERS GRANTED.

- 8 1. For the purpose of promoting the health,
 9 safety, morals, or the general welfare of the
 10 community or for the purpose of preserving
 11 historically significant areas of the community, any
 12 city is hereby empowered to regulate and restrict the
 13 height, number of stories, and size of buildings and
 14 other structures, the percentage of lot that may be
 15 occupied, the size of yards, courts, and other open
 16 spaces, the density of population, and the location
 17 and use of buildings, structures, and land for trade,
 18 industry, residence, or other purposes.
- 19 2. The city of Des Moines may, for the purpose of
 20 preserving the dominance of the dome of the state
 21 capitol building and the view of the state capitol
 22 building from prominent public viewing points,
 23 regulate and restrict the height and size of buildings
 24 and other structures in the city of Des Moines. Any
 25 regulations pertaining to such matters shall be made
 26 in accordance with a comprehensive plan and in
 27 consultation with the capitol planning commission."
- 28 2. By renumbering and correcting internal
 29 references as necessary.

MATT McCOY
 JOHN W. JENSEN

S-3542

- 1 Amend House File 772, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 10, line 15, by inserting after the word
 4 "offices" the following: "and the location of the
 5 laboratory for the state medical examiner and the
 6 state medical examiner's staff".

ELAINE SZYMONIAK

S-3543

- 1 Amend Senate File 480 as follows:
 2 1. Page 9, by inserting after line 32 the
 3 following:
 4 "Sec. . IOWA LAW ENFORCEMENT ACADEMY. There is
 5 appropriated from the general fund of the state to the
 6 Iowa law enforcement academy for the fiscal year
 7 beginning July 1, 1999, and ending June 30, 2000, the
 8 following amount, or so much thereof as is necessary,
 9 to be used for the purposes designated:
 10 For salaries, support, maintenance, and
 11 miscellaneous purposes to provide statewide
 12 coordination of the drug abuse resistance education

13 (D.A.R.E.) program:

14 \$ 80,000"

15 2. Page 12, by inserting after line 22 the
16 following:

17 "Sec. . RUNAWAY TREATMENT. There is
18 appropriated from the general fund of the state to the
19 department of human services for the fiscal year
20 beginning July 1, 1998, and ending June 30, 1999, the
21 following amount, or so much thereof as is necessary,
22 to be used for the purpose designated:

23 For a grant to a county with a population between
24 168,000 and 175,000 for implementation of the county's
25 runaway treatment plan under section 232.195:

26 \$ 80,000

27 The grant shall be administered by the county's
28 board of supervisors in consultation with the local
29 runaway and treatment task force. Notwithstanding
30 section 8.33, moneys appropriated in this section
31 which remain unobligated or unexpended at the close of
32 the fiscal year shall not revert but shall remain
33 available to be used for the purpose designated in the
34 succeeding fiscal year."

35 3. Page 12, by inserting after line 26 the
36 following:

37 "Sec. . Section 137F.1, subsection 8, paragraph
38 f, Code 1999, is amended by striking the paragraph and
39 inserting in lieu thereof the following:

40 f. Premises of a residence in which food that is
41 nonpotentially hazardous is sold for consumption off
42 the premises to a consumer customer, if the food is
43 labeled to identify the name and address of the person
44 preparing the food and the common name of the food.

45 Sec. . Section 137F.2, subsection 6, Code 1999,
46 is amended to read as follows:

47 6. 3-201.11(B) shall be amended to allow food
48 prepared by a home food establishment licensed under
49 chapter 137D ~~or by an operation specified under~~
50 ~~section 137F.1, subsection 8, paragraph "f", to be~~

Page 2

1 used or offered for sale.

2 Sec. . Section 137F.2, Code 1999, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 12. 3-201.16(B) shall be amended
5 to exclude wild morel mushrooms.

6 Sec. . Section 137F.2, Code 1999, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 13. 3-501.17 shall be amended to
9 provide that paragraphs (C) and (D) shall not apply to
10 aged cheese.

11 Sec. . Section 137F.2, Code 1999, is amended by

12 adding the following new subsection:
13 NEW SUBSECTION. 14. 3-603.11 shall be amended so
14 that the rule shall not apply to whole muscle red
15 meats."

16 4. Page 13, by inserting after line 10 the
17 following:

18 "Sec. . Section 232.52, subsection 2, paragraph
19 a, subparagraph (4), Code 1999, is amended by adding
20 the following new subparagraph subdivisions:
21 NEW SUBPARAGRAPH SUBDIVISION. (g) Section 708.1,
22 if the assault is committed upon an employee of the
23 school at which the child is enrolled, and the child
24 intended to inflict serious injury upon the school
25 employee or caused bodily injury or mental illness.
26 NEW SUBPARAGRAPH SUBDIVISION. (h) Section 724.4,
27 if the child carried the dangerous weapon on school
28 grounds.

29 NEW SUBPARAGRAPH SUBDIVISION. (i) Section 724.4B.
30 Sec. . Section 484B.4, subsection 2, paragraph
31 c, Code 1999, is amended by striking the paragraph.
32 Sec. . Section 490A.1504, Code 1999, is amended
33 to read as follows:

34 490A.1504 WHO MAY ORGANIZE.
35 ~~Two~~ One or more individuals having capacity to
36 contract, ~~each of whom is~~ and licensed to practice a
37 profession in this state ~~in~~ which the professional
38 limited liability company is to be authorized to
39 practice, may ~~act as organizers of~~ organize a
40 professional limited liability company.

41 Sec. . Section 514I.5, subsection 7, paragraph
42 d, Code 1999, is amended to read as follows:
43 d. Develop, with the assistance of the department,
44 an outreach plan ~~for implementation by the~~
45 ~~administrative contractor~~, and provide for periodic
46 assessment of the effectiveness of the outreach plan.
47 The plan shall provide outreach to families of
48 children likely to be eligible for assistance under
49 the program ~~or for other health insurance coverage or~~
50 ~~care programs~~, to inform them of the availability of

Page 3

1 and to assist the families in enrolling children in
2 the program. The outreach efforts shall may include,
3 but are not limited to, a comprehensive statewide
4 media campaign, solicitation of cooperation from
5 programs, agencies, and other persons who are likely
6 to have contact with eligible children, including but
7 not limited to those associated with the educational
8 system, and the development of community plans for
9 outreach and marketing.
10 Sec. . Section 514I.7, subsection 2, paragraph

11 a, Code 1999, is amended by striking the paragraph."
 12 Sec. . The general assembly shall enact
 13 legislation no later than March 1, 2000, to address
 14 alternative high school program funding as provided
 15 under section 257.11. The general assembly's interim
 16 committee on school finance shall study and make
 17 recommendations for funding alternative high school
 18 programs offered within a school district, by another
 19 school district, or with a community college. The
 20 committee's report shall be forwarded to the members
 21 of the general assembly no later than December 1,
 22 1999.
 23 Sec. . Section 137D.9, Code 1999, is repealed."
 24 5. By renumbering, relettering, or redesignating
 25 and correcting internal references as necessary.

DERRYL McLAREN

S-3544

1 Amend the House amendment, S-3442, to Senate File
 2 468, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking line 15 and inserting the
 5 following:
 6 "..... \$ 8,192,153"
 7 2. Page 3, by striking line 22 and inserting the
 8 following:
 9 "..... \$ 700,000
 10 In addition to moneys appropriated in this
 11 subsection, the executive council is authorized, in
 12 its discretion, to disburse from the civil reparations
 13 trust fund created in section 668A.1 an additional
 14 amount, not to exceed \$250,000, to the department of
 15 justice for use as legal services for persons in
 16 poverty grants as provided in section 13.34."
 17 3. Page 5, by striking line 12 and inserting the
 18 following:
 19 "..... \$ 19,962,613"
 20 4. Page 5, by striking line 19 and inserting the
 21 following:
 22 "..... \$ 22,013,346"
 23 5. Page 5, by striking line 28 and inserting the
 24 following:
 25 "..... \$ 20,529,274"
 26 6. Page 5, by striking line 35 and inserting the
 27 following:
 28 "..... \$ 6,912,836"
 29 7. Page 5, by striking line 42 and inserting the
 30 following:
 31 "..... \$ 17,440,368"
 32 8. Page 6, by striking lines 4 and 5 and

33 inserting the following:

34 "..... \$ 10,844,420

35 "..... FTEs 198.96"

36 9. Page 6, by striking lines 11 and 12 and

37 inserting the following:

38 "..... \$ 21,715,253

39 "..... FTEs 350.04"

40 10. Page 11, by striking line 46 and inserting

41 the following:

42 "..... \$ 8,286,344"

43 11. Page 12, by striking line 3 and inserting the

44 following:

45 "..... \$ 6,671,873"

46 12. Page 12, by striking line 10 and inserting

47 the following:

48 "..... \$ 4,003,837"

49 13. Page 12, by striking line 17 and inserting

50 the following:

Page 2

1 "..... \$ 3,096,242"

2 14. Page 12, by striking line 24 and inserting

3 the following:

4 "..... \$ 11,493,706"

5 15. Page 12, by striking line 31 and inserting

6 the following:

7 "..... \$ 8,619,394"

8 16. Page 12, by striking line 38 and inserting

9 the following:

10 "..... \$ 5,094,102"

11 17. Page 12, by striking line 45 and inserting

12 the following:

13 "..... \$ 4,899,801"

14 18. Page 15, by striking line 41 and inserting

15 the following:

16 "..... \$105,040,435"

17 19. Page 17, line 15, by striking the figure

18 "585,270" and inserting the following: "679,843".

19 20. Page 17, line 16, by striking the word and

20 figure "3 district" and inserting the following: "4

21 district".

22 21. Page 17, line 16, by striking the word and

23 figure "3 court" and inserting the following: "4

24 court".

25 22. Page 17, by striking lines 17 and 18 and

26 inserting the following: "reporters, 3 court

27 attendants, and 1 legal assistant. The additional

28 district court judges shall be authorized and assigned

29 as follows:

30 (1) Beginning July 1, 1999, three of the

31 additional district court judges shall be authorized

- 32 and".
- 33 23. Page 17, line 19, by striking the word
- 34 "judge".
- 35 24. Page 17, by inserting after line 21 the
- 36 following:
- 37 "(2) Beginning January 1, 2000, one of the
- 38 additional district court judges shall be authorized
- 39 and shall be assigned to judicial election subdistrict
- 40 five-C."
- 41 25. Page 19, by striking lines 27 through 31.
- 42 26. Page 23, by striking lines 6 and 7 and
- 43 inserting the following:
- 44 "..... \$ 357,036
- 45 FTEs 4.00"
- 46 27. Page 24, line 8, by striking the word
- 47 "fifteen" and inserting the following: "sixteen".
- 48 28. By renumbering as necessary.

GENE MADDOX

S-3545

- 1 Amend House File 772, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 30, by inserting after line 9 the
- 4 following:
- 5 "Sec. . SCHOOL BUILDING FINANCING -- STUDY.
- 6 The legislative council is requested to establish an
- 7 interim study committee consisting of five members
- 8 from each house of the general assembly, representing
- 9 both political parties, to study the financing
- 10 mechanisms for K-12 school buildings, including
- 11 construction of, improvements to, and renovation of
- 12 such buildings. The committee should have seven
- 13 meeting days and may be authorized to conduct public
- 14 hearings across the state regarding the issues to be
- 15 studied by the committee. The committee should be
- 16 directed to submit its findings, together with any
- 17 recommendations, in a report to the general assembly
- 18 session which convenes in January 2000."
- 19 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3546

- 1 Amend House File 782, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 15, by inserting after line 3 the
- 4 following:
- 5 "Sec. 100. Section 257.11, Code 1999, is amended
- 6 by striking the section and inserting in lieu thereof

7 the following:

8 257.11 SUPPLEMENTARY WEIGHTING.

9 1. REGULAR CURRICULUM. Pupils in a regular
10 curriculum attending all their classes in the district
11 in which they reside, taught by teachers employed by
12 that district, and having administrators employed by
13 that district, are assigned a weighting of one.

14 2. DISTRICT-TO-DISTRICT SHARING.

15 a. In order to provide additional funds for school
16 districts which send their resident pupils to another
17 school district, which jointly employ and share the
18 services of teachers under section 280.15, or which
19 use the services of a teacher employed by another
20 school district, a supplementary weighting plan for
21 determining enrollment is adopted.

22 b. If the school budget review committee certifies
23 to the department of management that the shared
24 classes or teachers would otherwise not be implemented
25 without the assignment of additional weighting, pupils
26 attending classes in another school district,
27 attending classes taught by a teacher who is employed
28 jointly under section 280.15, or attending classes
29 taught by a teacher who is employed by another school
30 district, are assigned a weighting, in addition to the
31 weighting assigned in subsection 1, of forty-eight
32 hundredths of the percentage of the pupil's school day
33 during which the pupil attends classes in another
34 district, attends classes taught by a teacher who is
35 jointly employed under section 280.15, or attends
36 classes taught by a teacher who is employed by another
37 school district.

38 3. DISTRICT-TO-COMMUNITY-COLLEGE SHARING.

39 a. In order to provide additional funds for school
40 districts which send their resident pupils to a
41 community college for classes, a supplementary
42 weighting plan for determining enrollment is adopted.

43 b. If the school budget review committee certifies
44 to the department of management that the class would
45 not otherwise be implemented without the assignment of
46 additional weighting, pupils attending a community
47 college-offered class or attending a class taught by a
48 community college-employed teacher are assigned a
49 weighting, in addition to the weighting assigned in
50 subsection 1, of forty-eight hundredths of the

Page 2

1 percentage of the pupil's school day during which the
2 pupil attends class in the community college or
3 attends a class taught by a community college-employed
4 teacher. The following requirements shall be met for
5 the purposes of assigning an additional weighting for

6 classes offered through a sharing agreement between a
7 school district and community college. The class must
8 be:

9 (1) Supplementing high school classes and not
10 supplanting a class that was offered in the preceding
11 year or the second preceding year.

12 (2) Included in the community college catalog or
13 other official college literature describing class
14 offerings.

15 (3) Open to all registered community college
16 students, not just high school students.

17 (4) For college credit and the credit must apply
18 toward an associate of arts or associate of science
19 degree, or toward an associate of applied arts or
20 associate of applied science degree, or toward
21 completion of a diploma program.

22 (5) Taught by a teacher meeting requirements for
23 providing instruction at the community college level.

24 (6) Taught utilizing the class syllabus approved
25 by the community college.

26 (7) Of the same quality as a class offered on a
27 community college campus.

28 4. AT-RISK PROGRAMS.

29 a. In order to provide additional funding to
30 school districts for programs serving at-risk pupils
31 in grades nine through twelve, a supplementary
32 weighting plan for at-risk pupils is adopted. A
33 supplementary weighting of fifty-one thousandths per
34 pupil shall be assigned to the percentage of pupils in
35 a school district enrolled in grades one through
36 twelve who are eligible for free or reduced price
37 meals under the federal National School Lunch Act and
38 the federal Child Nutrition Act of 1966, 42 U.S.C. }
39 1751-1785, multiplied by the enrollment in grades nine
40 through twelve in the school district, and a
41 supplementary weighting of fourteen thousandths shall
42 be assigned to pupils in grades nine through twelve
43 based on the actual enrollment of pupils in grades
44 nine through twelve in the school district. Amounts
45 received as supplementary weighting for at-risk pupils
46 shall be utilized by a school district to develop or
47 maintain alternative programs or an at-risk pupils'
48 program, including alternative high school programs,
49 and shall be in addition to and not supplanting moneys
50 appropriated in section 279.51 and moneys otherwise

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1 appropriated by law to supplement that funding.
2 b. Notwithstanding paragraph "a", a school
3 district which received supplementary weighting for an
4 alternative high school program offered by a community

5 college or another school district, for the school
6 budget year beginning July 1, 1998, shall receive a
7 minimum of one hundred percent of the amount
8 determined by the application of supplementary
9 weighting for students in an alternative high school
10 program for the school budget year beginning July 1,
11 1999, and for the succeeding school budget year. This
12 amount shall be adjusted according to the provisions
13 of section 257.6 based upon reports filed under
14 section 11.6. The adjusted amount shall be used as
15 the basis for any guarantees or reductions under this
16 section beginning with the budget year commencing July
17 1, 2000. Effective for the school budget year
18 beginning July 1, 2001, and for succeeding budget
19 years, a school district which received supplementary
20 weighting for an alternative high school program
21 offered by a community college or another school
22 district for the school budget year beginning July 1,
23 1998, shall receive a twenty percent reduction in the
24 amount received pursuant to this paragraph each year
25 until the amount generated by the supplementary
26 weighting authorized in paragraph "a" is reached.

27 5. SHARED CLASSES DELIVERED OVER THE IOWA
28 COMMUNICATIONS NETWORK. A pupil attending a class in
29 which students from one or more other school districts
30 are enrolled and which is taught via the Iowa
31 communications network is not deemed to be attending a
32 class in another school district or in a community
33 college for the purposes of this section and the
34 school district is not eligible for supplementary
35 weighting for that class under this section.

36 6. PUPILS INELIGIBLE. A pupil eligible for the
37 weighting plan provided in section 256B.9, or
38 attending classes authorized pursuant to chapter 261C,
39 is not eligible for supplementary weighting pursuant
40 to this section. A pupil attending an alternative
41 high school or an alternative program shall receive
42 supplementary weighting pursuant to subsection 4, and
43 shall not be eligible for supplementary weighting
44 pursuant to subsection 2 or 3.

45 Sec. 101. ENROLLMENT ADJUSTMENT. For the school
46 budget year beginning July 1, 1999, a school district
47 participating in an alternative high school program
48 offered by a community college, which undercounted its
49 weighted enrollment attributable to participation in
50 the alternative high school program by 55 or more

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1 students when determining enrollment pursuant to
2 section 257.6 on September 18, 1998, shall be
3 authorized to adjust the enrollment count to reflect

4 the revised weighted enrollment count in a report
5 which shall be submitted to the department of
6 education within 30 days after the effective date of
7 this section. The department of education shall
8 forward the report to the department of management,
9 which shall adjust the budget enrollment for the
10 school district accordingly.

11 "Sec. 102. Section 257.12, Code 1999, is repealed."

12 2. Page 16, by inserting before line 7 the
13 following:

14 "Sec. . EFFECTIVE DATE. Sections 100 through
15 102 of this division of this Act, being deemed of
16 immediate importance, take effect upon enactment."

17 3. By renumbering as necessary.

MICHAEL W. CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 470

S-3547

1 Amend Senate File 470, 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 56.2, Code 1999, is amended by
6 adding the following new subsections:

7 NEW SUBSECTION. 5A. "Clearly identified" means
8 that a communication contains an unambiguous reference
9 to a particular candidate or ballot issue, including
10 but not limited to one or more of the following:

11 a. Use of the name of the candidate or ballot
12 issue.

13 b. Use of a photograph or drawing of the
14 candidate, or the use of a particular symbol
15 associated with a specific ballot issue.

16 c. Use of a candidate's initials, nickname,
17 office, or status as a candidate, or use of acronym,
18 popular name, or characterization of a ballot issue.

19 NEW SUBSECTION. 12A. "Express advocacy" or to
20 "expressly advocate" means communication that can be
21 characterized according to at least one of the
22 following descriptions:

23 a. The communication is political speech made in
24 the form of a contribution.

25 b. In advocating the election or defeat of one or
26 more clearly identified candidates or the passage or
27 defeat of one or more clearly identified ballot
28 issues, the communication includes explicit words that
29 unambiguously indicate that the communication is
30 recommending or supporting a particular outcome in the

31 election with regard to any clearly identified

32 candidate or ballot issue.

33 c. When taken as a whole and with limited

34 reference to external events such as the proximity to

35 the election, the communication could only be

36 interpreted by a reasonable person as supporting or

37 recommending the election, passage, or defeat of one

38 or more clearly identified candidates or ballot issues

39 because both of the following conditions are met:

40 (1) The communication, as it relates to the

41 election or defeat of the candidate or ballot issue,

42 is unmistakable, unambiguous, and suggestive of only

43 one meaning.

44 (2) Reasonable minds could not differ as to

45 whether the communication encourages action to

46 nominate, elect, approve, or defeat one or more

47 clearly identified candidates or a ballot issue or

48 whether the communication encourages some other kind

49 of action.

50 Sec. 2. Section 56.2, subsections 16 and 17, Code

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1 1999, are amended to read as follows:

2 16. "Political committee" means a either of the

3 following:

4 a. A committee, but not a candidate's committee,

5 which that accepts contributions in excess of five

6 hundred dollars in the aggregate, makes expenditures

7 in excess of five hundred dollars in the aggregate, or

8 incurs indebtedness in excess of five hundred dollars

9 in the aggregate in any one calendar year ~~for the~~

10 ~~purpose of supporting or opposing to expressly~~

11 advocate the nomination, election, or defeat of a

12 candidate for public office, or for the purpose of

13 supporting or opposing to expressly advocate the

14 passage or defeat of a ballot issue; ~~political~~

15 ~~committee" also means an:~~

16 b. An association, lodge, society, cooperative,

17 union, fraternity, sorority, educational institution,

18 civic organization, labor organization, religious

19 organization, or professional organization which that

20 accepts contributions in excess of five hundred

21 dollars in the aggregate, makes expenditures in excess

22 of five hundred dollars in the aggregate, or incurs

23 indebtedness in excess of five hundred dollars in the

24 aggregate in any one calendar year for the purpose of

25 supporting or opposing to expressly advocate the

26 nomination, election, or defeat of a candidate for

27 public office, or for the purpose of supporting or

28 opposing to expressly advocate the passage or defeat

29 of a ballot issue. "Political committee" also

30 includes a committee which accepts contributions in
31 excess of five hundred dollars in the aggregate, makes
32 expenditures in excess of five hundred dollars in the
33 aggregate, or incurs indebtedness in excess of five
34 hundred dollars in the aggregate in a calendar year to
35 cause the publication or broadcasting of material in
36 which the public policy positions or voting record of
37 an identifiable candidate is discussed and in which a
38 reasonable person could find commentary favorable or
39 unfavorable to those public policy positions or voting
40 record.

41 17. "Political purpose" or "political purposes"
42 means the support or opposition express advocacy of a
43 candidate or ballot issue.

44 Sec. 3. Section 56.4, unnumbered paragraphs 2 and
45 3, Code 1999, are amended to read as follows:

46 Political committees supporting or opposing
47 expressly advocating the nomination, election, or
48 defeat of candidates for both federal office and any
49 elected office created by law or the Constitution of
50 the state of Iowa shall file statements and reports

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1 with the board in addition to any federal reports
2 required to be filed with the board. However, a
3 political committee which is registered and filing
4 full disclosure reports of all financial activities
5 with the federal election commission may file verified
6 statements as provided in section 56.5.

7 Political committees supporting or opposing
8 expressly advocating the nomination, election, or
9 defeat of candidates or the passage or defeat of
10 ballot issues for statewide elections and for county,
11 municipal or school elections may file all activity on
12 one report with the board and shall send a copy to the
13 commissioner responsible under section 47.2 for
14 conducting the election.

15 Sec. 4. Section 56.5, subsection 2, paragraph f,
16 Code 1999, is amended to read as follows:

17 f. A signed statement by the treasurer of the
18 committee and the candidate, in the case of a
19 candidate's committee, which shall verify that they
20 are aware of the requirement to file disclosure
21 reports if the committee, the committee officers, the
22 candidate, or both the committee officers and the
23 candidate receive contributions in excess of five
24 hundred dollars in the aggregate, make expenditures in
25 excess of five hundred dollars in the aggregate, or
26 incur indebtedness in excess of five hundred dollars
27 in the aggregate in a calendar year ~~for the purpose of~~
28 supporting or opposing to expressly advocate the

29 nomination, election, or defeat of any candidate for
30 public office. In the case of political committees,
31 statements shall be made by the treasurer of the
32 committee and the chairperson.

33 Sec. 5. Section 56.5A, Code 1999, is amended to
34 read as follows:

35 56.5A CANDIDATE'S COMMITTEE.

36 1. Each candidate for state, county, city, or
37 school office shall organize one, and only one,
38 candidate's committee for a specific office sought
39 when the candidate receives contributions in excess of
40 five hundred dollars in the aggregate, makes
41 expenditures in excess of five hundred dollars in the
42 aggregate, or incurs indebtedness in excess of five
43 hundred dollars in the aggregate in a calendar year.

44 2. A political committee shall not be established
45 to ~~support or oppose~~ expressly advocate the
46 nomination, election, or defeat of only one candidate
47 for office, except that a political committee may be
48 established to ~~support or oppose~~ expressly advocate
49 the passage or defeat of approval of a single judge
50 standing for retention.

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1 Sec. 6. Section 56.6, subsection 1, paragraph d,
2 Code 1999, is amended to read as follows:
3 d. Committees for municipal and school elective
4 offices and local ballot issues shall file their first
5 reports five days prior to any election in which the
6 name of the candidate or the local ballot issue which
7 they ~~support or oppose~~ expressly advocate appears on
8 the printed ballot and shall file their next report on
9 the first day of the month following the final
10 election in a calendar year in which the candidate's
11 name or the ballot issue appears on the ballot. A
12 committee ~~supporting or opposing~~ expressly advocating
13 the nomination, election, or defeat of a candidate for
14 a municipal or school elective office or the passage
15 or defeat of a local ballot issue shall also file
16 disclosure reports on the nineteenth day of January
17 and October of each year in which the candidate or
18 ballot issue does not appear on the ballot and on the
19 nineteenth day of January, May, and July of each year
20 in which the candidate or ballot issue appears on the
21 ballot, until the committee dissolves. These reports
22 shall be current to five days prior to the filing
23 deadline and are considered timely filed if mailed
24 bearing a United States postal service postmark on or
25 before the due date.

26 Sec. 7. Section 56.12A, unnumbered paragraph 1,
27 Code 1999, is amended to read as follows:

28 The state and the governing body of a county, city,
29 or other political subdivision of the state shall not
30 expend or permit the expenditure of public moneys for
31 political purposes, including ~~supporting or opposing~~
32 expressly advocating the passage or defeat of a ballot
33 issue.

34 Sec. 8. Section 56.13, subsections 1, 2, and 3,
35 Code 1999, are amended to read as follows:

36 1. Action involving a contribution or expenditure
37 which must be reported under this chapter and which is
38 taken by any person, candidate's committee or
39 political committee on behalf of a candidate, if known
40 and approved by the candidate, shall be deemed action
41 by the candidate and reported by the candidate's
42 committee. It shall be presumed that a candidate
43 approves the action if the candidate had knowledge of
44 it and failed to file a statement of disavowal with
45 the commissioner or board and take corrective action
46 within seventy-two hours of the action. A person,
47 candidate's committee or political committee taking
48 such action independently of that candidate's
49 committee shall notify that candidate's committee in
50 writing within twenty-four hours of taking the action.

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1 The notification shall provide that candidate's
2 committee with the cost of the promotion at fair
3 market value. A copy of the notification shall be
4 sent to the board.

5 Any person who makes expenditures or incurs
6 indebtedness, other than incidental expenses incurred
7 in performing volunteer work, ~~in support or opposition~~
8 to expressly advocate the nomination, election, or
9 defeat of a candidate for public office shall notify
10 the appropriate committee and provide necessary
11 information for disclosure reports.

12 2. If a person, other than a political committee,
13 makes one or more expenditures in excess of five
14 hundred dollars in the aggregate, or incurs
15 indebtedness in excess of five hundred dollars in the
16 aggregate, in any one calendar year ~~for purposes of~~
17 supporting or opposing to expressly advocate the
18 passage or defeat of a ballot issue, the person shall
19 file a statement of activity within ten days of taking
20 the action exceeding the threshold. The statement
21 shall contain information identifying the person
22 filing the statement, identifying the ballot issue,
23 and indicating the position urged by the person with
24 regard to the ballot issue. The person shall file
25 reports indicating the dates on which the expenditures
26 or incurrence of indebtedness took place; a

27 description of the nature of the action taken which
28 resulted in the expenditures or debt; and the cost of
29 the promotion at fair market value. For a local
30 ballot issue, the reports shall be filed five days
31 prior to any election in which the ballot issue
32 appears and on the first day of the month following
33 the election, as well as on the nineteenth day of
34 January, May, and July of each year in which the
35 ballot issue appears on the ballot and on the
36 nineteenth day of January and October of each year in
37 which the ballot issue does not appear on the ballot.
38 For a statewide ballot issue, reports shall be filed
39 on the nineteenth day of January, May, and July of
40 each year. The reports shall be current to five days
41 prior to the filing deadline, and are considered
42 timely filed if mailed bearing a United States postal
43 service postmark on or before the due date. Filing
44 obligations shall cease when the person files a
45 statement of discontinuation indicating that the
46 person's financial activity ~~in support of or in~~
47 opposition to expressly advocate the passage or defeat
48 of the ballot issue has ceased. Statements and
49 reports shall be filed with the commissioner
50 responsible under section 47.2 for conducting the

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1 election at which the issue is voted upon, except that
2 reports on a statewide ballot issue shall be filed
3 with the board.
4 3. A person taking action involving the making of
5 an expenditure or incurrence of indebtedness ~~in~~
6 support or opposition to expressly advocate the
7 passage or defeat of a ballot issue independently of a
8 political committee shall, within seventy-two hours of
9 taking the action, notify in writing any political
10 committee which advocates the same position with
11 regard to the ballot issue as the person taking the
12 action. The notification shall provide the political
13 committee with the cost of the promotion at fair
14 market value. A copy of the notification shall be
15 sent to the board. It shall be presumed that a
16 benefited committee approves the action if the
17 committee fails to file a statement of disavowal with
18 the commissioner or board and takes corrective action
19 within ten days of the action. Action approved by a
20 committee shall be reported as a contribution by the
21 committee.
22 Sec. 9. Section 56.14, subsection 1, paragraph a,
23 Code 1999, is amended to read as follows:
24 1. a. A person who causes the publication or
25 distribution of published material designed to promote

26 ~~or defeat expressly advocate~~ the nomination, ~~or~~
27 election, ~~or defeat~~ of a candidate for public office
28 or the passage or defeat of a constitutional amendment
29 or public measure shall include conspicuously on the
30 published material the identity and address of the
31 person responsible for the material. If the person
32 responsible is an organization, the name of one
33 officer of the organization shall appear on the
34 material. However, if the organization is a committee
35 which has filed a statement of organization under this
36 chapter, only the name of the committee is required to
37 be included on the published material. Published
38 material designed to ~~promote or defeat~~ expressly
39 advocate the nomination, ~~or~~ election, ~~or defeat~~ of a
40 candidate for public office or the passage or defeat
41 of a constitutional amendment or public measure which
42 contains language or depictions which a reasonable
43 person would understand as asserting that an entity
44 which is incorporated or is a registered committee had
45 authored the material shall, if the entity is not
46 incorporated or a registered committee, include
47 conspicuously on the published material a statement
48 that the apparent organization or committee is not
49 incorporated or a registered committee in addition to
50 the attribution statement required by this section.

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1 For purposes of this section, "registered committee"
2 means a committee which has an active statement of
3 organization filed under section 56.5.
4 Sec. 10. Section 56.15, subsections 1, 2, and 4,
5 Code 1999, are amended to read as follows:
6 1. Except as provided in subsections 3 and 4, it
7 is unlawful for an insurance company, savings and loan
8 association, bank, credit union, or corporation
9 organized pursuant to the laws of this state, the
10 United States, or any other state, territory, or
11 foreign country, whether for profit or not, or an
12 officer, agent, or representative acting for such
13 insurance company, savings and loan association, bank,
14 credit union, or corporation, to contribute any money,
15 property, labor, or thing of value, directly or
16 indirectly, to a committee, ~~or for the purpose of~~
17 influencing to expressly advocate that the vote of an
18 elector be used to nominate, elect, or defeat a
19 candidate for public office, except that such
20 resources may be so expended in connection with a
21 utility franchise election held pursuant to section
22 364.2, subsection 4, or a ballot issue. All such
23 expenditures are subject to the disclosure
24 requirements of this chapter.

25 2. Except as provided in subsection 3, it is
26 unlawful for a member of a committee, or its employee
27 or representative, except a ballot issue committee, or
28 for a candidate for office or the representative of
29 the candidate, to solicit, request, or knowingly
30 receive from an insurance company, savings and loan
31 association, bank, credit union, or corporation
32 organized pursuant to the laws of this state, the
33 United States, or any other state, territory, or
34 foreign country, whether for profit or not, or its
35 officer, agent, or representative, any money,
36 property, or thing of value belonging to the insurance
37 company, savings and loan association, bank, or
38 corporation for campaign expenses, or ~~for the purpose~~
39 ~~of influencing to expressly advocate that~~ the vote of
40 an elector be used to nominate, elect, or defeat a
41 candidate for public office. This section does not
42 restrain or abridge the freedom of the press or
43 prohibit the consideration and discussion in the press
44 of candidacies, nominations, public officers, or
45 public questions.

46 4. The restrictions imposed by this section
47 relative to making, soliciting or receiving
48 contributions shall not apply to a nonprofit
49 corporation or organization which uses those
50 contributions to encourage registration of voters and

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1 participation in the political process, or to
2 publicize public issues, or both, but does not use any
3 part of those contributions to ~~endorse or oppose~~
4 expressly advocate the nomination, election, or defeat
5 of any candidate for public office. A nonprofit
6 corporation or organization may use contributions
7 solicited or received to ~~support or oppose~~ expressly
8 advocate the passage or defeat of ballot issues but
9 the expenditures shall be disclosed by the nonprofit
10 corporation or organization in the manner provided for
11 a permanent organization temporarily engaged in a
12 political activity under section 56.6.

13 This section does not prohibit a family farm
14 corporation, as defined in section 9H.1, from placing
15 a yard sign on agricultural land, and does not
16 prohibit the placement of yard signs, with the prior
17 written permission of the individual property owner,
18 on property rented or leased by a corporation from
19 private individuals, subject to the requirements of
20 section 56.14. This section also does not prohibit
21 the placement of a yard sign on residential property
22 that is owned by a corporation, but rented or leased
23 to a private individual, if the prior permission of

24 the renter or lessee is obtained.

25 Sec. 11. Section 56.15, Code 1999, is amended by

26 adding the following new subsection:

27 NEW SUBSECTION. 4A. For purposes of this section,

28 "committee" shall include statutory political

29 committees organized under chapter 43, and nonparty

30 political organizations organized under chapter 44.

31 Sec. 12. Section 56.22, subsection 2, Code 1999,

32 is amended to read as follows:

33 2. Funds distributed to statutory political

34 committees pursuant to this chapter shall not be used

35 to support or oppose expressly advocate the

36 nomination, election, or defeat of any candidate.

37 Nothing in this subsection shall be construed to

38 prohibit a statutory political committee from using

39 such funds to pay expenses incurred in arranging and

40 holding a nominating convention.

41 Sec. 13. CAMPAIGN FINANCE COMMISSION. A campaign

42 finance commission is established to study campaign

43 finance disclosure and related laws and to recommend

44 reforms in these laws, according to the following:

45 1. APPOINTMENT. The commission shall be composed

46 of six members, bipartisan and gender-balanced in

47 accordance with sections 69.16 and 69.16A, and

48 appointed as follows:

49 a. Two members shall be the state chairs of each

50 of the political parties, as defined in section 43.2,

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1 or their designees.

2 b. Four members shall be jointly appointed by the
3 majority and minority leaders of the senate and house.

4 These members shall be appointed from nonpartisan

5 organizations which have researched, studied, and

6 advocated the issue of political campaign finance

7 reform for fifteen years or more, or who are specially

8 qualified to serve on the commission because of

9 training or experience.

10 c. The commission shall elect a chair and vice

11 chair at its first meetings.

12 2. TERMS. The members of the commission shall

13 serve for the life of the commission.

14 3. VACANCIES. A vacancy in the commission shall

15 be filled in the manner in which the original

16 appointment was made.

17 Sec. 14. POWERS AND DUTIES OF THE COMMISSION.

18 1. HEARINGS. The commission may hold hearings

19 which shall be open and announced in advance to the

20 public, take testimony, and receive evidence as the

21 commission considers appropriate. Activities of the

22 commission shall be held in accordance with chapter

23 21.

24 The commission shall hold at least one hearing in
25 each congressional district within the state
26 specifically to obtain public input on the issue of
27 campaign finance reform.

28 2. QUORUM. Four members of the commission shall
29 constitute a quorum, but a lesser number may hold
30 hearings.

31 3. REPORT. Not later than December 15, 1999, the
32 commission shall submit to the general assembly a
33 report of the activities of the commission, together
34 with a draft of legislation recommended by the
35 commission to reform the campaign finance disclosure
36 and related laws for consideration by the general
37 assembly in the year 2000 according to the provisions
38 of this Act.

39 4. MATTERS TO BE CONSIDERED. In holding hearings
40 and preparing the report required under subsection 3,
41 the commission shall consider all issues related to
42 the reform of campaign finance disclosure and related
43 laws. The commission may secure directly from any
44 department or agency such information as the
45 commission considers necessary, and the department or
46 agency shall promptly furnish such information to the
47 commission.

48 5. STAFFING. Assistance shall be provided to the
49 commission by the central nonpartisan legislative
50 staff bureaus. The commission may utilize the

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1 services of the legislative service bureau in
2 formulating a draft of legislation. The attorney
3 general's office and the ethics and campaign
4 disclosure board shall serve as consultants, and
5 advise the commission as necessary.

6 Sec. 15. ASSIGNMENT OF LEGISLATION. The
7 legislation drafted by the commission shall be filed
8 with each chamber on the first day of the legislative
9 session beginning in the year 2000, and immediately
10 assigned to the committee on state government in each
11 chamber.

12 Sec. 16. TERMINATION. The commission shall cease
13 to exist one month after the submission of its report.

14 Sec. 17. EFFECTIVE DATE. This Act, being deemed
15 of immediate importance, takes effect upon enactment.

16 Sec. 18. SEVERABILITY. If any section of this
17 Act, or any portion of any section of this Act, is
18 found unconstitutional or otherwise unenforceable by a
19 court, the remaining sections and portions of sections
20 shall be given effect to the fullest extent possible."

21 2. Title page, by striking lines 4 and 5.

- 22 3. Title page, line 8, by striking the words
23 "applicability, and providing for".

S-3548

- 1 Amend House File 782, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 16, by inserting after line 6 the
4 following:
5 "Sec. 501. ENROLLMENT ADJUSTMENT. For the school
6 budget year beginning July 1, 1999, a school district
7 participating in an alternative high school program
8 offered by a community college, which undercounted its
9 weighted enrollment attributable to participation in
10 the alternative high school program by 55 or more
11 students when determining enrollment pursuant to
12 section 257.6 on September 18, 1998, shall be
13 authorized to adjust the enrollment count to reflect
14 the revised weighted enrollment count in a report
15 which shall be submitted to the department of
16 education within 30 days after the effective date of
17 this section. The department of education shall
18 forward the report to the department of management,
19 which shall adjust the budget enrollment for the
20 school district accordingly."
21 2. Page 16, by inserting after line 7 the
22 following:
23 "___ EFFECTIVE DATE. Section 501 of this Act,
24 relating to enrollment adjustment, being deemed of
25 immediate importance, takes effect upon enactment."
26 3. By renumbering, relettering, and redesignating
27 as necessary.

BILL FINK

S-3549

- 1 Amend House File 779, 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 12.32, Code 1999, is amended
6 by adding the following new subsection:
7 **NEW SUBSECTION.** 4. "Qualified linked investment"
8 means a linked investment in which a certificate of
9 deposit is placed by the treasurer of state with an
10 eligible lending institution under the traditional
11 livestock producers linked investment program
12 established under section 12.43A."
13 2. Page 1, line 6, by striking the words "eighty-
14 eight" and inserting the following: "one hundred
15 eight".

- 16 3. Page 1, line 14, by inserting after the word
 17 "12.43A" the following: "and the value-added
 18 agricultural linked investment loan program as
 19 provided in section 12.43B".
- 20 4. Page 1, by striking lines 16 and 17 and
 21 inserting the following: "amount as follows:
 22 (1) At least twenty million dollars shall be
 23 invested in order to support the traditional livestock
 24 producers linked investment loan program as provided
 25 in section 12.43A.
 26 (2) At least twenty million dollars shall be
 27 invested in order to support the value-added
 28 agricultural linked investment loan program as
 29 provided in section 12.43B."
- 30 5. Page 1, line 24, by inserting after the figure
 31 "12.43A." the following: "The treasurer of state in
 32 cooperation with the agricultural products advisory
 33 council established in section 15.203 shall adopt
 34 rules for the administration of the value-added
 35 agricultural linked investment loan program as
 36 provided in section 15.204."
- 37 6. By striking page 1, line 25, through page 3,
 38 line 3, and inserting the following:
 39 "3. Certificates A certificate of deposit, which
 40 is placed by the treasurer of state with an eligible
 41 lending institution on or after July 1, 1996, pursuant
 42 to this division may be renewed at the option of the
 43 treasurer. The following shall apply to the
 44 certificate of deposit:
 45 a. The For a linked investment other than a
 46 qualified linked investment, the initial certificate
 47 of deposit for a given borrower shall have a maturity
 48 of one year, and The certificate of deposit may be
 49 renewed for eight additional one-year periods on an
 50 annual basis for a total term not to exceed five

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- 1 years.
 2 b. For a qualified linked investment, the initial
 3 certificate of deposit for a given borrower shall have
 4 a maturity of one year. The certificate of deposit
 5 may be renewed on an annual basis for a total term not
 6 to exceed three years.
 7 Sec. . Section 12.41, Code 1999, is amended by
 8 adding the following new subsection:
 9 **NEW SUBSECTION. 1A.** The gross income earned by
 10 the borrower's business of producing, processing, or
 11 marketing horticultural or nontraditional crops is not
 12 more than three hundred thousand dollars for the
 13 borrower's last tax year."
 14 7. Page 4, by striking lines 22 and 23 and

15 inserting the following:

16 ". A borrower is not eligible to receive a loan
17 as part of a linked investment loan package under this
18 program, if the borrower has received three loans
19 pursuant to a linked investment loan package under
20 this program approved by the treasurer of state within
21 the last ten years. For purposes of this subsection,
22 a loan provided as part of a renewed certificate of
23 deposit shall be deemed to be a new loan."

24 8. By striking page 4, line 24, through page 5,
25 line 5, and inserting the following:

26 "Sec. . NEW SECTION. 12.43B VALUE-ADDED
27 AGRICULTURAL LINKED INVESTMENT LOAN PROGRAM.

28 1. The treasurer of state shall establish and
29 administer, and adopt rules as necessary to establish
30 and administer, a value-added agricultural linked
31 investment loan program. The purpose of the program
32 is to provide capital in the form of low-interest
33 loans in order to do any of the following:

34 a. Stimulate existing businesses or encourage the
35 establishment of new businesses that add value through
36 the processing of agricultural commodities.

37 b. Encourage the production of agricultural
38 commodities, if a shortage in production exists.

39 2. A borrower shall be eligible to participate in
40 the value-added agricultural linked investment loan
41 program, to the extent that the borrower meets
42 eligibility requirements established by the treasurer
43 of state as provided in section 12.34.

44 3. A borrower shall not receive a loan of more
45 than two hundred fifty thousand dollars under this
46 program.

47 Sec. . NEW SECTION. 15.204 VALUE-ADDED
48 AGRICULTURAL LINKED INVESTMENT LOAN PROGRAM.

49 The agricultural products advisory council
50 established in section 15.203, in cooperation with the

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1 department of economic development, shall recommend to
2 the treasurer of state eligibility requirements for
3 borrowers to participate in the value-added
4 agricultural linked investment loan program
5 established in section 12.43B. The treasurer of state
6 shall establish the eligibility requirements by rule
7 adopted pursuant to section 12.34."

8 9. Page 5, by inserting before line 6 the
9 following:

10 "Sec. . Section 15.333, Code 1999, is amended
11 by adding the following new unnumbered paragraph:
12 NEW UNNUMBERED PARAGRAPH. If an eligible business
13 or individual provides for the processing of

14 agricultural commodities into value-added agricultural
15 products, the business or individual may elect to
16 fully transfer its investment tax credit to another
17 taxpayer of this state that is a direct or indirect
18 participant in the project."

19 10. Page 5, by inserting before line 6 the
20 following:

21 "Sec. . CURRENT INVESTMENT AGREEMENTS. The
22 treasurer of state shall not renew a certificate of
23 deposit in an eligible lending institution, if the
24 total term for the certificate of deposit exceeds the
25 requirements of section 12.34, subsection 3, as
26 amended by this Act. However, nothing in this Act
27 shall affect the terms or conditions of an investment
28 agreement executed by the treasurer of state with an
29 eligible lending institution that is in effect on the
30 effective date of this Act.

31 Sec. . AGENCY REVIEW OF LINKED INVESTMENT FOR
32 TOMORROW ACT PROGRAMS.

33 1. The department of economic development and the
34 department of agriculture and land stewardship shall
35 include a review of the linked investments for
36 tomorrow Act.

37 a. The department of economic development shall
38 conduct a review of the rural small business transfer
39 linked investment loan program as provided in section
40 12.40 the focused small business linked investments
41 program as provided in section 12.43, and the value-
42 added agricultural linked investment loan program as
43 provided in section 12.43B.

44 b. The department of agriculture and land
45 stewardship shall conduct a review of the
46 horticultural and nontraditional crops linked
47 investment loan program as provided in section 12.41,
48 and the traditional livestock producers linked
49 investment loan program as provided in section 12.43A.

50 2. In conducting the reviews, each department

Page 4

1 shall investigate the economic conditions that could
2 justify the program under review and the need for the
3 continuation or modification of the program. The
4 departments shall jointly review the allocation of
5 moneys to the programs.

6 3. The departments shall submit a combined report
7 to the department of management which shall forward
8 the report to the treasurer of state and to the
9 general assembly on or before February 1, 2000. The
10 report shall include findings and any recommendations.
11 The report shall include a recommendation regarding
12 the allocation of moneys to the programs."

- 13 11. Page 5, lines 6 and 7, by striking the words
 14 "Except as otherwise provided in this Act, this" and
 15 inserting the following: "This".
 16 12. Title page, by striking lines 1 and 2 and
 17 inserting the following: "An Act providing for
 18 economic development programs, including linked
 19 investment loan programs, and providing an effective
 20 date."
 21 13. By renumbering as necessary.

JoANN JOHNSON
 KITTY REHBERG
 MATT McCOY

S-3550

- 1 Amend the amendment, S-3549, to House File 779, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 3, line 1, by inserting after the word
 5 "development" the following: "and the department of
 6 agriculture and land stewardship".

JoANN JOHNSON

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 772

S-3551

- 1 Amend the Senate amendment, H-1887, to House File
 2 772, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. By striking page 2, line 45, through page 3,
 5 line 3.
 6 2. Page 5, by inserting after line 14 the
 7 following:
 8 ". Page 23, by inserting after line 23 the
 9 following:
 10 ". The extent to which any part of the proposed
 11 project meets the definition of vertical
 12 infrastructure in section 8.57, subsection 5,
 13 paragraph "c"."
 14 3. Page 4, line 16, by inserting after the word
 15 "review" the following: "and approve".
 16 4. By renumbering and correcting internal
 17 references as necessary.

S-3552

1 Amend House File 762, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 1, by inserting after the word
4 "commission" the following: "to be used solely".

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

7 "It is the intent of the general assembly that
8 moneys appropriated in this section shall be used
9 solely for the purpose indicated and that the moneys
10 shall not be transferred for any other purpose."

11 3. Page 2, by inserting before line 5 the
12 following:

13 "2A. Notwithstanding section 8.33 or 8.39, moneys
14 appropriated in this section which remain unobligated
15 or unexpended at the close of the fiscal year shall
16 not revert to the general fund of the state but shall
17 remain available for the purposes designated in the
18 succeeding fiscal year, and shall not be transferred
19 to any other program."

20 4. Page 6, by striking lines 7 through 12.

21 5. Page 6, by striking line 18 and inserting the
22 following:

23 "..... \$ 1,750,000

24 Of the amounts appropriated in this paragraph "k",
25 \$750,000 shall be allocated as follows:

26 (1) One hundred thousand dollars for the
27 development of a business licensure center for the
28 department of economic development.

29 (2) Five hundred thousand dollars for a community
30 resources directory for the department of Iowa
31 workforce development.

32 (3) One hundred fifty thousand dollars for the
33 implementation of an enterprise-wide information
34 security system plan."

35 6. Page 6, by inserting after line 27 the
36 following:

37 "o. To the department of elder affairs for
38 computer hardware and software:

39 \$ 40,000

40 p. To the state board of regents for technology
41 improvement:

42 \$ 100,000"

43 7. Page 7, line 23, by striking the word "five"
44 and inserting the following: "four".

45 8. Page 7, by striking line 25.

46 9. By striking page 7, line 33, through page 8,
47 line 1, and inserting the following:

48 "The information technology department shall have a
49 formal noncontrolling link to the division of public
50 broadcasting in the department of education and the

Page 2

1 Iowa telecommunications and technology commission,
2 until such time as legislation is enacted creating the
3 information technology department and otherwise
4 setting forth the organizational relationship of the
5 information technology department with the division of
6 public broadcasting in the department of education and
7 the Iowa telecommunications and technology
8 commission."

9 10. Page 8, by inserting after line 19 the
10 following:

11 "It is the intent of the general assembly that the
12 structure and operation of the information technology
13 department be reviewed by no later than during the
14 2001 regular session for the purpose of determining,
15 among other issues, if the intent of the general
16 assembly in creating the department has been
17 satisfied."

18 11. Page 8, line 30, by striking the words "A
19 designee" and inserting the following: "Three
20 designees".

21 12. Page 12, by striking lines 16 through 20 and
22 inserting the following: "abstract of the record of
23 the case must be certified by the person preparing it
24 to be true and correct. A certified abstract of the
25 record of the case prepared for the department shall
26 only be available to the public from the department.
27 A noncertified record of conviction or forfeiture of
28 bail shall be available to the public from the
29 judicial branch. The clerk of the district court
30 shall collect a fee of fifty cents for each individual
31 noncertified copy of any record of".

32 13. By striking page 12, line 28, through page
33 13, line 1, and inserting the following: "information
34 system. Notwithstanding any other provision in this
35 section or chapter 22, the judicial branch shall be
36 the provider of public electronic access to the
37 clerk's records of convictions and forfeitures of bail
38 through the Iowa court information system and shall,
39 if all such records are provided monthly to a vendor,
40 ~~the judicial branch shall~~ collect a fee from such
41 vendor for the period beginning on July 1, 1997, and
42 ending on June 30, 1999, which is the greater of three
43 thousand dollars per month or the actual direct cost
44 of providing the records. On and after July 1, 1999,
45 if all such records are provided monthly to a vendor,
46 the judicial branch shall collect a fee from such
47 vendor which is the greater of ten thousand dollars
48 per month or the actual direct cost of providing the
49 records."

50 14. Page 13, line 2, by striking the words and

Page 3

1 figures "subsection 7, Code 1999, is" and inserting
2 the following: "subsections 1, 2, and 7, Code 1999,
3 are".

4 15. Page 13, by inserting after line 3 the
5 following:

6 "1. The department shall upon request furnish any
7 person a certified abstract of the operating record of
8 a person subject to chapter 321, 321J, or this
9 chapter. The abstract shall also fully designate the
10 motor vehicles, if any, registered in the name of the
11 person. If there is no record of a conviction of the
12 person having violated any law relating to the
13 operation of a motor vehicle or of any injury or
14 damage caused by the person, the department shall so
15 certify. A fee of five dollars and fifty cents shall
16 be paid for each abstract except for state, county, or
17 city officials, court officials, public transit
18 officials, or other officials of a political
19 subdivision of the state. The department shall
20 transfer the moneys collected under this section to
21 the treasurer of state who shall credit to the general
22 fund all moneys collected.

23 2. A sheriff may provide an abstract of the
24 operating record of a person to the person or an
25 individual authorized by the person. The sheriff
26 shall charge a fee of five dollars and fifty cents for
27 each abstract which the sheriff shall transfer to the
28 department quarterly. The sheriff may charge an
29 additional fee sufficient to cover costs incurred by
30 the sheriff in producing the abstract."

31 16. Page 13, line 11, by inserting after the word
32 "dollar" the following: "and fifty cent".

33 17. Page 13, line 21, by inserting after the word
34 "network." the following: "The advisory council, in
35 developing the fee-for-service-based model of
36 operation shall consult with the director of the
37 division of information technology services in the
38 department of general services.

39 In developing the fee-for-service-based model of
40 operation, the advisory council and the director of
41 the division shall not make any recommendations which
42 would result in the charging of a fee for information
43 which can currently be accessed without charge in a
44 manner other than through IowaAccess. This section
45 does not prohibit the charging of a fee for accessing
46 such free information through IowaAccess."

47 18. Page 13, by striking lines 25 and 26 and
48 inserting the following: "1999, and ending June 30,
49 2000, the first one million dollars collected and
50 transferred by the department to the treasurer of

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- 1 state with respect to five dollar and fifty cent
2 transactions involving the furnishing of a".
3 19. Page 13, line 28, by inserting after the word
4 "the" the following: "Iowa Access revolving fund
5 created in section 18.187 and administered by the".
6 20. By striking page 13, line 34, through page
7 15, line 1.
8 21. Page 15, by inserting before line 2 the
9 following:
10 "Sec. . 1997 Iowa Acts, chapter 210, section
11 10, is amended by adding the following new subsection:
12 NEW SUBSECTION. 1A. Notwithstanding subsection 1,
13 the year 2000 program office, with the approval of the
14 director of the department of management, may allocate
15 funds to the emergency management division of the
16 department of public defense for projects identified
17 by the emergency management division of the department
18 of public defense as necessary for maintaining
19 critical functions in state government during
20 implementation of the century date change."
21 22. Page 17, by inserting after line 21 the
22 following:
23 "Sec. . Notwithstanding chapter 22,
24 information, plans, data, or other communications,
25 including emergency continuity of operation plans,
26 that are in the custody or control of state
27 governmental entities, and that are necessary to
28 protect the life, safety, or property of government
29 employees or persons in the care or custody of
30 government entities shall be considered to be
31 confidential records under section 22.7 and shall be
32 kept confidential.
33 This section is repealed effective July 1, 2000."
34 23. Page 18, line 6, by striking the word
35 "Sections" and inserting the following: "Section 2,
36 subsection 4, sections".
37 24. Page 18, line 7, by inserting after the word
38 "to" the following: "the use of the state budget
39 system by the Iowa telecommunications and technology
40 commission,".
41 25. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
DERRYL McLAREN, Chairperson

S-3553

- 1 Amend the amendment, S-3517, to House File 761, as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. Page 1, by striking lines 3 through 21.
- 5 2. By striking page 1, line 23 through page 5,
- 6 line 26.
- 7 3. By striking page 5, line 37 through page 6,
- 8 line 50 and inserting the following:
- 9 ". Page 28, by inserting after line 6 the
- 10 following:"
- 11 4. Page 7, by striking lines 3 and 4 and
- 12 inserting the following: "statewide implementation of
- 13 the registration levels for child care homes under
- 14 section".
- 15 5. Page 7, line 9, by striking the words "pilot
- 16 project" and inserting the following: "statewide
- 17 implementation".
- 18 6. By renumbering as necessary.

TOM FLYNN

S-3554

- 1 Amend House File 762, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 11, line 19, through page 12,
- 4 line 6.
- 5 4. By renumbering as necessary.

TOM FLYNN

S-3555

- 1 Amend House File 762, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 18, by inserting after line 5 the
- 4 following:
- 5 "Sec. 1999 Iowa Acts, Senate File 468,
- 6 section 4, subsection 1, paragraph e, if enacted, is
- 7 amended to read as follows:
- 8 e. For the operation of the Mt. Pleasant
- 9 correctional facility, including salaries, support,
- 10 maintenance, employment of correctional officers and a
- 11 full-time chaplain to provide religious counseling at
- 12 the Oakdale and Mt. Pleasant correctional facilities,
- 13 miscellaneous purposes, and for not more than the
- 14 following full-time equivalent positions:
- 15 \$ 20,529,274
- 16 FTEs 337.26
- 17 343.26"
- 18 2. By renumbering as necessary.

DERRYL McLAREN

S-3556

1 Amend House File 744, as passed by the House, as
2 follows:
3 1. Page 1, line 3, by inserting after the figure
4 "31." the following: "a."
5 2. Page 1, by inserting after line 29 the
6 following:
7 "b. Notwithstanding the age, disability, and
8 dollar restrictions in paragraph "a", a taxpayer or
9 taxpayer's spouse who suffers from a catastrophic
10 illness during the tax year shall subtract, to the
11 extent included, the total amount of any governmental
12 or other pension or retirement pay including, but not
13 limited to, defined benefit or defined contribution
14 plans, annuities, individual retirement accounts,
15 plans maintained or contributed to by an employer, or
16 maintained or contributed to by a self-employed person
17 as an employer, and deferred compensation plans or any
18 earnings attributable to the deferred compensation
19 plan. For purposes of this paragraph, "catastrophic
20 illness" means a physical or mental illness or injury
21 of the taxpayer or taxpayer's spouse, as certified by
22 a licensed physician, that will result in the
23 inability of the taxpayer or taxpayer's spouse to work
24 or otherwise engage in any substantial gainful
25 activity for at least six months during the tax year."

MATT McCOY

S-3557

1 Amend House File 769, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 31 the
4 following:
5 "c. This subsection is repealed December 31,
6 2004."

H. KAY HEDGE

S-3558

1 Amend the House amendment, S-3513, to Senate File
2 459, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 3, by inserting after line 24 the
5 following:
6 "Sec. NEW SECTION. 257.14A ON-TIME FUNDING
7 FOR SPECIAL EDUCATION.
8 Commencing with the budget year beginning July 1,
9 2000, if a school district's additional enrollment

10 because of special education determined by the
11 district on December 1 in the budget year is greater
12 than its additional enrollment because of special
13 education determined by the district on December 1 in
14 the base year, the school district is entitled to on-
15 time funding from the state in an amount equal to its
16 district cost per pupil for the budget year multiplied
17 by the district's increase in additional enrollment
18 because of special education. The additional funding
19 shall be miscellaneous income.

20 For the purpose of this section, a school
21 district's additional enrollment because of special
22 education is determined by multiplying the weighting
23 for each category of child under section 256B.9 times
24 the number of children in each category totaled for
25 all categories minus the total number of children in
26 all categories.

27 If a district receives additional funding under
28 this section for a budget year, the department of
29 management shall determine the amount of the
30 additional funding which would have been generated by
31 local property tax revenues in proportion to the
32 amount of funding actually received pursuant to this
33 section, if the additional enrollment because of
34 special education in the budget year had been used for
35 that budget year in determining combined district
36 cost, shall reduce, but not by more than the amount of
37 the additional funding, the district's total state
38 school aids available under this chapter for the next
39 following budget year by the amount so determined, and
40 shall increase the district's additional property tax
41 levy for the next following budget year by the amount
42 necessary to compensate for the reduction in state
43 aid, so that the local property tax for the next
44 following year will be increased only by the amount
45 which would have been increased in the budget year if
46 the additional enrollment because of special education
47 in the budget year could have been used to establish
48 the levy.

49 There is appropriated for the fiscal year beginning
50 July 1, 2000, and each succeeding fiscal year, from

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1 the general fund of the state to the department of
2 education, the amount required to pay on-time funding
3 authorized under this section, up to a maximum of
4 thirteen million dollars annually, which shall be paid
5 to school districts in the same manner as other state
6 aids are paid under section 257.16. If the amount
7 appropriated is insufficient to provide the full
8 amount of on-time funding, the payments to school

- 9 districts shall be prorated such that each school
10 district shall receive an amount of on-time funding
11 equal to the percentage that the on-time funding to be
12 provided to the school district bears to the total
13 amount of on-time funding to be provided to all school
14 districts."
15 2. Page 6, by striking lines 2 through 6 and
16 inserting the following:
17 ". Title page, lines 1 and 2, by striking the
18 words "commencing with the budget year beginning" and
19 inserting the following: "beginning on or after".
20 3. By renumbering as necessary.

DONALD B. Redfern

HOUSE AMENDMENT TO
SENATE FILE 465

S-3559

- 1 Amend Senate File 465, as passed by the Senate, as
2 follows:
3 1. Page 2, line 25, by inserting after the word
4 "Skill" the following: "or career interest".
5 2. Page 6, line 18, by striking the word "eight"
6 and inserting the following: "five".
7 3. Page 6, line 19, by striking the word
8 "sixteen" and inserting the following: "ten".
9 4. Page 6, line 20, by striking the word "twenty"
10 and inserting the following: "ten".
11 5. Page 6, line 23, by striking the words
12 "twenty-million-dollar" and inserting the following:
13 "ten-million-dollar".
14 6. Page 8, line 20, by striking the words "on a
15 first-come, first-served basis" and inserting the
16 following: "according to rules adopted by the
17 department pursuant to chapter 17A".
18 7. Page 9, by inserting after line 24 the
19 following:
20 "Sec. . EFFECTIVE DATE. This Act, being deemed
21 of immediate importance, takes effect upon enactment."
22 8. Title page, line 3, by striking the word
23 "and".
24 9. Title page, line 4, by inserting after the
25 word "account" the following: ", and providing an
26 effective date".
27 10. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

**SENATE RESOLUTIONS AND
CONCURRENT RESOLUTIONS**

**Adopted by the Senate and not
Previously printed during the**

SEVENTY-EIGHTH GENERAL ASSEMBLY

1999 Regular Session

1 SENATE RESOLUTION NO. 1

2 By: Committee on Rules and Administration

3 A Resolution relating to permanent rules of the

4 senate for the ~~seventy-seventh~~ seventy-eighth

5 general assembly.

6 BE IT RESOLVED BY THE SENATE, That the permanent

7 rules of the senate for the ~~seventy-seventh~~ seventy-8 eighth general assembly be as follows:

9 RULES OF THE SENATE

10 Rule 1

11 Quorum

12 A constitutional majority shall constitute a quorum

13 of the senate. Any senator may insist a quorum be

14 present.

15 Rule 2

16 Adoption and Amendment of Rules

17 Whenever the senate is operating under temporary

18 rules, the rules may be amended or repealed, or

19 permanent rules may be adopted, by a constitutional

20 majority of the senators. After adoption of permanent

21 rules of the senate during any general assembly, the

22 rules may be amended or repealed by a constitutional

23 majority of the senators voting on a simple

24 resolution.

25 Rule 3

26 Rules of Parliamentary Procedure

27 In cases not covered by senate rules or joint

28 rules, Mason's Manual of Legislative Procedure shall

29 govern.

30 Rule 4

Page 2

1 Sessions of the General Assembly

2 The election of officers, organization, hiring and

3 compensation of employees, and committees of the

4 senate shall carry over from the first to the second

5 regular sessions and to any extraordinary sessions of

6 the same general assembly.

7 All bills and resolutions introduced in the first

8 regular session of a general assembly which are not

9 withdrawn, lost, or indefinitely postponed shall carry

10 over into the second regular session and to any

11 extraordinary session of the same general assembly.

12 Appointments received from the governor for senate

13 confirmation during any session of a general assembly

14 shall be acted upon prior to adjournment of that

15 session as provided by section 2.32 of the Code.

16 Except as provided by this rule, upon the adjournment

17 of the first regular session and any extraordinary

18 session, each bill or resolution shall be

19 automatically referred back to the committee to which

20 it was originally assigned. The secretary of the
21 senate shall publish in the Journal a list of the
22 bills returned to committee under this rule. Within
23 seven days after the first committee meeting after the
24 convening of the second regular session, committees
25 shall either authorize the chair to refer such bills
26 and resolutions to a subcommittee for consideration,
27 indefinitely postpone further consideration of such
28 bills, or report them out to the floor and place them
29 on the calendar. If the subcommittee is different
30 than that appointed during the first session, the

Page 3

1 committee chair shall report to the senate the bill or
2 resolution number and the names of the subcommittee
3 members.
4 Bills and resolutions which have been voted upon on
5 final passage by either house in any session shall
6 remain on the calendar in the same status as at the
7 end of the session at any subsequent regular or
8 extraordinary session.

9 Rule 5 10 Regular Order of Daily Business

11 The following order shall govern, subject to any
12 special order:

- 13 1. Correction of the journal.
- 14 2. Senators to be excused.
- 15 3. Communications to the Senate.
- 16 4. Introduction of bills and resolutions.
- 17 5. Points of personal privilege.
- 18 6. Consideration of senate calendar.

19 Rule 6 20 Senate Calendar

- 21 1. Each legislative day the secretary of the
22 senate shall prepare a listing of bills to be known as
23 the "Senate Calendar".
- 24 2. The senate calendar may contain a listing under
25 the category "Special Order" which shall be placed at
26 the head of the calendar. Bills in such category
27 shall be those which are specifically set for debate
28 by the majority leader with the consent of the senate
29 on a certain date and time. Bills shall be listed by
30 the secretary in the order they are set for debate.

Page 4

- 1 3. The senate calendar shall include separate
2 listings for any bills and resolutions in the
3 following categories:
 - 4 a. Conference Committee Report
 - 5 b. Bills in Conference Committee

- 6 c. House Amendment to Senate Amendment to House
7 File
- 8 d. House Refuses to Concur in Senate Amendment to
9 House File
- 10 e. Senate Files Amended by the House
- 11 f. Unfinished Business
- 12 g. Motions to Reconsider
- 13 h. Administrative Rules Nullification Resolutions
- 14 i. Veto Messages from the Governor
- 15 4. The secretary shall list bills and resolutions
16 in the above categories in the order they are
17 received. Upon their first publication in the
18 calendar, bills and resolutions in the above
19 categories may be called up for debate at any time by
20 the majority leader. Motions to reconsider shall be
21 called up as provided by Rule 24.
- 22 5. The senate calendar shall include a listing of
23 senate appropriations committee bills and bills
24 reported out by the senate appropriations committee.
25 The list shall be known as the "Appropriations
26 Calendar". The secretary shall list the bills in the
27 order they are received. Upon their first publication
28 in the calendar, bills on the appropriations calendar
29 may be called up for debate at any time by the
30 majority leader provided they are eligible under Rule

Page 5

- 1 8.
- 2 6. The senate calendar shall include a listing of
3 bills which pertain to the levy, assessment or
4 collection of taxes sponsored by or initially assigned
5 to and reported out by the senate ways and means
6 committee. The list shall be known as the "Ways and
7 Means Calendar". The secretary shall list the bills
8 in the order they are received. Upon their first
9 publication in the calendar, bills on the ways and
10 means calendar may be called up for debate at any time
11 by the majority leader provided they are eligible
12 under Rule 8.
- 13 7. The senate calendar shall include a list of
14 bills and resolutions, known as the "Regular
15 Calendar", which shall consist of bills and
16 resolutions reported out by a senate committee. The
17 bills and resolutions reported out each day shall be
18 placed in the order of their file numbers and
19 following those reported out on previous days.
20 Priority shall be given to senate over house bills and
21 resolutions and to joint resolutions over bills. Upon
22 their first publication in the calendar, bills on the
23 regular calendar may be called up for debate at any
24 time by the majority leader, provided they are

25 eligible under Rule 8.

26 A bill reported out of committee which is
27 subsequently referred to the ways and means or
28 appropriations committee and then reported out of that
29 committee, shall be returned to the regular calendar
30 and retain its original place thereon.

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1 8. The senate calendar shall include a listing of
2 the governor's appointees to state boards,
3 commissions, and other offices requiring senate
4 confirmation. This listing shall be known as the
5 "Confirmation Calendar". Names on the confirmation
6 calendar may be called up for confirmation at any time
7 by the majority leader provided they are eligible
8 under rule 59.

9 9. The majority leader, or in the absence of the
10 majority leader the assistant majority leaders, may
11 select from among the bills on the previous
12 legislative day's Senate calendar and from the bills
13 selected create a new listing which shall be known as
14 the "Debate Calendar". The debate calendar shall list
15 bills as the majority leader expects to take them up
16 during the following week. A bill or resolution on
17 the debate calendar may be debated only when eligible
18 under Rule 8.

19 10. The majority leader, or in the absence of the
20 majority leader the assistant majority leaders, may
21 create a list of bills or resolutions about which no
22 controversy is believed to exist which shall be known
23 as the "Proposed Noncontroversial Calendar". Bills or
24 resolutions included on this listing may be debated at
25 any time upon being called up for debate by the
26 majority leader. Any bill or resolution which
27 appeared on the previous day's Senate calendar may be
28 placed by any senator on the proposed noncontroversial
29 calendar, which shall be published. Any bill or
30 resolution on the proposed noncontroversial calendar

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1 shall be stricken from the list if any senator files a
2 written objection with the secretary of the senate on
3 the first or second legislative day after it appears
4 on the proposed noncontroversial calendar. Any bill
5 stricken from the proposed noncontroversial calendar
6 shall be returned to its former place on the Senate
7 calendar. The secretary shall prepare the
8 noncontroversial calendar which shall consist of all
9 bills or resolutions on the proposed noncontroversial
10 calendar to which no objection was received.

11 11. If the senate shall not be in session on a day
 12 assigned in paragraphs nine and ten for action upon a
 13 calendar, such assigned action shall occur on the next
 14 succeeding legislative day.

15 12. On any bill called up for debate from any
 16 calendar, debate may continue from day to day until it
 17 is adopted, fails, or is postponed or deferred. If
 18 further debate is postponed or deferred without a time
 19 to continue being set, except for bills on the debate
 20 calendar, the bill shall be listed as unfinished
 21 business. Bills which are returned to the committee
 22 of first referral or to a different committee after
 23 being considered by the senate and classified as
 24 unfinished business shall be returned to the
 25 unfinished business calendar by that committee when
 26 the bill is reported out of committee. The unfinished
 27 business date on the calendar shall be the date on
 28 which the bill was returned to committee. Bills on
 29 the debate calendar upon which further debate is
 30 postponed or deferred without a time to continue being

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1 set shall return to the regular calendar.

2 Rule 7

3 Steering Committee

4 The senate may authorize the appointment of a
 5 steering committee. The majority leader shall appoint
 6 the majority party members to the steering committee.
 7 The minority leader shall appoint the minority party
 8 members to the steering committee. The function of
 9 the steering committee shall be to create its own
 10 calendar from the bills and resolutions on the regular
 11 calendar. Bills and resolutions on the steering
 12 committee calendar shall have priority over bills and
 13 resolutions on all other calendars, except the
 14 appropriations calendar.

15 Rule 8

16 When Eligible for Consideration

17 Bills, resolutions, and appointments shall be
 18 eligible for consideration by the senate as follows:

- 19 1. An appointment by the governor which requires
 20 senate confirmation shall be eligible on the
 21 legislative day after it is first printed in the
 22 senate calendar as provided by Rule 59.
- 23 2. A house or individually sponsored bill or
 24 resolution reported out by a committee shall be
 25 eligible on the legislative day after it is first
 26 printed in the senate calendar.
- 27 3. A committee bill or resolution sponsored by the
 28 appropriations committee shall be eligible on the

29 legislative day after it is first printed in the
30 senate calendar.

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1 4. Any committee bill or resolution, other than a
2 bill or resolution sponsored by the appropriations
3 committee, shall be eligible on the third legislative
4 day it is printed in the senate calendar.

5 5. A bill that has been reported out to the senate
6 calendar, referred to a different committee and
7 reported out by that committee is eligible for
8 consideration by the senate on the day it would have
9 been eligible under subsection 2, 3, or 4, whichever
10 is applicable, as if the bill had been printed in the
11 calendar after having been reported out by the first
12 committee.

13 6. Any bill or resolution placed on the steering
14 committee calendar is eligible for consideration on
15 the day of its placement on that calendar.

16 When a bill or resolution on the calendar is not
17 yet eligible, the date when it will become eligible
18 shall be printed in the calendar.

19 **Rule 9**

20 **Debate and Decorum**

21 Before addressing the senate, the senator shall
22 request recognition by depressing the "speak" device
23 and, when recognized, rise and respectfully address
24 the chair.

25 The senator shall confine all remarks to the
26 question under debate and shall avoid discussing
27 personalities or implication of improper motives. No
28 questions except by the senator recognized shall be
29 entertained after a senator is recognized to give
30 final remarks.

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1 **Rule 10**

2 **Point of Personal Privilege**

3 A point of personal privilege shall only be
4 recognized when there is no motion pending or other
5 business being considered by the senate. Senators
6 speaking on a point of personal privilege shall be
7 limited to ten minutes.

8 **Rule 11**

9 **Introduction and Presentation of Guests**

10 Only former members of the senate and former and
11 present members of Congress shall be presented to the
12 senate, except that the president of the senate may
13 present a visitor whose presence is of special
14 significance to the senate. The presence of school

15 groups accompanied by school officials shall be
16 announced by the president of the senate and shall be
17 recorded in the journal upon written request of a
18 member of the senate.

19 Rule 12

20 Form and Withdrawal of Motions, Amendments and Signatures

21 Motions need not be in writing unless required by
22 the president or by the senate. No motion requires a
23 second. Any amendment, motion (including a motion to
24 reconsider), or resolution may be withdrawn by the
25 mover if it has not been amended by the senate and if
26 no amendment is pending. All amendments to bills,
27 resolutions, and reports shall be in writing and filed
28 before being acted upon by the senate.

29 No amendment, resolution, bill, or conference
30 committee report shall be considered by the senate

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1 without a copy of the amendment, resolution, bill, or
2 conference committee report being on the desks of the
3 entire membership of the senate prior to
4 consideration.

5 All amendments, reports, petitions or other
6 documents requiring a signature shall have the name
7 typed under the place for the signature. Once a
8 signature is affixed and the document containing the
9 signature filed with the recording clerk in the well,
10 that signature shall not be removed.

11 When an amendment to a main amendment is filed that
12 would negate the effect of the main amendment and
13 thereby leave the bill unchanged, the presiding
14 officer shall have the authority to declare the
15 amendment to the main amendment out of order, subject
16 to an appeal to the full senate.

17 When a house amendment to a senate file is before
18 the senate, an amendment to the house amendment shall
19 be considered an amendment in the first degree.

20 Regardless of its origin, an amendment in the third
21 degree shall be ruled out of order.

22 When a ruling on germaneness is issued by the
23 presiding officer, it shall be accompanied by an
24 explanation of the ruling.

25 Rule 13

26 Order and Precedence of Motions and Amendments

27 When a question is under debate, no motion shall be
28 received but to adjourn, to recess, questions of
29 privilege, to lay on the table, for the previous
30 question, to postpone to a day certain, to refer, to

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1 amend, to postpone indefinitely, to defer, or
 2 incidental motions. A substitute is not in order
 3 unless it is in the form of a motion to substitute.
 4 Such motions shall have precedence in the order in
 5 which they are named. No motion to postpone to a day
 6 certain, to refer, or postpone indefinitely, being
 7 decided, shall be again allowed on the same day with
 8 regard to the same question. A motion to strike out
 9 the enacting clause of a bill shall have precedence
 10 over all amendments and, if carried, shall be
 11 considered equivalent to the rejection of the bill.
 12 A motion to strike everything after the enacting
 13 clause has precedence over a committee amendment and
 14 all other amendments except one to strike the enacting
 15 clause. A committee amendment has precedence over all
 16 other amendments except as provided in this rule.
 17 A motion to re-refer a bill to committee may specify
 18 when the committee shall report the bill to the
 19 senate. If the motion is adopted in such form, the
 20 committee must report the bill by the date specified
 21 with or without recommendation or the bill shall
 22 automatically be returned to the calendar. When the
 23 bill is returned to the calendar, it shall occupy the
 24 same position it occupied at the time the bill was
 25 re-referred to the committee. If the committee to
 26 which the bill is re-referred submits an amendment in
 27 its report, that committee amendment shall take
 28 precedence over other amendments except if that
 29 committee amendment is in conflict with amendments
 30 previously adopted, the committee amendment shall not

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1 be considered until consideration of motions to
 2 reconsider the previously adopted amendments result in
 3 removing the conflict. A committee may not file an
 4 amendment to a bill unless the bill is in the
 5 committee's possession.

Rule 14**MOTIONS BEFORE THE SENATE**

8 Motions before the senate shall be displayed on the
 9 electronic voting system display boards.

Rule 15**Nondebatable Motions**

12 The following motions are not debatable:
 13 Adjourn
 14 Recess
 15 Call of the Senate
 16 Lay on Table or Take from Table
 17 Previous Question

18 Reconsider vote by which bill was placed on last reading
 19 A Motion to Reconsider and Lay the Motion to Reconsider
 20 on the Table (Double-barreled Motion)

21 Rule 16

22 Division of the Question

23 Any senator may call for a division of a question,
 24 which shall be divided if it includes propositions so
 25 distinct that if one is taken away, a substantive
 26 proposition shall remain in a technically proper form
 27 for the decision of the senate. A motion to strike
 28 out and insert is indivisible; but a motion to strike
 29 out, if lost, shall not preclude amendments to the
 30 matter attempted to be stricken or a motion to strike

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1 out and insert.

2 Rule 17

3 The Previous Question

4 The previous question shall be in this form:
 5 "Shall debate be closed on the pending question?" A
 6 motion for the previous question may be adopted by a
 7 majority of the senators present and voting. Its
 8 effect shall be to put an end to debate and bring the
 9 senate to a direct vote upon the pending question.
 10 However, any senator who has not previously spoken on
 11 the pending question and who, after the main question
 12 is taken up and before the motion for the previous
 13 question has been made, requested recognition by
 14 depressing the "speak" device may speak no longer than
 15 five minutes on the pending question. If action on
 16 the pending question continues into another
 17 legislative day or is deferred, the previous question
 18 shall apply and the requests to be recognized shall be
 19 honored.

20 When the motion applies to an amendment, the
 21 senator proposing the amendment shall have five
 22 minutes to close debate on the amendment.

23 The senator handling the measure under
 24 consideration shall have ten minutes to close debate
 25 on the main question.

26 Rule 18

27 Call of the Senate

28 Ten senators may file in writing a call of the
 29 senate on any single item of legislative business. A
 30 call of the senate requires the presence of every

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1 senator and is in order at any time prior to the vote
 2 being announced by the president. The sergeant-at-
 3 arms shall return promptly all absent senators.

4 Debate on the item may continue while absent senators
 5 are returning, but no vote on the item is in order on
 6 it until all have returned. Adoption of a motion to
 7 recess or adjourn to a specific time will not lift the
 8 call. The call may be lifted, or a senator may be
 9 excused from the call without lifting the call, by a
 10 vote of a constitutional majority of the senators.
 11 Those senators excused prior to the filing of the call
 12 are excused from the call.

13 Rule 19

14 Committee of the Whole

15 The senate may resolve itself into a committee of
 16 the whole senate when it wishes to permit more free
 17 and informal discussion. Persons other than senators
 18 may appear and present information.

19 Any senator may move "that the senate now resolve
 20 itself into a committee of the whole to consider" a
 21 stated subject.

22 The president of the senate shall be chair of the
 23 committee of the whole unless otherwise ordered by the
 24 senate.

25 The procedure in committee of the whole is subject
 26 to the rules of the senate. The previous question and
 27 the motion to reconsider shall be in order.

28 The committee of the whole cannot take any final
 29 action and its power is limited to recommendation to
 30 the senate. The proceedings of the committee of the

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1 whole, including any roll call vote, shall be printed
 2 in the journal.

3 Any senator may at any time, except while voting or
 4 while a senator has the floor, move that "the
 5 committee rise" which is equivalent to a motion to
 6 adjourn.

7 After adoption of the motion to rise, the chair may
 8 report to the senate in the same manner as other
 9 committee reports are given.

10 Rule 20

11 Last Reading and Passage of Bills

12 When a motion to place a bill on its last reading
 13 is lost, the same motion shall be in order at any
 14 later time. After the last reading of a bill, no
 15 amendment shall be received. The vote on final
 16 passage shall be taken immediately without debate.

17 Rule 21

18 Engrossment of Bills

19 An engrossment is a proofreading and verification
 20 in order to be certain that a bill before the senate
 21 is identical with the original bill as introduced with
 22 all amendments which have been adopted correctly

23 inserted.

24 In an engrossed bill, all obvious typographical,
25 spelling or other clerical errors are corrected and
26 section or paragraph numbers and internal references
27 are changed as required to conform the original bill
28 to any amendments which have been adopted. All such
29 corrections or changes shall be reported in the
30 journal by the secretary of the senate. The engrossed

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1 bill shall be placed in the bill file with the
2 original bill and amendments.

3 Rule 22
4 Manner of Voting

5 On voice vote, the question shall be distinctly put
6 in this form: "Those in favor of (the question) say
7 "aye"." "Those opposed to (the question) say "no"."
8 A non-record or record roll call vote may be
9 requested by any senator or ordered by the president
10 any time before the results are announced. A non-
11 record roll call shall be requested by asking for a
12 "division". A record roll call shall be requested by
13 asking for a "roll call". Upon request for a non-
14 record or record roll call vote, the president shall
15 announce that such a non-record or record roll call
16 vote has been requested and shall state the question
17 to be put to the senate. The president then shall
18 direct the secretary of the senate to receive the
19 votes.

20 Senators present may cast their votes, either by
21 operating the voting mechanism located at their
22 assigned desk or by signaling the president if they
23 are unable to vote at their assigned desk. The
24 president shall enter the votes of senators signaling
25 their votes.

26 After sufficient time has elapsed for all senators
27 present to record their votes, the president shall
28 direct the secretary of the senate to close the voting
29 system. The president shall still enter the senators'
30 votes at any time prior to directing the secretary of

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1 the senate to lock the voting system. The president
2 shall then immediately announce the vote.

3 During a non-record or record roll call vote, both
4 individual votes and vote totals shall be indicated
5 openly on the display boards. On non-record roll
6 calls, only vote totals shall be printed in the
7 journal.

8 In the event the electronic voting system is not in

9 operating order, the president shall direct the
10 secretary of the senate to take the non-record or
11 record roll call by calling the names of the senators
12 in alphabetical order.

13 Rule 23

14 Duty of Voting

15 Every senator present when a question is put shall
16 vote "aye", "no" or "present" unless previously
17 excused by the senate. Upon demand being made by any
18 senator, the secretary of the senate shall call in
19 alphabetical order the names of the senators not
20 voting or voting "present". Those senators called
21 shall vote "aye" or "no" unless the senator states a
22 personal interest in the question or concludes that he
23 or she should not vote under the senate code of
24 ethics.

25 Rule 24

26 Reconsideration

27 When a main motion has been decided by the senate,
28 any senator having voted on the prevailing side may
29 move to reconsider the vote on the same or next
30 legislative day. Motions to reconsider the vote on a

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1 bill or resolution shall be in writing and filed with
2 the secretary of the senate.

3 Notwithstanding any time limitations applicable to
4 motions to reconsider main motions, a motion to
5 reconsider the vote on an amendment may be made at any
6 time before final disposition of the motion to be
7 amended. Such motion shall be in writing and filed
8 with the secretary of the senate. A motion to
9 reconsider an amendment to a main motion shall be
10 taken up for consideration only prior to the
11 disposition of the main motion or upon reconsideration
12 of the main motion.

13 A constitutional majority by a record roll call is
14 necessary to reconsider a bill or joint resolution.
15 During three legislative days from the date the motion
16 to reconsider a bill or resolution is filed, only the
17 mover may call it up. Thereafter, any senator may
18 call up the motion. If a date for adjournment has
19 been set by resolution of the senate, any senator may
20 call up a motion to reconsider at any time within
21 three days prior to the date set for adjournment.

22 If the motion to reconsider a bill or resolution
23 prevails, motions to reconsider amendments thereto
24 shall be in order and shall be disposed of without
25 delay.

26 A motion that any action taken by the senate be
27 reconsidered and the motion to reconsider be laid upon

28 the table shall be a single and indivisible motion,
29 known as the double-barreled motion, which, if
30 carried, shall have the effect of preventing

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1 reconsideration unless a motion to take from the table
2 prevails. A constitutional majority is necessary for
3 the double-barreled motion to prevail on a bill or
4 joint resolution. The double-barreled motion can only
5 be made from the floor after the vote is announced and
6 the member who moved the final reading shall have
7 priority in making it.

8 A motion to reconsider and lay on the table shall
9 have priority over a motion to reconsider if they are
10 both filed on the same legislative day.

11 In the event that a motion to reconsider is pending
12 at the end of the first session or any extraordinary
13 session of any general assembly, or the general
14 assembly adjourns sine die, and the motion has not
15 been voted upon by the senate, it shall be determined
16 to have failed.

Rule 25

Suspension of Rules and Taking from Table

17 No standing rule or rules incorporated by reference
18 under Rule 3 or order of the senate shall be rescinded
19 or suspended, nor shall any matter, tabled upon
20 motion, be taken up, except by an affirmative vote of
21 a constitutional majority of the senate.

INTRODUCTION AND FORM OF BILLS

Rule 26

Time and Method of Introducing Bills and Amendments

22 All bills to be introduced in the senate shall be
23 typed in proper form by the legislative service bureau
24 and shall be filed with the recording clerk.

25 All amendments shall be typed in proper form and

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1 filed with the recording clerk not later than 4:30
2 p.m., or adjournment, whichever is later, in order to
3 be listed in the following day's clip sheet.

4 An "impact amendment" is an amendment which
5 reasonably could have an annual effect of at least one
6 hundred thousand dollars or a combined total effect
7 within five years after enactment of five hundred
8 thousand dollars or more on the aggregate revenues,
9 expenditures or fiscal liability of the state or its
10 subdivisions.

11 An impact amendment to a bill which has been on the
12 special order calendar for at least three full
13 legislative days prior to its consideration shall not

14 be taken up by the senate unless:

- 15 1) a fiscal note is attached, and the amendment is
 16 filed at least one legislative day prior to the date
 17 set for consideration of the bill; or
 18 2) the amendment is an appropriation or other
 19 measure where the total effect is stated in dollar
 20 amounts.

21 **Rule 27**

22 **Limit on Introduction of Bills**

23 No bill or joint resolution, except bills and joint
 24 resolutions cosponsored by the majority and minority
 25 floor leaders, shall be introduced in the senate after
 26 4:00 ~~4:30~~ p.m. on Friday of the sixth week of the
 27 first regular session of a general assembly unless a
 28 written request for drafting the bill has been filed
 29 with the legislative service bureau before that time.
 30 After adjournment of the first regular session, bills

Page 22

1 may be prefiled at any time before the convening of
 2 the second regular session. No bill shall be
 3 introduced after ~~4:00~~ 4:30 p.m. on Friday of the
 4 second week of the second regular session of a general
 5 assembly unless a written request for drafting the
 6 bill has been filed with the legislative service
 7 bureau before that time. However, standing committees
 8 may introduce bills and joint resolutions at any time.
 9 a bill which relates to departmental rules sponsored
 10 by the administrative rules review committee and
 11 approved by a majority of the members of the committee
 12 in each house may be introduced at any time and must
 13 be referred to a standing committee which must take
 14 action on the bill within three weeks. Senate and
 15 concurrent resolutions may be introduced at any time.
 16 No bill, joint resolution, concurrent resolution or
 17 senate resolution shall be introduced at any
 18 extraordinary session unless sponsored by a standing
 19 committee, the majority and minority floor leaders, or
 20 the committee of the whole.

21 **Rule 28**

22 **Introduction, Reading and Form of Bills and Resolutions**

23 Every senate bill and resolution shall be
 24 introduced by one or more senators or by any standing
 25 committee of the senate and shall at once be given its
 26 first reading.

27 If the senate is in session when a bill or
 28 resolution is introduced, the first reading shall
 29 consist of reading its file number, the title and
 30 sponsor of the bill. If the senate is not in session

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1 but a journal is published for the day, the first
2 reading shall consist of a journal entry of the bill's
3 file number, title, sponsor and the notation "Read
4 first time under Rule 28."
5 Any bill or resolution approved for introduction by
6 a standing committee during an interim period between
7 sessions of one General Assembly shall be introduced
8 without further action by the committee at the next
9 succeeding regular session of the same General
10 Assembly and placed immediately upon the regular
11 calendar.
12 Every bill and resolution referred to committee
13 shall have received two readings before its passage.
14 The subject of every bill shall be expressed in its
15 title.

Rule 29

Explanations

18 No bill, except appropriation committee bills and
19 simple or concurrent resolutions, shall be introduced
20 unless a concise and accurate explanation is attached.
21 The chief sponsor or a committee to which the bill has
22 been referred may add a revised explanation at any
23 time before the last reading, and it shall be included
24 in the daily clip sheet.

Rule 30

Resolutions

27 A "senate resolution" is a resolution acted upon
28 only by the senate which expresses sentiment or is
29 used for the appointment of special committees within
30 the senate. A senate resolution requires the

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1 affirmative vote of a majority of the senators present
2 and voting. A senate resolution shall be filed with
3 the secretary of the senate. A senate resolution
4 shall be printed in the bound journal after its
5 adoption and in the daily journal upon written request
6 to the secretary of the senate by the sponsor of the
7 resolution.

Rule 31

Nullification Resolutions

10 A nullification resolution may be introduced by a
11 standing committee, the administrative rules review
12 committee, or any member of the senate. A
13 nullification resolution introduced by the
14 administrative rules review committee or a member of
15 the senate shall be referred to the same standing
16 committee it would be referred to if it was a bill.
17 Any nullification resolution may be referred to the

18 administrative rules review committee by a majority
 19 vote of the standing committee which introduced it or
 20 to which it was referred. The administrative rules
 21 review committee may seek an agreement with the
 22 affected administrative agency wherein the agency
 23 agrees to voluntarily rescind or modify a rule or
 24 rules relating to the subject matter of the
 25 nullification resolution. An agreement to voluntarily
 26 rescind or modify an administrative agency rule shall
 27 be in writing and signed by the chief administrative
 28 officer of the administrative agency and a majority of
 29 the administrative rules review committee members of
 30 each house and shall be placed on file in the offices

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1 of the chief clerk of the house, the secretary of the
 2 senate and the secretary of state. If an agreement is
 3 not reached, or the nullification resolution is not
 4 approved by a majority of the administrative rules
 5 review committee members of each house, within two
 6 weeks of the date the resolution is referred to the
 7 administrative rules review committee, the resolution
 8 shall be placed on the calendar. If the nullification
 9 resolution is approved by the administrative rules
 10 review committee it shall be placed on the calendar.
 11 A nullification resolution is subject to a motion to
 12 withdraw the nullification resolution as provided in
 13 rule 42.

14 A nullification resolution is debatable, but cannot
 15 be amended on the floor of the senate.

16 Rule 32

17 Resolutions, Applicable Rules

18 All rules applicable to bills shall apply to
 19 resolutions, except as otherwise provided in the
 20 rules.

21 Rule 33

22 Study Bills

23 1. A study bill is any matter which a senator
 24 wishes to have considered by a standing committee or
 25 appropriations subcommittee for introduction as a
 26 committee bill or resolution. The term "study bill"
 27 includes "proposed bills" provided for in Rule 37 and
 28 departmental requests prefiled in the manner specified
 29 in section 2.16 of the Code.

30 2. A study bill shall bear the name of the member

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1 who wishes to have the bill considered. A study bill
 2 proposed by a state agency shall bear the name of the
 3 agency. A committee chair may submit a study bill in

4 the name of that committee.

5 3. Upon first receiving a study bill from a
6 senator, a committee chairperson shall submit three
7 copies to the secretary of the senate. Study bills
8 received in the secretary of the senate's office
9 before 3:00 p.m. shall be filed, numbered, and
10 reported in the journal for that day. Study bills
11 received in the secretary of the senate's office after
12 3:00 p.m. shall be filed, numbered, and reported in
13 the journal for the subsequent day. The secretary
14 shall number such bills in consecutive order. The
15 secretary shall maintain a record of all study bills
16 and their assigned number. Committee records shall
17 refer to study bills by the number assigned by the
18 secretary.

19 4. The secretary shall file a report in the
20 journal of each study bill received. The report shall
21 show the study bill number, its title or subject
22 matter and the committee which is considering it. If
23 a study bill is referred to a subcommittee, then the
24 committee chairperson shall report in the journal the
25 names of the subcommittee members to which it is
26 assigned.

27 5. If a committee bill or resolution is introduced
28 which was not previously the subject of a study bill
29 in the sponsoring committee, the majority leader may
30 re-refer the bill back to the committee.

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1 6. A study bill not prepared by the legislative
2 service bureau may be submitted to a standing
3 committee, but shall not be considered by the full
4 committee unless reviewed and typed in proper form by
5 the legislative service bureau.

COMMITTEES AND COMMITMENT

Rule 34

Committee Appointments

9 Committee appointments shall be made by the
10 majority leader for majority party members, after
11 consultation with the president, and by the minority
12 leader for minority party members, after consultation
13 with the president. No senator shall serve on more
14 than five standing committees. The majority leader,
15 after consultation with the president, shall designate
16 the chairperson and vice-chairperson of each standing
17 committee. The minority leader, after consultation
18 with the president, shall designate the ranking member
19 of each standing committee from the minority
20 membership of that committee.

Rule 35

Standing Committees

- 23 The names of the standing committees of the senate
 24 shall be:
 25 Agriculture
 26 Appropriations
 27 Business and Labor Relations
 28 Commerce
 29 Education
 30 Human Resources

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- 1 Judiciary
 2 Local Government
 3 Natural Resources and Environment
 4 Rules and Administration
 5 Small Business, Economic Development, and Tourism
 6 State Government
 7 Transportation
 8 Ways and Means
 9 Rule 36
 10 Committee on Rules and Administration
 11 The committee on rules and administration shall
 12 recommend rules and rule changes to the senate, shall
 13 hire senate employees, shall recommend salary scales
 14 for all senate employees, and shall oversee senate
 15 budget and administration matters.
 16 The committee on rules and administration will
 17 select, for senate approval, an individual to serve as
 18 secretary of the senate.
 19 Upon authorization being given by the committee on
 20 rules and administration, the minority party members
 21 of the committee will select, for senate approval, an
 22 individual to serve as assistant parliamentarian.
 23 The committee shall have the following standing
 24 subcommittees:
 25 1. Joint Rules
 26 2. Senate Rules
 27 3. Administrative Services
 28 4. Caucus Services.
 29 The majority leader shall serve as chair of the
 30 rules and administration committee and as chair of the

Page 29

- 1 standing subcommittee on caucus services. The
 2 president of the senate shall serve as vice-chair of
 3 the rules and administration committee, and as chair
 4 of the subcommittee on administrative services.
 5 Rule 37
 6 Appropriations Committee
 7 The appropriations committee shall receive bills
 8 committed to it and shall assign each to one of the

- 9 appropriations subcommittees.
- 10 The appropriations subcommittees shall be named:
- 11 Administration and Regulation
- 12 Agriculture and Natural Resources
- 13 Economic Development
- 14 Education
- 15 Health and Human Rights
- 16 Human Services
- 17 Justice System
- 18 Oversight and Communications
- 19 Transportation, Infrastructure and Capitals
- 20 The appropriations subcommittees shall receive
- 21 bills assigned to them or may originate proposed bills
- 22 within the subcommittee's jurisdiction as defined by
- 23 the appropriations committee for consideration by the
- 24 appropriations committee. Each subcommittee may
- 25 submit amendments to bills together with the
- 26 subcommittee's recommended action to the
- 27 appropriations committee.
- 28 If a bill or proposed bill is submitted to the
- 29 appropriations committee by an appropriations
- 30 subcommittee the appropriations committee may:

Page 30

- 1 1. report the bill or approve the proposed bill
- 2 for introduction by the appropriations committee;
- 3 2. report the bill with any appropriations
- 4 committee-approved amendments incorporated;
- 5 3. draft a new bill for sponsorship by the
- 6 appropriations committee and report it; or
- 7 4. re-refer it together with the appropriations
- 8 committee's objections to the appropriations
- 9 subcommittee from which it was originally referred or
- 10 which originated the draft bill.
- 11 The appropriations committee and subcommittees may
- 12 meet jointly with the appropriations committee of the
- 13 house of representatives.
- 14 Rule 38
- 15 First Reading and Commitment
- 16 Upon the first reading of an individual bill or
- 17 resolution, or a house committee bill or resolution,
- 18 the president shall refer the bill or resolution to an
- 19 appropriate standing committee unless otherwise
- 20 ordered by the senate. If the bill or resolution is a
- 21 senate committee bill or resolution, the president
- 22 shall place it on the calendar after its first
- 23 reading. If the subject of the bill or resolution is
- 24 not germane to the title of the committee presenting
- 25 it, the president of the senate may refer it to a
- 26 committee deemed appropriate.
- 27 All bills carrying an appropriation for any purpose

- 28 or involving the expenditure of state funds shall be
 29 referred to the committee on appropriations.
 30 All bills pertaining to the levy, assessment or

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- 1 collection of taxes or fees shall be referred to the
 2 committee on ways and means.
 3 Any bill which provides for a new state board,
 4 commission, agency or department or makes separate or
 5 autonomous an existing state board, commission, agency
 6 or department, shall be referred to the committee on
 7 state government. This rule shall also apply when
 8 such a provision is added to a bill or resolution by
 9 amendment adopted by the senate. If the bill or
 10 resolution is so referred after being sponsored or
 11 reported out by another committee, and if the
 12 committee on state government does not report out the
 13 bill or resolution within ten legislative days after
 14 referral, the bill or resolution shall automatically
 15 be restored to the calendar with the same priority it
 16 had immediately before referral.

Rule 39**18 Rules for Standing Committees**

- 19 The following rules shall govern all standing
 20 committees of the senate. Any committee may adopt
 21 additional rules which are consistent with these
 22 rules:

- 23 1. A majority of the members shall constitute a
 24 quorum.
 25 2. The chair of a committee shall refer each bill
 26 and resolution to a subcommittee within seven days
 27 after the bill or resolution has been referred to the
 28 committee. The chair may appoint subcommittees for
 29 study of bills and resolutions without calling a
 30 meeting of the committee, but the subcommittee must be

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- 1 announced at the next meeting of the committee. No
 2 bill or resolution shall be reported out of a
 3 committee until the next meeting after the
 4 subcommittee is announced, except that the chair of
 5 the appropriations committee may make the announcement
 6 of the assignment to a subcommittee by placing a
 7 notice in the journal. Any bill so assigned by the
 8 appropriations committee chair shall be eligible for
 9 consideration by the committee upon report of the
 10 subcommittee but not sooner than three legislative
 11 days following the publication of the announcement in
 12 the journal.
 13 When a bill or resolution has been assigned to a

14 subcommittee, the chair shall report to the senate the
15 bill or resolution number and the names of the
16 subcommittee members and such reports shall be
17 reported in the journal. Subcommittee assignments
18 shall be reported to the journal daily. Reports filed
19 before 3:00 p.m. shall be printed in the journal for
20 that day; reports filed after 3:00 p.m. shall be
21 printed in the journal for the subsequent day.

22 Where standing subcommittees of any committee have
23 been named, the names of the members and the title of
24 the subcommittee shall be published once and
25 thereafter publication of assignments may be made by
26 indicating the title of the subcommittee.

27 3. No bill or resolution shall be considered by a
28 committee until it has been referred to a subcommittee
29 and the subcommittee has made its report unless
30 otherwise ordered by a majority of the members.

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1 4. The rules adopted by a committee, including
2 subsections 2, 3, 9, 10, 11, and 12 of this rule, may
3 be suspended by an affirmative vote of a majority of
4 the members of the committee.

5 5. The affirmative vote of a majority of the
6 members of a committee is needed to sponsor a
7 committee bill or resolution or to report a bill or
8 resolution out for passage.

9 6. The vote on all bills and resolutions shall be
10 by roll call unless a short-form vote is unanimously
11 agreed to by the committee. A record shall be kept by
12 the secretary.

13 7. No committee, except a conference committee or
14 the steering committee, is authorized to meet when the
15 senate is in session.

16 8. A subcommittee shall not report a bill to the
17 committee unless the bill has been typed into proper
18 form by the legislative service bureau.

19 9. A bill or resolution shall not be voted upon
20 the same day a public hearing called under subsection
21 10 is held on that bill or resolution.

22 10. Public hearings may be called at the
23 discretion of the chair. The chair shall call a
24 public hearing upon the written request of one-half
25 the membership of the committee. The chair shall set
26 the time and place of the public hearing.

27 11. A subcommittee chair must notify the committee
28 chair not later than one legislative day prior to
29 bringing the bill or resolution before the committee.
30 The committee cannot vote on a bill or resolution for

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1 at least one full day following the receipt of the
 2 subcommittee report by the chairperson.
 3 12. A motion proposing action on a bill or
 4 resolution that has been defeated by a committee shall
 5 not be voted upon again at the same meeting of the
 6 committee.

7 13. Committee meetings shall be open.

8 Rule 40

9 Voting in Committee

10 All committee meetings shall be open at all times.
 11 Voting by secret ballot is prohibited. Roll call
 12 votes shall be taken in each committee when final
 13 action on any bill or resolution is voted, unless a
 14 short-form vote is unanimously agreed to by the
 15 committee. A roll call vote also shall be taken in
 16 each committee at the request of a member upon any
 17 amendment or motion. All results shall be entered in
 18 the minutes which shall be public records. Records of
 19 these votes shall be made available by the chair or
 20 the committee secretary at any time. This rule also
 21 applies to the steering committee and appropriations
 22 subcommittees.

23 The committee shall not authorize the introduction
 24 of a committee bill or resolution until the members
 25 have received final copies of the bill or resolution
 26 with amendments or changes incorporated, and typed
 27 into proper form by the legislative service bureau.
 28 The committee may, by unanimous consent, dispense with
 29 this requirement when only nonsubstantive amendments
 30 or changes are necessary to correct the bill or

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1 resolution, or when a study bill or individually
 2 sponsored bill is voted out as a committee bill with
 3 no change in the text of the bill or the title.
 4 The legislative service bureau shall file a report
 5 with the committee members detailing the amendments or
 6 changes and this report shall become a part of the
 7 committee report.

8 Rule 41

9 Announcement of Committee Meetings

10 It shall be in order for the chair of any committee
 11 to announce to the senate the time and place of
 12 committee meetings. The announcement shall include a
 13 proposed agenda for the meeting. The sergeant-at-arms
 14 shall post at the rear of the chamber the daily
 15 schedule of committee meetings.

16 Rule 42

17 Withdrawal of Bills and Resolutions from Committee

18 The secretary of the senate shall note on each bill
 19 and resolution the date of its reference to committee.
 20 No bill or resolution shall be withdrawn from any
 21 committee within fifteen legislative days after the
 22 bill or resolution has been referred to the committee
 23 and thereafter only upon written petition for the
 24 withdrawal of such bill or resolution signed by a
 25 constitutional majority of the senators, except as
 26 provided in Rule 38. Only senators may circulate such
 27 a petition.

28 Rule 43

29 Committee Reports

30 All committees shall file a report of committee

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1 meetings. Such reports shall contain the following
 2 information:
 3 a. The time the meeting convened;
 4 b. Those senators who were present and absent at
 5 the time the meeting convened, as well as the time any
 6 senator, who was not present at the time the meeting
 7 convened, arrives for the meeting;
 8 c. The vote on any bill or resolution reported out
 9 of the committee for floor action;
 10 d. The title of the bill;
 11 e. The file number of the bill or resolution (if
 12 known);
 13 f. Whether the committee recommends that the bill
 14 or resolution be passed, amended and passed,
 15 indefinitely postponed, or considered without
 16 committee recommendation;
 17 g. An indication of other bills or matters
 18 discussed;
 19 h. Such other matters as the committee chair shall
 20 direct; and
 21 i. The time the meeting adjourned.
 22 No committee report shall be read, but all
 23 committee reports shall be printed in the journal.
 24 Upon printing, all committee reports shall then stand
 25 approved unless the senate directs otherwise.

26 Rule 44

27 Bills or Resolutions Recommended for Indefinite Postponement

28 No senate bill or resolution recommended for
 29 indefinite postponement shall be considered in the
 30 absence of the chief sponsor or, if a house bill or

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1 resolution, in the absence of the senator representing
 2 the district in which the sponsor resides. When a
 3 question is postponed indefinitely, it shall not be

4 again acted upon during that session of the general
5 assembly.

6 GENERAL RULES

7 Rule 45

8 Admission to Senate Chamber

9 The persons who shall have access to the senate
10 chamber, and the times access shall be available, and
11 the rules governing their activities in the chamber
12 shall be as prescribed by the rules and administration
13 committee pursuant to a written policy adopted by the
14 committee and filed with the secretary of the senate.

15 Rule 45A

16 Smoking Restricted

17 In addition to a written policy on smoking
18 restrictions adopted by the committee on rules and
19 administration, smoking may be prohibited in room R15A
20 by the committee or subcommittee chair when a
21 committee or an appropriations subcommittee is meeting
22 in room R15.

23 Rule 46

24 Legislative Interns and Aides

25 Legislative interns for senators shall be allowed
26 on the floor of the senate in accordance with Rule 45;
27 provided that each intern first has obtained a name
28 badge from the secretary of the senate. The secretary
29 of the senate shall issue an appropriate badge to all
30 interns for senators.

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1 In addition, those persons designated as "aides to
2 senators" shall be allowed on the floor of the senate.
3 The secretary of the senate shall issue an appropriate
4 badge for such individuals.

5 Rule 47

6 Clearing of Lobby and Gallery

7 In case of disturbance or disorderly conduct in the
8 lobby or gallery, the presiding officer may order it
9 cleared.

10 Rule 48

11 Presentation of Petitions

12 Each petition shall contain a brief statement of
13 its subject matter and the name of the senator
14 presenting it. Petitions shall be filed with the
15 secretary of the senate and shall be noted in the
16 journal.

17 Rule 49

18 Distribution of Printed Material

19 No general distribution of printed material in the
20 senate shall be allowed unless authorized by the
21 secretary of the senate or by a senator.

22 Rule 50

- 23 Concerning the Printing of Papers
 24 Any paper, other than that contemplated by Section
 25 10, Article III of the Constitution of the State of
 26 Iowa, presented to the senate may, with the consent of
 27 a constitutional majority, be printed in the journal.
 28 Rule 51
 29 Reprinting of Documents
 30 When any bill has been substantially amended by the

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- 1 senate, the secretary of the senate shall order the
 2 bill reprinted on paper of a different color. All
 3 adopted amendments inserting new material shall be
 4 distinguishable.
 5 The secretary of the senate may order the printing
 6 of a reasonable number of additional copies of bills,
 7 resolutions, amendments or journals.
 8 OFFICERS AND EMPLOYEES
 9 Rule 52
 10 Duties of the President
 11 The senate shall elect, from its membership, a
 12 president. The president shall call the senate to
 13 order at the hour to which the senate is adjourned.
 14 Unless otherwise ordered by the senate, the president
 15 shall proceed with the regular order of daily
 16 business. The president shall preserve order and
 17 decorum and decide all questions of order and
 18 corrections to the journal, subject to an appeal to
 19 the senate. The president shall direct voting as
 20 provided in rule 22. When a ruling on germaneness is
 21 issued by the presiding officer, it shall be
 22 accompanied by an explanation of the ruling. The
 23 president of the senate shall be the chair of the
 24 committee of the whole unless otherwise ordered by the
 25 senate, under rule 19.
 26 Upon the first reading of an individual bill or
 27 resolution, or a house committee bill or resolution,
 28 the president shall refer the bill or resolution to
 29 the appropriate standing committee unless otherwise
 30 ordered by the senate. If the bill or resolution is a

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- 1 senate committee bill or resolution, the president
 2 shall place it on the calendar after its first
 3 reading. If the subject of the bill or resolution is
 4 not germane to the title of the committee presenting
 5 it, the president of the senate may refer it to the
 6 appropriate committee.
 7 The president shall sign legislative enactments
 8 upon their enrolling.

9 The president of the senate shall serve as a member
 10 of the legislative council and the senate rules and
 11 administration committee. The president shall serve
 12 on the rules and administration committee as chair of
 13 the standing subcommittee designated to supervise the
 14 secretary of the senate and other employees of the
 15 administrative services division of the senate.

16 Rule 53

17 The President Pro Tempore

18 The senate shall elect, from its membership, a
 19 president pro tempore. When the president is absent,
 20 the president pro tempore shall preside, except when
 21 the chair is filled by temporary appointment by the
 22 president or the majority leader.

23 The president pro tempore, when presiding, shall
 24 perform duties as prescribed in rule 52, paragraphs 1
 25 and 2.

26 The president pro tempore shall serve as a member
 27 of the legislative council and as a member of the
 28 senate committee on rules and administration.

29 Rule 54

30 Secretary of the Senate

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1 The secretary of the senate shall be an officer of
 2 the senate and shall:

3 1. Serve as chief administrative officer of the
 4 senate.

5 2. Have charge of the secretary's desk.

6 3. Be responsible for the custody and safekeeping
 7 of all bills, resolutions, and amendments filed,
 8 except while they are in the custody of a committee.

9 4. Have charge of the daily journal.

10 5. Have control of all rooms assigned for the use
 11 of the senate.

12 6. Keep a detailed record of senate action on all
 13 bills and resolutions.

14 7. Insert adopted amendments into bills before
 15 transmittal to the house of representatives and prior
 16 to final enrollment.

17 8. Prescribe the duties of and supervise all
 18 senate employees.

19 9. Authorize all expenditures of funds within the
 20 senate budget.

21 The secretary of the senate shall also act as
 22 senate parliamentarian and shall:

23 1. Advise the presiding officer of the senate
 24 about parliamentary procedures during deliberations of
 25 the senate.

26 2. Perform other duties as prescribed by the
 27 committee on rules and administration.

28 3. Process the handling of amendments when filed
29 and during the floor consideration of bills.

30 Rule 55

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1 Legal Counsel

2 The legal counsel shall be a contractual employee
3 of the senate and shall:

- 4 1. Serve as attorney and counselor for the senate.
- 5 2. At the request of the majority and minority
6 leaders, research any legal issue in which the senate
7 has an interest. However, the legal counsel shall not
8 issue nor venture any opinions on unresolved questions
9 of law unless permitted by both the majority and
10 minority leaders.

11 Rule 56

12 Sergeant-at-Arms

13 The sergeant-at-arms shall be an employee of the
14 senate and shall:

- 15 1. Wear the appropriate badge of his or her
16 office.
- 17 2. Attend the senate during its sessions.
- 18 3. Aid in the enforcement of order under the
19 direction of the president of the senate and the
20 secretary of the senate.
- 21 4. Execute the commands of the senate.
- 22 5. See that no unauthorized person disturbs the
23 contents of the senators' desks.
- 24 6. Supervise the doorkeepers, the assistant
25 sergeant-at-arms, and pages.
- 26 7. Announce all delegations from the governor or
27 house.
- 28 8. Supervise the seating of visitors and press
29 representatives.

30 Rule 57

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1 Senate Secretaries

2 Every senator shall be permitted to employ for each
3 session of a general assembly a personally selected
4 secretary.

5 Rule 58

6 Use of Electronic Voting System

7 Any officer or employee of the senate, other than a
8 duly elected member of the senate, who operates the
9 electronic voting machine mechanism located at the
10 desk of said member of the senate shall be subject to
11 immediate termination from employment. The provisions
12 of this paragraph only shall apply during the taking
13 of a roll call vote or division utilizing the

14 electronic voting system.

15 CONFIRMATION OF APPOINTMENTS

16 Rule 59

17 Appointments

18 The secretary of the senate shall:

19 a. send, to each appointee submitted by the
20 governor for senate confirmation, a copy of a senate
21 questionnaire as approved by the rules and
22 administration committee;

23 b. receive completed questionnaires from
24 appointees and forward copies of the completed
25 questionnaires to appropriate committee members;
26 c. maintain "Confirmation Calendar" categories on
27 the senate calendar as directed under this rule,
28 senate rule 6, and by the committee on rules and
29 administration. No appointee shall be listed as
30 eligible on the confirmation calendar until the

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1 secretary has received the appointee's completed
2 senate questionnaire.

3 As soon as possible after the convening of a
4 session, and again within one week following March 15,
5 the secretary of the senate shall publish in the
6 senate journal the names of all nominees submitted for
7 confirmation. The secretary of the senate shall
8 maintain a file of all appointments received from the
9 governor for confirmation. The file shall contain a
10 description of the duties and the compensation for
11 each nominee. The file shall show the date an
12 appointment was received from the governor, the date
13 the appointment was published in the journal, whether
14 the nominee has been introduced, whether a committee
15 report has been filed, when the senate questionnaire
16 was sent to the appointee, and shall include a copy of
17 the appointee's completed senate questionnaire, upon
18 receipt.

19 INVESTIGATING COMMITTEES. All appointments
20 received from the governor shall be referred to the
21 rules and administration committee by the secretary of
22 the senate on the same day they are published in the
23 senate journal. The rules and administration
24 committee shall establish an en bloc confirmation
25 calendar which must be filed with the secretary of the
26 senate. Within three (3) legislative days after
27 receiving an appointment, the committee shall either
28 place a nominee on the en bloc confirmation calendar
29 or assign the nominee to an appropriate standing
30 committee for further investigation, publishing notice

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1 of such assignment in the senate journal for the next
2 legislative day. If the rules and administration
3 committee fails to take action on a nominee within the
4 three days, the nominee shall automatically be placed
5 on the en bloc confirmation calendar.
6 Within the three (3) legislative days after an
7 appointment has been referred to the rules and
8 administration committee, any ten senators may require
9 that the nominee be assigned to an appropriate
10 standing committee by filing a written, signed request
11 therefor with the chairperson of the rules and
12 administration committee. The committee chair shall
13 refer the appointment to a subcommittee within one (1)
14 legislative day after a standing committee receives an
15 appointment for further investigation, publishing
16 notice of such assignment in the senate journal for
17 the next legislative day. Within ten (10) legislative
18 days after a standing committee receives an
19 appointment for further investigation the subcommittee
20 shall file its report with the standing committee.
21 Within fourteen (14) legislative days after a
22 standing committee receives an appointment for further
23 investigation, the committee shall conduct an
24 investigation of the nominee and file its report
25 thereon with the secretary of the senate, who shall
26 then place the nominee on the en bloc calendar or
27 individual confirmation calendar as directed by the
28 committee. The failure of a committee to file its
29 report within the prescribed time means that the
30 nominee is to be automatically placed, without

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1 recommendation, upon the individual confirmation
2 calendar.
3 Any individual nominated to head a department or
4 agency of state government, whose appointment is
5 subject to senate confirmation, must be introduced to
6 the full senate prior to a vote on confirmation of the
7 nominee. Additionally, any five (5) senators may
8 request that any nominee be introduced to the senate
9 by filing a written request with the secretary of the
10 senate within ten (10) legislative days of the
11 nominee's name appearing in the journal. Any
12 individual nominated to a position requiring senate
13 confirmation may request to be introduced to the full
14 senate by notifying the secretary of the senate at
15 least one (1) legislative day in advance of their
16 appearance. If an individual is nominated both to
17 fill a vacancy for an unexpired term and is also

18 nominated for reappointment to that position during
19 the same session, a single introduction is sufficient
20 for eligibility for confirmation to both terms.
21 HEARINGS. Any member of a committee investigating
22 an appointment may, within five (5) legislative days
23 after the committee receives the appointment, obtain
24 a hearing with the nominee by filing a written request
25 with the secretary of the senate who shall forward it
26 to the chair of the standing committee and the chair
27 of the subcommittee. Notice of the hearing shall be
28 published in the journal at least two (2) legislative
29 days prior to the hearing. At the hearing, which
30 shall be before the subcommittee, the nominee may be

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1 questioned as to his or her qualifications to fulfill
2 the office to which nominated and further questioned
3 as to his or her viewpoints on issues facing the
4 office to which nominated. Any senator may at the
5 discretion of the chair of the subcommittee be
6 permitted to submit oral questions. The public may, at
7 the discretion of the investigating committee, be
8 permitted to submit oral or written statements as to
9 the qualifications of the nominee.

10 Also, within five (5) legislative days after the
11 subcommittee receives an appointment for
12 investigation, any senator may submit written
13 questions to be answered by the nominee prior to
14 consideration of the nominee's confirmation by the
15 senate.

16 INFORMATIONAL MEETINGS. After a nominee has been
17 placed on the calendar and prior to the vote on
18 confirmation, any senator may request an informational
19 meeting on the nomination which shall be held before
20 the subcommittee.

21 VOTING ON CONFIRMATIONS. Upon the motion of the
22 majority leader or his or her designee, the nominees
23 on the en bloc confirmation calendar shall be
24 confirmed en bloc by the affirmative vote of two-
25 thirds of the members elected to the senate. The
26 journal shall reflect a single roll call accompanied
27 by a statement of the names of those individuals
28 subject to the en bloc confirmation vote.

29 Prior to an en bloc vote, any senator may request,
30 either in writing or from the floor, an individual

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1 vote on any nominee on the en bloc confirmation
2 calendar. The senate shall vote separately on the
3 nominee.

4 Nominees on the individual confirmation calendar
 5 shall be confirmed by a two-thirds vote; however, the
 6 senate shall take a separate roll call on each
 7 nominee, unless by unanimous consent, it determines to
 8 take one vote on all nominees under consideration. In
 9 any case, the journal shall reflect a single roll call
 10 vote for each nominee.

11 If an individual is nominated both to fill a
 12 vacancy for an unexpired term and is also nominated
 13 for reappointment to that position, and such
 14 appointment and reappointment appear on the senate
 15 calendar as eligible at the same time, a single vote
 16 is sufficient for confirmation to both terms.

17 Rule 60

18 Time of Committee Passage and Consideration of Bills

19 1. This rule does not apply to concurrent or
 20 simple resolutions, joint resolutions nullifying
 21 administrative rules, senate confirmations, or bills
 22 passed by both houses in different forms. Subsection
 23 2 of this rule does not apply to appropriations bills,
 24 ways and means bills, legalizing acts, administrative
 25 rules review committee bills, bills cosponsored by the
 26 majority and minority floor leaders of the senate,
 27 bills in conference committee, and companion bills
 28 sponsored by the majority floor leaders of both houses
 29 after consultation with the respective minority floor
 30 leaders. For the purposes of this rule, a joint

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1 resolution is considered as a bill. To be considered
 2 an appropriations or ways and means bill for the
 3 purposes of this rule, the appropriations committee or
 4 the ways and means committee must either be the
 5 sponsor of the bill or the committee of first referral
 6 in the senate.

7 2. To be placed on the calendar in the senate a
 8 senate bill must be first reported out of the
 9 committee of first referral by Friday of the 9th week
 10 of the first session and the 7th week of the second
 11 session. A house bill must be first reported out of
 12 the committee of first referral by Friday of the 12th
 13 week of the first session and the 10th week of the
 14 second session to be placed on the senate calendar.

15 3. During the 10th week of the first session and
 16 the 8th week of the second session, the senate shall
 17 consider only bills originating in the senate and
 18 unfinished business. During the 13th week of the
 19 first session and the 11th week of the second session,
 20 the senate shall consider only bills originating in
 21 the house and unfinished business. Beginning with the
 22 14th week of the first session and the 12th week of

23 the second session, the senate shall consider only
 24 bills passed by both houses, bills exempt from
 25 subsection 2 and unfinished business.
 26 4. A motion to reconsider filed and not disposed
 27 of on an action taken on a bill or resolution which is
 28 subject to a deadline under this rule may be called up
 29 at any time before or after the day of the deadline by
 30 the person filing the motion or after the deadline by

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1 the majority floor leader, notwithstanding any other
 2 rule to the contrary.
 3 BE IT FURTHER RESOLVED, That should a system of
 4 deadlines for the time of committee passage and
 5 consideration of bills be adopted by joint action of
 6 the senate and house at any time during the ~~seventy-~~
 7 ~~seventh~~ seventy-eighth general assembly, those
 8 provisions shall supersede the provisions of rule 60.

1 SENATE RESOLUTION NO. 3

2 By: Committee on Ethics

3 A Resolution relating to the senate rules governing
 4 lobbyists.

5 BE IT RESOLVED BY THE SENATE, That the senate rules
 6 governing lobbyists for the ~~seventy-seventh~~ seventy-
 7 eighth general assembly shall be as follows:

8 SENATE RULES GOVERNING LOBBYISTS

9 1. DEFINITIONS. As used in these rules, "client",
 10 "gift", "honoraria" or "honorarium", "lobbyist",
 11 "client", and "immediate family member" and "lobbyist"
 12 have the meaning provided in chapter 68B. As used in
 13 these rules the term "political action committee"
 14 means a committee, but not a candidate's committee,
 15 which accepts contributions, makes expenditures, or
 16 incurs indebtedness in the aggregate of more than five
 17 hundred dollars in any one calendar year for the
 18 purpose of supporting or opposing a candidate for
 19 public office or ballot issue or influencing
 20 legislative action, or an association, lodge, society,
 21 cooperative, union, fraternity, sorority, educational
 22 institution, civic organization, labor organization,
 23 religious organization, or professional or other
 24 organization which makes contributions in the
 25 aggregate of more than five hundred dollars in any one
 26 calendar year for the purpose of supporting or
 27 opposing a candidate for public office or ballot issue
 28 or influencing legislative action.

29 2. APPLICABILITY. These rules are only applicable
 30 to lobbying activities involving the Iowa general

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1 assembly.
2 3. REGISTRATION REQUIRED. All lobbyists shall, on
3 or before the day their lobbying activity begins,
4 register with the secretary of the senate in the
5 manner provided under section 68B.36 by filing a
6 completed lobbyist's registration statement listing
7 the items required under section 68B.36 form with the
8 person or person designated by the chief clerk of the
9 house and the secretary of the senate to receive
10 lobbyist registration statements. Lobbyist
11 registration forms shall be available in the office of
12 the chief clerk of the house and the secretary of the
13 senate. In addition, the lobbyist shall file with the
14 secretary of the senate a statement of the general
15 subjects of legislation in which the lobbyist is or
16 may be interested, the numbers of the bills and
17 resolutions and the bill number of study bills (if
18 known) which will be lobbied, and whether the lobbyist
19 intends to lobby for or against each bill, resolution,
20 or study bill (if known), and on whose behalf the
21 lobbyist is lobbying the bill, resolution, or study
22 bill.
23 Any change in or addition to the foregoing
24 information shall be registered with the person or
25 persons designated by the chief clerk of the house and
26 the secretary of the senate within ten days after the
27 change or addition is known to the lobbyist.
28 Registration expires upon the commencement of the
29 next regular session of the general assembly, except
30 that the secretary of the senate may adopt and

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1 implement a reasonable pre-registration procedure in
2 advance of each regular session during which persons
3 may register for that session and the following
4 legislative interim.
5 4. CANCELLATION OF REGISTRATION. If a lobbyist's
6 service on behalf of a particular employer, client, or
7 cause is concluded prior to the end of the calendar
8 year, the lobbyist may cancel the registration on
9 appropriate forms supplied by the secretary of the
10 senate. Upon cancellation of registration, a lobbyist
11 is prohibited from engaging in any lobbying activity
12 on behalf of that particular employer, client, or
13 cause until reregistering and complying with these
14 rules. A lobbyist's registration is valid for only
15 one session of a general assembly.
16 5. AMENDMENT OF REGISTRATION. If a registered
17 lobbyist represents more than one employer, client, or

18 cause and the lobbyist's services are concluded on
19 behalf of a particular employer, client, or cause
20 after the lobbyist registers but before the first day
21 of the next legislative session, the lobbyist shall
22 file an amendment to the lobbyist's registration
23 indicating which employer, client, or cause is no
24 longer represented by the lobbyist and the date upon
25 which the representation concluded.
26 If a lobbyist is retained by one or more additional
27 employers, clients, or causes after the lobbyist
28 registers but before the first day of the next
29 legislative session, the lobbyist shall file an
30 amendment to the lobbyist's registration indicating

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1 the employer, client, or cause to be added and the
2 date upon which the representation begins.
3 Amendments to a lobbyist's registration regarding
4 changes which occur during the time that the general
5 assembly is in session shall be filed within one
6 working day after the date upon which the change in
7 the lobbyist's representation becomes effective.
8 6. PUBLIC ACCESS. All information filed by a
9 lobbyist or a client of a lobbyist under chapter 68B
10 of the Code is a public record and open to public
11 inspection at any reasonable time.
12 6. 7. LOBBYIST AND CLIENT REPORTING. Each
13 lobbyist registered with the senate and each
14 lobbyist's client shall file the reports required
15 under sections 68B.37 and 68B.38 with the person
16 designated by the chief clerk of the house and the
17 secretary of the senate to receive lobbyist and client
18 reports.
19 For purposes of this rule, and the reports required
20 under sections 68B.37 and 68B.38, "services enumerated
21 under section 68B.2, subsection 13, paragraph "a" and
22 "lobbying purposes" include, but are not limited to,
23 the following:
24 a. Time spent by the lobbyist at the state capitol
25 building commencing with the first day of a
26 legislative session and ending with the day of final
27 adjournment of each legislative session as indicated
28 by the journals of the house and senate.
29 b. Time spent by the lobbyist attending meetings
30 or hearings which results in the lobbyist

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1 communicating with members of the general assembly or
2 legislative employees about current or proposed
3 legislation.

4 c. Time spent by the lobbyist researching and
5 drafting proposed legislation with the intent to
6 submit the legislation to a member of the general
7 assembly or a legislative employee.

8 d. Time spent by the lobbyist actually
9 communicating with members of the general assembly and
10 legislative employees about current or proposed
11 legislation.

12 6. 8. GOVERNMENT OFFICIALS. All federal, state,
13 and local officials or employees representing their
14 departments, commissions, boards, or agencies shall
15 present to the person designated by the chief clerk of
16 the house and the secretary of the senate to receive
17 registration statements a letter of authorization from
18 their department or agency heads prior to the
19 commencement of their lobbying. The lobbyist
20 registration statement of these officials and
21 employees shall not be deemed complete until the
22 letter of authorization is attached. Federal, state,
23 and local officials who wish to lobby in opposition to
24 their departments, commissions, boards, or agencies
25 must indicate such on their lobbyist registration
26 statements.

27 7. 9. CHARGE ACCOUNTS AND LOANS. Lobbyists and
28 the organizations they represent shall not allow any
29 senators to charge any amounts or items to any charge
30 account to be paid for by those lobbyists or by the

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1 organizations they represent. A lobbyist shall not
2 make a loan to a senator unless the loan is made in
3 the ordinary course of business, the lobbyist is in
4 the business of making loans, and the terms and
5 conditions of the loan are the same or substantially
6 similar to the finance charges and loan terms that are
7 available to members of the general public.

8 8. 10. OFFERS OF ECONOMIC OPPORTUNITY. A
9 lobbyist, an employer of a lobbyist, or a political
10 action committee shall not offer economic or
11 investment opportunity or promise of employment to any
12 senator with intent to influence the senator's conduct
13 in the performance of official duties.

14 A lobbyist shall not take action intended to
15 negatively affect the economic interests of a senator.
16 For purposes of this rule, supporting or opposing a
17 candidate for office or supporting or opposing a bill,
18 amendment, or resolution shall not be considered to be
19 action intended to negatively affect the economic
20 interests of a senator.

21 9. 11. MEMBERSHIP CONTRIBUTIONS. A lobbyist, or
22 employer of a lobbyist, shall not pay for membership

23 in or contributions to clubs or organizations on
 24 behalf of a senator.
 25 ~~10.~~ 12. ACCESS TO SENATE FLOOR. Lobbyists shall
 26 not be permitted on the floor of the senate while the
 27 senate is in session. Elected state officials, except
 28 the governor, lieutenant governor, and the members of
 29 the house of representatives, shall not be permitted
 30 on the floor of the senate while the senate is in

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1 session to encourage the passage, defeat, or
 2 modification of legislation.
 3 ~~11.~~ 13. EFFECTIVE PERIOD. These rules governing
 4 lobbyists shall be in effect throughout the calendar
 5 year, whether or not the general assembly is in
 6 session.
 7 ~~12.~~ 14. GIFTS. A lobbyist or the client of a
 8 lobbyist shall not, directly or indirectly, offer or
 9 make a gift or a series of gifts to a senator, except
 10 as otherwise provided in section 68B.22.
 11 ~~13.~~ 15. HONORARIA. A lobbyist or client of a
 12 lobbyist shall not give an honorarium to a member or
 13 employee of the senate, except as otherwise provided
 14 in section 68B.23.
 15 ~~14.~~ 16. COMPLAINTS. Rules 15 through 23 of the
 16 senate code of ethics apply to complaints and
 17 procedures regarding violations of these rules.

1 SENATE RESOLUTION NO. 4

2 By: Committee on Ethics

3 A Resolution relating to the Senate Code of Ethics.
 4 BE IT RESOLVED BY THE SENATE, That the Senate Code
 5 of Ethics for the ~~Seventy-seventh~~ Seventy-eighth
 6 General Assembly shall be as follows:

7 SENATE CODE OF ETHICS

8 PREAMBLE. Every legislator owes a duty to uphold
 9 the integrity and honor of the general assembly, to
 10 encourage respect for the law and for the general
 11 assembly and the members thereof, and to observe the
 12 legislative code of ethics.

13 In doing so, members of the senate have a duty to
 14 conduct themselves so as to reflect credit on the
 15 general assembly, and to inspire the confidence,
 16 respect, and trust of the public, and to strive to
 17 avoid both unethical and illegal conduct and the
 18 appearance of unethical and illegal conduct.

19 Recognizing that service in the Iowa general
 20 assembly is a part-time endeavor and that members of
 21 the general assembly are honorable individuals who are
 22 active in the affairs of their localities and

23 elsewhere and that it is necessary that they maintain
24 a livelihood and source of income apart from their
25 legislative compensation, the following rules are
26 adopted pursuant to section 68B.31, to assist the
27 members in the conduct of their legislative affairs.
28 1. ECONOMIC INTEREST OF SENATOR. Taking into
29 account that legislative service is part-time, a
30 senator shall not accept economic or investment

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1 opportunity, under circumstances where the senator
2 knows, or should know, that there is a reasonable
3 possibility that the opportunity is being afforded the
4 senator with intent to influence the senator's conduct
5 in the performance of official duties.
6 2. DIVESTITURE. Where a senator learns that an
7 economic or investment opportunity previously accepted
8 was offered with the intent of influencing the
9 senator's conduct in the performance of official
10 duties, the senator shall take steps to divest that
11 senator of that investment or economic opportunity,
12 and shall report the facts of the situation to the
13 senate ethics committee.

14 3. CHARGES FOR SERVICES. A senator shall not
15 charge to or accept from a person, corporation,
16 partnership, or association known to have a
17 legislative interest a price, fee, compensation, or
18 other consideration for the sale or lease of any
19 property or the furnishing of services which is in
20 excess of that which the senator would charge another.

21 4. USE OF CONFIDENTIAL INFORMATION. A senator in
22 order to further the senator's own economic or other
23 interests, or those of any other person, shall not
24 disclose or use confidential information acquired in
25 the course of official duties.

26 5. HONORARIA. A senator shall not accept an
27 honorarium from a restricted donor for a speech,
28 writing for publication, or other similar activity,
29 except as otherwise provided in section 68B.23.

30 6. EMPLOYMENT. A senator shall not accept

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1 employment, either directly or indirectly, from a
2 political action committee. A senator may accept
3 employment from a political party, but shall disclose
4 the employment relationship in writing to the
5 secretary of the senate within ten days after the
6 beginning of each legislative session. If a senator
7 accepts employment from a political party during a
8 legislative session, the senator shall disclose the

9 employment relationship within ten days after
 10 acceptance of the employment.
 11 For the purpose of this rule, a political action
 12 committee means a committee, but not a candidate's
 13 committee, which accepts contributions, makes
 14 expenditures, or incurs indebtedness in the aggregate
 15 of more than five hundred dollars in any one calendar
 16 year for the purpose of supporting or opposing a
 17 candidate for public office or ballot issue or
 18 influencing legislative action, or an association,
 19 lodge, society, cooperative, union, fraternity,
 20 sorority, educational institution, civic organization,
 21 labor organization, religious organization, or
 22 professional organization which makes contributions in
 23 the aggregate of more than five hundred dollars in any
 24 one calendar year for the purpose of supporting or
 25 opposing a candidate for public office or ballot issue
 26 or influencing legislative action.
 27 7. ECONOMIC INTERESTS OF LOBBYIST. With the
 28 exception of exercising unfettered discretion in
 29 supporting or refusing to support proposed
 30 legislation, a senator shall not take action intended

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1 to affect the economic interests of a lobbyist or
 2 citizen supporting or opposing proposed legislation.
 3 8. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A
 4 senator may appear before a governmental agency or
 5 board in any representation case, except that the
 6 senator shall not act as a lobbyist. Whenever a
 7 senator appears before a governmental agency or board,
 8 the senator shall carefully avoid all conduct which
 9 might in any way lead members of the general public to
 10 conclude that the senator is using the senator's
 11 official position to further the senator's
 12 professional success or personal financial interest.
 13 9. CONFLICTS OF INTERESTS. In order to permit the
 14 general assembly to function effectively, a senator
 15 will sometimes be required to vote on bills and
 16 participate in committee work which will affect the
 17 senator's employment and other monetary interests. In
 18 making a decision relative to the senator's activity
 19 on given bills or committee work which are subject to
 20 the code, the following factors shall be considered:
 21 a. Whether a substantial threat to the senator's
 22 independence of judgment has been created by the
 23 conflict situation.
 24 b. The effect of the senator's participation on
 25 public confidence in the integrity of the legislature.
 26 c. The need for the senator's particular
 27 contribution, such as special knowledge of the subject

28 matter, to the effective functioning of the
29 legislature.
30 A senator with a conflict of interest may

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1 participate in floor debate if prior to debate the
2 senator indicates the conflict of interest.
3 10. GIFTS. Except as otherwise provided in
4 section 68B.22, a senator, or that person's immediate
5 family member, shall not, directly or indirectly,
6 accept or receive any gift or series of gifts from a
7 restricted donor.
8 11. DISCLOSURE REQUIRED. Each senator shall file
9 with the secretary of the senate within ten days after
10 the adoption of the code of ethics by the senate, and
11 within ten days after the convening of the second
12 session of the general assembly, a statement under
13 section 68B.35 on forms provided by the secretary of
14 the senate setting forth the following information:
15 The nature of each business in which the senator is
16 engaged and the nature of the business of each company
17 in which the senator has a financial interest. A
18 senator shall not be required to file a report or be
19 assumed to have a financial interest if the annual
20 income derived from the investment in stocks, bonds,
21 bills, notes, mortgages, or other securities offered
22 for sale through recognized financial brokers is less
23 than one thousand dollars.
24 Disclosures required under this rule shall be as of
25 the date filed unless provided to the contrary, and
26 shall be amended to include interests and changes
27 encompassed by this rule that occur while the general
28 assembly is in session. All filings under this rule
29 shall be open to public inspection in the office of
30 the secretary of the senate at all reasonable times.

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1 The secretary of the senate shall inform the ethics
2 committee of the statements which are filed and shall
3 report to the ethics committee the names of any
4 senators who appear not to have filed complete
5 statements. The chairperson of the ethics committee
6 shall request in writing that a senator who has failed
7 to complete the report or appears to have filed an
8 incomplete report do so within five days, and, upon
9 the failure of the senator to comply, the ethics
10 committee shall require the senator to appear before
11 the committee.
12 12. STATUTORY VIOLATIONS. Members of the general
13 assembly are urged to familiarize themselves with

14 chapters 68B, 721, and 722.

15 13. CHARGE ACCOUNTS. Senators shall not charge
16 any amount or item to any charge account to be paid
17 for by any lobbyist or any client the lobbyist
18 represents.

19 14. TRAVEL EXPENSES. A senator shall not charge
20 to the state of Iowa amounts for travel and expenses
21 unless the senator actually has incurred those mileage
22 and expense costs. Senators shall not file the
23 vouchers for weekly mileage reimbursement required by
24 section 2.10, subsection 1, unless the travel was
25 actually incurred at commensurate expense to the
26 senator.

27 15. COMPLAINTS. Complaints or charges against any
28 senator or any lobbyist shall be in writing, made
29 under oath, and filed with the secretary of the senate
30 or the chairperson of the ethics committee. If filed

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1 with the secretary of the senate, the secretary shall
2 immediately advise the chairperson of the ethics
3 committee of the receipt of the complaint.

4 Complaint forms shall be available from the
5 secretary of the senate, or the chairperson of the
6 ethics committee, but a complaint shall not be
7 rejected for failure to use an approved form if the
8 complaint substantially complies with senate
9 requirements.

10 A complainant may submit exhibits and affidavits
11 attached to the complaint.

12 16. FILING OF COMPLAINTS.

13 a. Persons entitled. Complaints may be filed by
14 any person believing that a senator or lobbyist has
15 violated the senate ethics code, the senate rules
16 governing lobbyists, or chapter 68B of the Iowa Code.
17 A violation of the criminal law may be considered to
18 be a violation of this code of ethics if the violation
19 constitutes a serious misdemeanor or greater, or a
20 repetitive and flagrant violation of the law.

21 b. Committee complaint. The ethics committee may,
22 upon its own motion, initiate a complaint,
23 investigation, or disciplinary action.

24 c. Timeliness of filing. A complaint will be
25 considered to be timely filed if it is filed within
26 three years of the occurrence of the alleged violation
27 of the ethics code.

28 17. PERMANENT RECORD. The secretary of the senate
29 shall maintain a permanent record of all complaints
30 filed, evidence received by the committee, and any

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1 transcripts or other recordings made of committee
2 proceedings, including a separate card file containing
3 the date filed, name and address of the complainant,
4 name and address of the respondent, a brief statement
5 of the charges made, and ultimate disposition of the
6 complaint. The secretary shall keep each such
7 complaint confidential until public disclosure is made
8 by the ethics committee.

9 18. PREHEARING PROCEDURE.

10 a. Defective complaint. Upon receipt of a
11 complaint, the chairperson and ranking member of the
12 ethics committee shall determine whether the complaint
13 substantially complies with the requirements of this
14 code of ethics and section 68B.31, subsection 6. If
15 the complaint does not substantially comply with the
16 requirements for formal sufficiency under the code of
17 ethics, the complaint may be returned to the
18 complainant with a statement that the complaint is not
19 in compliance with the code and a copy of the code.
20 If the complainant fails to amend the complaint to
21 comply with the code within a reasonable time, the
22 chair and ranking member may dismiss the complaint
23 with prejudice for failure to prosecute.

24 b. Service of complaint on respondent. Upon
25 receipt of any complaint substantially complying with
26 the requirements of this code of ethics, the
27 chairperson of the ethics committee shall cause a copy
28 of the complaint and any supporting information to be
29 delivered promptly to the respondent, requesting a
30 written response to be filed within ten days. The

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1 response may do any of the following:

2 (1) Admit or deny the allegation or allegations.

3 (2) Object that the allegation fails to allege a
4 violation of chapter 68B or the code of ethics.

5 (3) Object to the jurisdiction of the committee.

6 (4) Request a more specific statement of the
7 allegation or allegations.

8 c. Objection to member. In addition to the items
9 which may be included in a response pursuant to
10 paragraph "b", the response may also include an
11 objection to the participation of any member of the
12 committee in the consideration of the allegation or
13 allegations on the grounds that the member cannot
14 render an impartial and unbiased decision.

15 d. Extension of time. At the request of the
16 respondent and upon a showing of good cause, the
17 committee, or the chairperson and ranking member, may

18 extend the time for response, not to exceed ten
19 additional days.
20 e. Confidentiality. If a complaint is not
21 otherwise made public, the members of the committee
22 shall treat the complaint and all supporting
23 information as confidential until the written response
24 is received from the respondent.
25 f. Communications with ethics committee. After a
26 complaint has been filed or an investigation has been
27 initiated, a party to the complaint or investigation
28 shall not communicate, or cause another to
29 communicate, as to the merits of the complaint or
30 investigation with a member of the committee, except

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1 under the following circumstances:
2 (1) During the course of any meetings or other
3 official proceedings of the committee regarding the
4 complaint or investigation.
5 (2) In writing, if a copy of the writing is
6 delivered to the adverse party or the designated
7 representative for the adverse party.
8 (3) Orally, if adequate prior notice of the
9 communication is given to the adverse party or the
10 designated representative for the adverse party.
11 (4) As otherwise authorized by statute, the senate
12 code of ethics, the senate rules governing lobbyists,
13 or vote of the committee.
14 g. Scheduling hearing. Upon receipt of the
15 response, the committee shall schedule a public
16 meeting to review the complaint and available
17 information, and shall:
18 (1) Notify the complainant that no further action
19 will be taken, unless further substantiating
20 information is produced, or
21 (2) Dismiss the complaint for failure to meet the
22 statutory and code of ethics requirements for valid
23 complaints, or
24 (3) Request that the chief justice of the supreme
25 court appoint an independent special counsel to
26 conduct an investigation of the complaint and
27 supporting information, to make a determination of
28 probable cause, and to report the findings to the
29 committee, which shall be received within a reasonable
30 time.

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1 h. Public hearing. If independent special counsel
2 is appointed, upon receipt of the report of
3 independent special counsel's findings, the committee

4 shall schedule a public meeting to review the report
5 and shall do either of the following:

6 (1) Cause the complaint to be scheduled for a
7 public hearing.

8 (2) Dismiss the complaint based upon a
9 determination by independent special counsel and the
10 committee that insufficient evidence exists to support
11 a finding of probable cause.

12 19. HEARING PROCEDURE.

13 a. Notice of hearing. If the committee causes a
14 complaint to be scheduled for a public hearing, notice
15 of the hearing date and time shall be given to the
16 complainant and respondent in writing, and of the
17 respondent's right to appear in person, be represented
18 by legal counsel, present statements and evidence, and
19 examine and cross-examine witnesses. The committee
20 shall not be bound by formal rules of evidence, but
21 shall receive relevant evidence, subject to
22 limitations on repetitiveness. Any evidence taken
23 shall be under oath.

24 b. Subpoena power. The committee may require, by
25 subpoena or otherwise, the attendance and testimony of
26 witnesses and the production of such books, records,
27 correspondence, memoranda, papers, documents, and any
28 other things it deems necessary to the conduct of the
29 inquiry.

30 c. Ex post facto. An investigation shall not be

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1 undertaken by the committee of a violation of a law,
2 rule, or standard of conduct that is not in effect at
3 the time of violation.

4 d. Disqualification of member. Members of the
5 committee may disqualify themselves from participating
6 in any investigation of the conduct of another person
7 upon submission of a written statement that the member
8 cannot render an impartial and unbiased decision in a
9 case. A member may also be disqualified by a
10 unanimous vote of the remaining eligible members of
11 the committee.

12 A member of the committee is ineligible to
13 participate in committee meetings, as a member of the
14 committee, in any proceeding relating to the member's
15 own official conduct.

16 If a member of the committee is disqualified or
17 ineligible to act, the majority or minority leader who
18 appointed the member shall appoint a replacement
19 member to serve as a member of the committee during
20 the period of disqualification or ineligibility.

21 e. Hearing. At the hearing, the chairperson shall
22 open the hearing by stating the charges, the purpose

23 of the hearing, and its scope. The burden of proof
 24 rests upon the complainant to establish the facts as
 25 alleged, by clear and convincing evidence. However,
 26 questioning of witnesses shall be conducted by the
 27 members of the committee, by independent special
 28 counsel, or by a senator. The chairperson shall also
 29 permit questioning by legal counsel representing the
 30 complainant or respondent.

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1 The chairperson or other member of the committee
 2 presiding at a hearing shall rule upon procedural
 3 questions or any question of admissibility of evidence
 4 presented to the committee. Rulings may be reversed
 5 by a majority vote of the committee members present.
 6 The committee may continue the hearing to a future
 7 date if necessary for appropriate reasons or purposes.
 8 f. Committee action. Upon receipt of all relevant
 9 evidence and arguments, the committee shall consider
 10 the same and recommend to the senate:
 11 (1) That the complaint be dismissed, or
 12 (2) That the senator or lobbyist be censured or
 13 reprimanded, and recommend the appropriate form of
 14 censure or reprimand, or
 15 (3) Any other appropriate sanction, including
 16 suspension or expulsion from membership in the senate,
 17 or suspension of lobbying privileges.
 18 g. Disposition resolution. By appropriate
 19 resolution, the senate may amend, adopt, or reject the
 20 report of the ethics committee, including the
 21 committee's recommendations regarding disciplinary
 22 action.
 23 20. COMMITTEE AUTHORIZED TO MEET. The senate
 24 ethics committee is authorized to meet at the
 25 discretion of the chairperson to conduct hearings and
 26 other business that properly may come before it. If
 27 the committee submits a report seeking senate action
 28 against a senator or lobbyist after the second regular
 29 session of a general assembly has adjourned sine die,
 30 the report shall be submitted to and considered by the

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1 subsequent general assembly. However, the report may
 2 be submitted to and considered during any special
 3 session which may take place after the second regular
 4 session of a general assembly has adjourned sine die,
 5 but before the convening of the next general assembly.
 6 20A. ADVISORY OPINIONS.
 7 a. Requests for formal opinions. A request for a
 8 formal advisory opinion may be filed by any person who

9 is subject to the authority of the ethics committee.
10 The ethics committee may also issue a formal advisory
11 opinion on its own motion, without having previously
12 received a formal request for an opinion, on any issue
13 that is within the jurisdiction of the committee.
14 Requests shall be filed with either the secretary of
15 the senate or the chairperson of the ethics committee.
16 b. Form and contents of requests. A request for a
17 formal advisory opinion shall be in writing and may
18 pertain to any subject matter that is related to the
19 application of the senate code of ethics, the senate
20 rules governing lobbyists, or chapter 68B of the Code
21 to any person who is subject to the authority of the
22 ethics committee. Requests shall contain one or more
23 specific questions and shall relate either to future
24 conduct or be stated in the hypothetical. A request
25 for an advisory opinion shall not specifically name
26 any individual or contain any other specific
27 identifying information, unless the request relates to
28 the requester's own conduct. However, any request may
29 contain information which identifies the kind of
30 individual who may be affected by the subject matter

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1 of the request. Examples of this latter kind of
2 identifying information may include references to
3 conduct of a category of individuals, such as but not
4 limited to conduct of legislators, legislative staff,
5 or lobbyists.
6 c. Confidentiality of formal requests and
7 opinions. Requests for formal opinions are not
8 confidential and any deliberations of the committee
9 regarding a request for a formal opinion shall be
10 public. Opinions issued in response to requests for
11 formal opinions are not confidential, shall be in
12 writing, and shall be placed on file in the office of
13 the secretary of the senate. Persons requesting
14 formal opinions shall personally receive a copy of the
15 written formal opinion that is issued in response to
16 the request.
17 20B. CALCULATION OF TIME -- DAYS.
18 For purposes of these rules, unless the context
19 otherwise requires, the word "day" or "days" shall
20 mean a calendar day except that if the day is the last
21 day of a specific time period and falls upon a
22 Saturday, Sunday, or legal holiday, the time
23 prescribed shall be extended so as to include the
24 whole of the next day in which the offices of the
25 senate and the general assembly are open for official
26 business.
27 21. COMPLAINT FILING FORM. The following form

28 shall be used to file a complaint under these rules:
29 THE SENATE
30 Ethics Complaint Form

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1 Re: _____ (Senator/Lobbyist),
2 of _____, Iowa.
3 I, _____ (Complainant), residing
4 at _____, in the City of _____,
5 State of _____, hereby complain that
6 _____ (Senator/Lobbyist), whose
7 address is _____,

8 has violated the Senate Code of Ethics or Senate
9 Rules Governing Lobbyists in that:
10 (Explain the basis for the complaint here. Use addi-
11 tional pages, if necessary.)

12 Under penalty of perjury, I certify that the above
13 complaint is true and correct as I verily believe.

14 _____
15 Signature of Complainant
16 SUBSCRIBED AND AFFIRMED to before me this _____
17 day of _____, 19____.

18 _____
19 Notary Public in and for the
20 State of _____

21 22. COMPLAINT NOTICE FORM. The following form
22 shall be used for notice of a complaint under these
23 rules:

24 STATE OF IOWA
25 THE SENATE
26 COMMITTEE ON ETHICS)
27 IOWA STATE SENATE)
28)
29 On The Complaint Of) NOTICE OF COMPLAINT
30)

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1 _____)
2 _____)
3 And Involving _____)
4 _____)
5 _____)
6 _____)

7 TO _____)
8 Senator or Lobbyist named above:
9 You are hereby notified that there is now on file
10 with the Secretary of the Senate, State Capitol, Des
11 Moines, Iowa, a complaint which alleges that you have
12 committed a violation of the Senate's Code of Ethics
13 or Senate Rules Governing Lobbyists.

14 A copy of the complaint and the Senate rules for
15 processing the same are attached hereto and made a
16 part of this notice.

17 You are further notified and requested to file your
18 written answer to the complaint within ten days of the
19 date upon which the notice was caused to be delivered
20 to you, (date) _____, 19____. Your
21 answer is to be filed with the Secretary of the Senate,
22 State Capitol, Des Moines, Iowa.

23 Dated this _____ day of _____, 19____.

24 _____

25 Chair, Senate Ethics Committee,
26 or Secretary of the Senate

27 23. HEARING NOTICE FORM. The following form shall
28 be used for notice of a hearing under these rules:

29 STATE OF IOWA
30 THE SENATE

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1 COMMITTEE ON ETHICS)
2 IOWA STATE SENATE)
3)
4 On The Complaint Of) NOTICE OF HEARING
5)
6 _____)
7)
8 And Involving)
9)
10 _____)
11)

12 TO _____,

13 Senator or Lobbyist named above:
14 You are hereby notified that there is now on file
15 with the Secretary of the Senate, State Capitol, Des
16 Moines, Iowa, a complaint which alleges that you have
17 committed a violation of the Senate's Code of Ethics
18 or Senate Rules Governing Lobbyists.

19 A copy of the complaint and the Senate rules for
20 processing the same are attached hereto and made a
21 part of this notice.

22 You are further notified that, after preliminary
23 review, the committee has caused a public hearing to
24 be scheduled on
25 (date) _____, 19____, at (hour) _____
26 (a.m.) (p.m.), in Room _____, State Capitol, Des Moines,
27 Iowa.

28 At the hearing, you will have the right to appear
29 in person, be represented by legal counsel at your own
30 expense, present statements and evidence, and examine

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1 and cross-examine witnesses. The committee shall not
2 be bound by formal rules of evidence, but shall
3 receive relevant evidence, subject to limitations on
4 repetitiveness. Any evidence taken shall be under
5 oath.

6 The committee may continue the hearing to a future
7 date if necessary for appropriate reasons or purposes.

8 You are further notified that the committee will
9 receive such evidence and take such action as
10 warranted by the evidence.

11 Dated this ____ day of _____, 19__.

12

13 _____
14 Chair, Senate Ethics Committee,
or Secretary of the Senate

15 24. PERSONAL FINANCIAL DISCLOSURE FORM. The
16 following form shall be used for disclosure of
17 economic interests under these rules and section
18 68B.35:

19 STATEMENT OF ECONOMIC INTERESTS

20 Name: _____

21 (Last) (First) (Middle Initial)

22 Address: _____

23 (Street Address, Apt.# - P.O. Box)

24 _____

25 (City) (State) (Zip)

26 Phone:(Home) _____ (Business) _____

27 *****

28 a. Please list each business, occupation, or
29 profession in which you are engaged. In listing the
30 business, occupation, or profession, it is not

Page 20

1 necessary that your employer or the name of the
2 business be listed, although all businesses,
3 occupations, or professions must be listed, regardless
4 of the amount of income derived or time spent
5 participating in the activity. (Examples of types of
6 businesses, occupations, or professions that may be
7 listed: teacher, lawyer, legislator, real estate
8 agent, insurance adjuster, salesperson....)

9 (1) _____

10 (2) _____

11 (3) _____

12 (4) _____

13 (5) _____

14 b. Please list the nature of each of the
15 businesses, occupations, or professions which you
16 listed in paragraph "a", above, unless the nature of
17 the business, occupation, or profession is already

18 apparent from the information indicated above. The
 19 descriptions in this paragraph should correspond by
 20 number to the numbers for each of the businesses,
 21 occupations, or professions listed in paragraph "a".
 22 (Examples: If you indicated, for example, that you
 23 were a salesperson in subparagraph (1) of paragraph
 24 "a", you should list in subparagraph (1) of this
 25 paragraph the types of goods or services sold in this
 26 item. If you indicated that you were a teacher in
 27 subparagraph (2) of paragraph "a", you should indicate
 28 in subparagraph (2) of this paragraph the type of
 29 school or institution in which you provide instruction
 30 or whether the instruction is provided on a private

Page 21

1 basis. If you indicated that you were a lawyer in
 2 subparagraph (3) of paragraph "a", you should indicate
 3 your areas of practice and whether you are in private,
 4 corporate, or government practice in subparagraph (3)
 5 of this paragraph. If you indicated in subparagraph
 6 (4) of paragraph "a" that you were a consultant, in
 7 subparagraph (4) of this paragraph you should indicate
 8 the kind of services provided and types of clients
 9 served.)

- 10 (1) _____
- 11 (2) _____
- 12 (3) _____
- 13 (4) _____
- 14 (5) _____

15 c. Please list each source, by general
 16 description, from which you receive, or which
 17 generates, more than one thousand dollars in gross
 18 annual income in the categories listed below. For
 19 purposes of this item, a source produces gross annual
 20 income if the revenue produced by the source is
 21 subject to federal or state income taxes. In
 22 completing this item, it is not necessary to list the
 23 name of the company, business, financial institution,
 24 corporation, partnership, or other entity which
 25 constitutes the source of the income and the amount or
 26 value of the holding should not be listed.

27 (1) Securities (Here for example, you need not
 28 state that you own X number of shares of any specific
 29 company by brand or corporate name, or that the stock
 30 is of a certain value, but may instead state that you

Page 22

1 possess stock in a company and indicate the nature of
 2 the company's business.):

3 _____

4 _____
 5 _____
 6 _____
 7 _____

8 (2) Instruments of Financial Institutions (You
 9 need not indicate, for example, in which institutions
 10 you hold certificates of deposit that produce annual
 11 income over the one thousand dollar threshold, but
 12 simply listing the nature of the institution will
 13 suffice, e.g., bank, credit union, or savings and loan
 14 association.):

15 _____
 16 _____
 17 _____
 18 _____
 19 _____

20 (3) Trusts (The name of the particular trust need
 21 not be listed. However, if the income is received
 22 from a charitable trust/foundation, such as the Pugh
 23 Charitable Trust, in the form of a grant, the fact
 24 that the trust is a charitable trust should be noted
 25 here.):

26 _____
 27 _____
 28 _____
 29 _____
 30 _____

Page 23

1 (4) Real Estate (When listing real estate, it is
 2 not necessary to list the location of the property,
 3 but the general nature of the real estate interest
 4 should be indicated, e.g. residential leasehold
 5 interest or farm leasehold interest.):

6 _____
 7 _____
 8 _____
 9 _____
 10 _____

11 (5) Retirement Systems (When listing retirement
 12 benefits, it is not necessary to list the name of the
 13 particular pension system or company, but rather the
 14 type of benefit should be listed, e.g., health
 15 benefits, life insurance benefits, private pension, or
 16 government pension.):

17 _____
 18 _____
 19 _____
 20 _____
 21 _____

22 (6) Other Income Categories Specified in State or

23 Federal Income Tax Regulations (List description of
 24 other sources of income producing over one thousand
 25 dollars in annual income not previously reported
 26 above, but which must be reported for income tax
 27 purposes.):

28 _____
 29 _____
 30 _____

Page 24

1 _____
 2 _____
 3 _____
 4 _____
 5 (Signature of filer) (Date)

1 SENATE RESOLUTION NO. 5

2 By: Committee on Rules and Administration
 3 A Resolution relating to gubernatorial appointments
 4 and other appointments requiring Senate confirmation.
 5 WHEREAS, section 2.32, subsection 7, requires the
 6 Governor to provide the Secretary of the Senate with a
 7 list of all gubernatorial appointments requiring
 8 Senate confirmation during this session by February 1;
 9 and

10 WHEREAS, section 475A.1 requires the Attorney
 11 General to appoint a Consumer Advocate subject to
 12 confirmation by the Senate in accordance with section
 13 2.32; and

14 WHEREAS, this information has been submitted and is
 15 on file in the office of the Secretary of the Senate;
 16 and

17 WHEREAS, section 2.32, subsections 7 and 9, also
 18 require that the Senate by resolution approve the list
 19 of gubernatorial and other appointments or request
 20 corrections by February 15; NOW THEREFORE,

21 BE IT RESOLVED BY THE SENATE, That the list of
 22 appointment positions submitted by the Governor and
 23 others pursuant to section 2.32, subsections 7 and 9,
 24 and on file with the Secretary of the Senate, is
 25 approved.

1 SENATE RESOLUTION NO. 6

2 By: Fink
 3 A Resolution to honor posthumously United
 4 States Presidents Thomas Jefferson and
 5 Herbert C. Hoover, by hanging their
 6 portraits in the Senate chamber.
 7 WHEREAS, the end of a millennium is fast

8 approaching and former Presidents Jefferson and Hoover
9 have made innumerable contributions to the United
10 States of America as well as the State of Iowa; and
11 WHEREAS, Thomas Jefferson, third President of the
12 United States, and one of the most brilliant men in
13 American history, has left a long-standing legacy not
14 only in this country, but across the world; and
15 WHEREAS, Thomas Jefferson, a strong advocate of
16 democracy and the rights of the individual, was
17 instrumental in the colonial fight for freedom, was
18 the author of the Declaration of Independence, one of
19 the greatest documents ever written, and was
20 influential in inspiring the Bill of Rights; and
21 WHEREAS, Thomas Jefferson was responsible for one
22 of the largest territorial acquisitions in American
23 history, the Louisiana Purchase, which included what
24 is now the State of Iowa; and
25 WHEREAS, Thomas Jefferson dedicated his life to
26 public service, not only as President, but as
27 Secretary of State under George Washington and Vice
28 President under John Adams, as well as numerous state
29 government positions he held in the State of Virginia;
30 and

Page 2

1 WHEREAS, Herbert C. Hoover, thirty-first President
2 of the United States, son of Jesse Clark Hoover and
3 Huldah Minthorn Hoover, of West Branch, Iowa, is the
4 only person from this state to have held that office;
5 and
6 WHEREAS, Herbert Hoover, known as the "Great
7 Humanitarian," donated most of his life to the service
8 of others, organizing and presiding over numerous
9 organizations such as the Belgian Relief Committee,
10 the Boys Clubs of America, the Famine Emergency
11 Commission, the American Child Health Association, and
12 the Hoover Commissions; and
13 WHEREAS, Herbert Hoover and his administration
14 either proposed or approved many pieces of legislation
15 that had a direct impact on this state, including the
16 establishment of the Federal Farm Board, the
17 Agricultural Marketing Act of 1929, the Child's Bill
18 of Rights, as well as a proposal for creating a
19 federal department of education; and
20 WHEREAS, the Herbert Hoover Presidential Library-
21 Museum in West Branch, Iowa, is home to thousands of
22 historical documents, and has served more than 2.5
23 million visitors from around the world, as well as
24 sponsoring the research of more than 2,000 scholars,
25 NOW THEREFORE,
26 BE IT RESOLVED BY THE SENATE, That Presidents

27 Thomas Jefferson and Herbert C. Hoover be posthumously
 28 recognized by the Iowa Senate for their
 29 accomplishments as exceptional leaders and
 30 representatives of democracy as the end of the

Page 3

1 twentieth century approaches; and
 2 BE IT FURTHER RESOLVED, That as a millennium comes
 3 to an end, the Iowa Senate honor the accomplishments
 4 of former Presidents Thomas Jefferson and Herbert C.
 5 Hoover by hanging their respective portraits on the
 6 marble columns of the Senate chamber's north wall or
 7 another appropriate place.

1 SENATE RESOLUTION NO. 7

2 By: Dearden

3 A Resolution honoring Major General Warren G.

4 Lawson, recommending Major General Warren G. Lawson
 5 for the Iowa Medal of Valor, and designating a Major
 6 General Warren G. Lawson Day.

7 WHEREAS, Major General Warren G. Lawson entered the
 8 United States Army as an infantry second lieutenant
 9 upon completion of the University of Iowa Reserve
 10 Training Corps Program and after an outstanding career
 11 on the University of Iowa football team; and

12 WHEREAS, Major General Lawson retired from active
 13 service in the United States Army in 1979 to return to
 14 his home and to become the Iowa National Guard Deputy
 15 Adjutant General, and to subsequently be appointed as
 16 the Iowa National Guard Adjutant General in 1985; and

17 WHEREAS, Major General Lawson has provided
 18 exceptional leadership for members of the Iowa Army
 19 National Guard and the Iowa Air National Guard through
 20 the Iowa National Guard's years of greatest
 21 operational readiness and activity in its history,
 22 with Major General Lawson's leadership being
 23 recognized by his tenure as President of the Adjutant
 24 General's Association from 1995 to 1997; and

25 WHEREAS, under Major General Lawson's leadership,
 26 the operational readiness of the Iowa National Guard
 27 units across the state achieved record heights, and
 28 members of the Iowa Army National Guard and Iowa Air
 29 National Guard were deployed to serve in the Persian
 30 Gulf War and the Bosnian peacekeeping mission, and to

Page 2

1 enforce the North Atlantic Treaty Organization "no-
 2 fly" zones over Northern and Southern Iraq, each time
 3 bringing great pride and credit to Iowa and the United

4 States; and
 5 WHEREAS, Major General Lawson directed countless
 6 state active duty operations, including the deployment
 7 of 4,600 Iowa National Guardsmen during the record-
 8 setting floods of 1993, thereby reducing the negative
 9 effects of the many emergencies and disasters on the
 10 citizens of Iowa; and
 11 WHEREAS, Major General Lawson has been a driving
 12 force in the establishment of a nationwide distance
 13 learning network, as well as the establishment of the
 14 United States Army's National Maintenance Training
 15 Center and the youth-oriented STARBASE Program at Camp
 16 Dodge; NOW THEREFORE,
 17 BE IT RESOLVED BY THE SENATE, That the General
 18 Assembly recommends to the Governor that the Iowa
 19 Medal of Valor be presented to Major General Warren G.
 20 Lawson; and
 21 BE IT FURTHER RESOLVED, That the General Assembly
 22 designates June 14, 1999, as Major General Warren G.
 23 Lawson Day in honor and recognition of Major General
 24 Lawson's dedicated and selfless service to Iowa and
 25 the United States.

1 SENATE RESOLUTION NO. 8

2 By: Szymoniak, Connolly, and Hammond

3 A Resolution to amend the Senate Code of Ethics.

4 BE IT RESOLVED BY THE SENATE, That rules 11 and 24

5 of the Senate Code of Ethics for the Seventy-eighth

6 General Assembly shall be amended as follows:

7 11. DISCLOSURE REQUIRED.

8 a. Each senator shall file with the secretary of
 9 the senate within ten days after the adoption of the
 10 code of ethics by the senate, and within ten days
 11 after the convening of the second session of the
 12 general assembly, a statement under section 68B.35 on
 13 forms provided by the secretary of the senate setting
 14 forth the following information:

15 (1) The name and nature of each business in which
 16 the senator and, if applicable, the spouse of the
 17 senator is engaged and the nature of the business of
 18 each company in which the senator has a financial
 19 interest and the job title or position held within
 20 each business. If a senator or the senator's spouse
 21 is self-employed and is doing business under the
 22 senator's or the spouse's given name, the senator
 23 shall indicate that the senator or the senator's
 24 spouse is self-employed. If the senator or the
 25 senator's spouse is self-employed and is doing
 26 business under a name other than the senator's or
 27 spouse's given name, the senator shall indicate that
 28 the senator or spouse is self-employed and list the

29 name of the senator's or spouse's business. The
 30 senator shall also disclose the range of compensation

Page 2

1 received or earned by the senator, within the ranges
 2 established in these rules.
 3 (2) A list of any other sources of income of the
 4 senator and, if applicable, of the senator's spouse.
 5 If the income is derived from a corporation, business,
 6 or other entity, the list shall include the name of
 7 the corporation, business, or other entity from which
 8 the income is derived. If not apparent from the name,
 9 the nature of the business of the corporation,
 10 business, or other entity from which the income is
 11 derived shall also be listed. The type of interest
 12 held shall also be listed by the categories
 13 established in these rules, where applicable. A
 14 senator or a senator's spouse shall not be required to
 15 file a report or be assumed to have a financial
 16 interest if the annual income derived from the
 17 investment in stocks, bonds, bills, notes, mortgages,
 18 or other securities offered for sale through
 19 recognized financial brokers source of income is less
 20 than one thousand dollars.
 21 b. Disclosures required under this rule shall be
 22 as of the date filed unless provided to the contrary,
 23 and shall be amended to include interests and changes
 24 encompassed by this rule that occur while the general
 25 assembly is in session. All filings under this rule
 26 shall be open to public inspection in the office of
 27 the secretary of the senate at all reasonable times.
 28 The secretary of the senate shall inform the ethics
 29 committee of the statements which are filed and shall
 30 report to the ethics committee the names of any

Page 3

1 senators who appear not to have filed complete
 2 statements. The chairperson of the ethics committee
 3 shall request in writing that a senator who has failed
 4 to complete the report or appears to have filed an
 5 incomplete report do so within five days, and, upon
 6 the failure of the senator to comply, the ethics
 7 committee shall require the senator to appear before
 8 the committee.
 9 24. PERSONAL FINANCIAL DISCLOSURE FORM. The
 10 following form shall be used for disclosure of
 11 economic interests under these rules and section
 12 68B.35:
 13 STATEMENT OF ECONOMIC INTERESTS
 14 Name: _____

15 (Last) (First) (Middle Initial)
 16 Spouse's Name:
 17 (Last) (First) (Middle Initial)
 18 Address: _____
 19 (Street Address, Apt.# - P.O. Box)
 20 _____
 21 (City) (State) (Zip)
 22 Phone:(Home) ___-___-____ (Business) ___-___-____
 23 *****

24 a. Please list the name of each business,
 25 occupation, or profession in which you and your
 26 spouse, if applicable, are engaged. In listing the
 27 business, occupation, or profession, it is not
 28 necessary that your employer or the name of the
 29 business be listed, although all if you are self-
 30 employed and you are doing business under your given

Page 4

1 name, you should indicate that you are self-employed.
 2 If you are self-employed and are doing business under
 3 another name, you should indicate that you are self-
 4 employed and list the name of the business. The same
 5 requirements apply to your spouse, if you are married.
 6 All businesses, occupations, or professions must be
 7 listed, regardless of the amount of income derived or
 8 time spent participating in the activity and each
 9 entry should indicate whether you or your spouse is
 10 the person engaged in the business, occupation, or
 11 profession. (Examples of types of businesses,
 12 occupations, or professions that may be listed:
 13 teacher, lawyer, legislator, real-estate agent,
 14 insurance adjuster, salesperson....)

- 15 (1) _____
- 16 (2) _____
- 17 (3) _____
- 18 (4) _____
- 19 (5) _____

20 b. Please list the nature of each of the
 21 businesses, occupations, or professions which you
 22 listed in paragraph "a", above, for yourself or your
 23 spouse, unless the nature of the business, occupation,
 24 or profession is already apparent from the information
 25 indicated above. The descriptions in this paragraph
 26 should correspond by number to the numbers for and
 27 names of each of the businesses, occupations, or
 28 professions listed in paragraph "a". If not apparent,
 29 indicate specifically the business, occupation, or
 30 profession in which you are engaged or in which your

Page 5

1 spouse is engaged. (Examples: If you indicated, for
 2 example, that you were a salesperson employed by
 3 company X in subparagraph (1) of paragraph "a", you
 4 should list in subparagraph (1) of this paragraph, the
 5 types of goods or services sold produced or provided
 6 by company X in this item. If you indicated that you
 7 were a teacher employed by school Y in subparagraph
 8 (2) of paragraph "a", you should indicate in
 9 subparagraph (2) of this paragraph, the type of school
 10 or institution in which you provide instruction or
 11 whether the instruction is provided on a private basis
 12 are employed. If you indicated that you were a lawyer
 13 work in a law firm in subparagraph (3) of paragraph
 14 "a", you should indicate your the areas of practice of
 15 the firm and whether you are in the firm is a private,
 16 corporate, or government practice in subparagraph (3)
 17 of this paragraph. If you indicated in subparagraph
 18 (4) of paragraph "a" that you were a consultant self-
 19 employed, in subparagraph (4) of this paragraph you
 20 should indicate the kind of services provided and
 21 types of clients served.)

- 22 (1) _____
 23 (2) _____
 24 (3) _____
 25 (4) _____
 26 (5) _____

27 c. Please list for each of the businesses,
 28 occupations, or professions which you listed in
 29 paragraph "a", above, the job title or position which
 30 you or, if applicable, your spouse holds in the

Page 6

- 1 business, occupation, or profession. Each entry
 2 should indicate whether you or your spouse is the
 3 person who holds the title or position.
 4 (1) _____
 5 (2) _____
 6 (3) _____
 7 (4) _____
 8 (5) _____
- 9 d. Please list for each of the businesses,
 10 occupations, or professions which you listed in
 11 paragraph "a", above, as a business, occupation, or
 12 profession in which you engage, the compensation
 13 received or earned by you from the business,
 14 occupation, or profession within the following ranges:
 15 \$ 0 through \$9,999.99
 16 \$10,000 through \$24,999.99
 17 \$25,000 through \$49,999.99

- 18 \$50,000 through \$99,999.99
 19 \$100,000 through \$149,999.99
 20 \$150,000 through \$249,999.99
 21 \$250,000 through \$499,999.99
 22 \$500,000 through \$999,999.99
 23 \$1,000,000 and above.
 24 (1)
 25 (2)
 26 (3)
 27 (4)
 28 (5)
 29 e. e. Please list each income source, by name, if
 30 applicable, and a general description of the nature of

Page 7

- 1 the business of the income source if the nature of the
 2 business is not apparent, from which you receive, or
 3 which generates, more than one thousand dollars in
 4 gross annual income in the categories listed below.
 5 For purposes of this item, a source produces gross
 6 annual income if the revenue produced by the source is
 7 subject to federal or state income taxes. In
 8 completing this item, it is not necessary to list the
 9 name of the company, business, financial institution,
 10 corporation, partnership, or other entity which
 11 constitutes the source of the income and the amount or
 12 value of the holding should not be listed.
 13 (1) Securities (Here for example, you need not
 14 state that you own X number of shares of any specific
 15 company by brand or corporate name, or that the stock
 16 is of a certain value, but may instead shall state
 17 that you possess stock in a named company and indicate
 18 the nature of the company's business. If the interest
 19 held is in a mutual fund, you should state that you
 20 hold an interest in a mutual fund and give the name of
 21 the fund.):
 22 _____
 23 _____
 24 _____
 25 _____
 26 _____
 27 (2) Instruments of Financial Institutions (You
 28 need not shall indicate here, for example, the names
 29 of the institutions in which institutions you hold
 30 certificates of deposit that produce annual income

Page 8

- 1 over the one thousand dollar threshold, but simply
 2 listing and shall list the nature of the business of
 3 the institution will suffice, e.g., bank, credit

4 union, or savings and loan association.):
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____

10 (3) Trusts (The name of the particular trust need
 11 ~~not shall~~ be listed. However, if If the income is
 12 received from a charitable trust/foundation, such as
 13 the Pugh Charitable Trust, in the form of a grant, the
 14 fact that the trust is a charitable trust should also
 15 be noted here.):
 16 _____
 17 _____
 18 _____
 19 _____
 20 _____

21 (4) Real Estate (When listing real estate, it is
 22 not necessary to list the location of the property,
 23 but the general nature of the real estate interest
 24 should be indicated, e.g. residential leasehold
 25 interest or farm leasehold interest. If the real
 26 estate is held in joint tenancy, the value of the
 27 entire property shall be considered when determining
 28 whether the \$1,000 threshold has been reached.)
 29 _____
 30 _____

Page 9

1 _____
 2 _____
 3 _____

4 (5) Retirement Systems (When listing retirement
 5 benefits, ~~it is not necessary to list the name of the~~
 6 ~~particular pension system or company, but rather and~~
 7 ~~the type of benefit should be listed, e.g., health~~
 8 benefits, life insurance benefits, private pension, or
 9 government pension.):
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____

15 (6) Other Income Categories Specified in State or
 16 Federal Income Tax Regulations (List the name of any
 17 other business or source of income and a description
 18 of the business or other sources of income producing
 19 over one thousand dollars in annual income not
 20 previously reported above, but which must be reported
 21 for income tax purposes.)
 22 _____

23 _____
 24 _____
 25 _____
 26 _____
 27 _____
 28 _____

29 (Signature of filer) (Date)

30 BE IT FURTHER RESOLVED BY THE SENATE, That the

Page 10

1 Senate Code of Ethics for the Seventy-eighth General
 2 Assembly be amended by adding the following new rule:
 3 NEW RULE. 10A. RECEIPT OF CORPORATE
 4 CONTRIBUTIONS. A senator shall not solicit or receive
 5 campaign contributions for purposes of expressly
 6 advocating the nomination or election of the senator
 7 or the defeat of another senate candidate from an
 8 entity organized as a corporation pursuant to the laws
 9 of this state, the United States, or any other state,
 10 territory, or foreign country, whether for profit or
 11 not, or an officer, agent, or representative acting
 12 for the corporation.

1 SENATE RESOLUTION NO. 9
 2 By: Iverson
 3 A Resolution congratulating Nick Collison and the 1999
 4 McDonald's All American High School Basketball Team.
 5 WHEREAS, the McDonald's All American High School
 6 Basketball Team has been named for the twenty-third
 7 consecutive year; and
 8 WHEREAS, the McDonald's All American High School
 9 Basketball Team will play in the McDonald's All
 10 American High School Basketball Game for the twenty-
 11 second consecutive year; and
 12 WHEREAS, the 1999 McDonald's All American High
 13 School Basketball Game will take place on March 24,
 14 1999, in Ames, Iowa; and
 15 WHEREAS, at least one former McDonald's All
 16 American has been a part of a National Collegiate
 17 Athletic Association (NCAA) championship team since
 18 1979 and a total of 53 former McDonald's All Americans
 19 have played a role in at least one NCAA championship
 20 team; and
 21 WHEREAS, a total of 20 former McDonald's All
 22 Americans have played on National Basketball
 23 Association (NBA) championship teams; and
 24 WHEREAS, two former McDonald's All Americans,
 25 Michael Jordan and Magic Johnson, have won a combined
 26 nine NBA Most Valuable Player awards; and
 27 WHEREAS, nine former McDonald's All Americans have

28 been named NBA Rookie of the Year; and
29 WHEREAS, thirteen former McDonald's All Americans
30 have become the first selection in the NBA draft; and

Page 2

1 WHEREAS, the 1999 McDonald's All American High
2 School Basketball Game Selection Committee has chosen
3 Majestic Mapp, Jason Williams, Joseph Forte, Kenny
4 Satterfield, Casey Sanders, Marvin Stone, Keith
5 Bogans, Damien Wilkins, DeMarr Johnson, Donnell
6 Harvey, Brett Nelson, Jason Gardner, Jason Kapono,
7 Jason Richardson, Jonathan Bender, Brian Cook, LaVell
8 Blanchard, Michael Dunleavy, Carlos Boozer, and Nick
9 Collison as members of the 1999 McDonald's All
10 American High School Basketball Team; and

11 WHEREAS, the 1999 McDonald's All American High
12 School Basketball Team includes Nick Collison who
13 played high school basketball for Iowa Falls High
14 School in Iowa Falls, Iowa and has committed to
15 playing college basketball at the University of
16 Kansas; NOW THEREFORE,

17 BE IT RESOLVED BY THE SENATE, That the members of
18 the 1999 McDonald's All American High School
19 Basketball Team be congratulated for their
20 accomplishments and many achievements as high school
21 basketball players and for being selected to the 1999
22 McDonald's All American High School Basketball Team;
23 and

24 BE IT FURTHER RESOLVED, That Nick Collison be
25 congratulated for his success as a high school
26 basketball player in the State of Iowa and for being
27 only the third high school basketball player from Iowa
28 ever to be named to the McDonald's All American High
29 School Basketball Team.

1 SENATE RESOLUTION NO. 10

2 By: Deluhery, Tinsman, Rife, Drake, and Rittmer
3 A Resolution supporting the placement of
4 additional federal production work at, and
5 continued utilization of, the Rock Island Arsenal.

6 WHEREAS, the facilities of the Rock Island Arsenal
7 employ several thousand people; reflect a greatly
8 enhanced physical plant, machine tool inventory, and
9 data processing capabilities; and comprise one of the
10 largest weapons manufacturing arsenals in the world;
11 and

12 WHEREAS, the Rock Island Arsenal has proven capable
13 of producing many weapons systems at a lower cost than
14 producers of such systems in the private sector; and

15 WHEREAS, the Defense Megacenters-Rock Island,

16 located at the Rock Island Arsenal, has the
17 significant ability to furnish a full range of
18 automation services, including business, tactical, and
19 logistical systems support; and

20 WHEREAS, the communities in the states of Illinois
21 and Iowa which are located in the vicinity of the Rock
22 Island Arsenal recognize and appreciate the
23 contribution which the Rock Island Arsenal makes to
24 the economic vitality and stability of the region; NOW
25 THEREFORE,

26 BE IT RESOLVED BY THE SENATE, That the United
27 States Department of Defense, the United States Army,
28 and the United States Congress are urged to continue
29 to place production work at the Rock Island Arsenal,
30 and to consider increased utilization of the Arsenal's

Page 2

1 facilities, so that the capabilities of the Rock
2 Island Arsenal, and economic vitality of the
3 surrounding region, may be utilized to the fullest
4 extent possible.

5 BE IT FURTHER RESOLVED, That copies of this
6 Resolution be sent to the President of the United
7 States, the United States Secretary of Defense, the
8 Secretary of the Army, the Commander of Headquarters
9 of the Army Materiel Command, the President, Majority
10 Leader, and Minority Leader of the United States
11 Senate, the Speaker, Majority Leader, and Minority
12 Leader of the United States House of Representatives,
13 and to members of the Illinois and Iowa congressional
14 delegations.

1 SENATE RESOLUTION NO. 11

2 By: Rehberg and Kibbie

3 A Resolution congratulating members of the All-Iowa
4 Community College Academic Team.

5 WHEREAS, the All-State Community College Academic
6 Team Program was established in 1994 by Phi Theta
7 Kappa, the International Honor Society of the Two-Year
8 College, with the permission of USA Today; and

9 WHEREAS, Iowa's community colleges launched the
10 All-Iowa Academic Team Program in April 1996, to
11 recognize the achievements of outstanding community
12 college students; and

13 WHEREAS, Phi Theta Kappa has recognized and
14 encouraged scholarship among two-year college students
15 for 75 years by providing stimulation and enrichment
16 while promoting the academic integrity of the
17 associate degree program; and

18 WHEREAS, the 1999 Iowa All-State Student Nominees

19 by Community College are as follows:

- 20 From Des Moines Area Community College, Charles
- 21 White and Tami Strah; and from its Boone Campus,
- 22 Kathleen Kirkegaard and Zachary Evans;
- 23 From the Eastern Iowa Community College District,
- 24 from Clinton Community College, Rick Casel and Staci
- 25 Hartman; from Muscatine Community College, Shawna
- 26 Imhoff and Shelly MacGowan; and from Scott Community
- 27 College, Marsha Andersen and James Wilson;
- 28 From Hawkeye Community College, Michelle Dulleck
- 29 and Carla Moses;
- 30 From Iowa Central Community College, Fort Dodge

Page 2

- 1 Center, Catherine Lensch and Lisley Miller;
- 2 From Iowa Lakes Community College, Sara Walraven
- 3 and Ann Phillips;
- 4 From the Iowa Valley Community College District,
- 5 from Ellsworth Community College, Heidi Berhorst and
- 6 Callie Surber; and from Marshalltown Community
- 7 College, Susan Lindemann;
- 8 From Iowa Western Community College, James Wolfe,
- 9 Tresa Gray, and Shannon Gravett;
- 10 From Kirkwood Community College, Zenobia Maia-
- 11 Beckley and Rebecca Happel;
- 12 From North Iowa Area Community College, Janine
- 13 Papadopoulos;
- 14 From Northeast Iowa Community College, Gladys
- 15 Church, Karen Downes, Luetta Bockenstedt, and Amy Jo
- 16 Shaffer;
- 17 From Northwest Iowa Community College, Doug Ebel
- 18 and Juanita Anliker;
- 19 From Southeastern Community College, Amy
- 20 Spallinger, Sandra Breazeale, and Jennifer Marshall;
- 21 From Southwestern Community College, Johnna Lantz
- 22 and Kathryn McCampbell;
- 23 From Waldorf College, Beth Skogen and Matthew
- 24 Brown; and
- 25 WHEREAS, these outstanding student nominees are
- 26 from many different walks of life and range in ages
- 27 from 17 to over 50 years of age; NOW THEREFORE,
- 28 BE IT RESOLVED BY THE SENATE, That the nominees for
- 29 the 1999 All-State Iowa Community College Academic
- 30 Team be congratulated for their accomplishments in the

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- 1 area of academic achievement, leadership, and service
- 2 to community.

1 SENATE RESOLUTION NO. 12

2 By: Dvorsky, Bolkcom, Horn, Hammond, Black,

3 Fink, McKibben, Hansen, Gronstal, Dearden,

4 Shearer, Judge, Deluhery, Soukup, Harper,

5 Szymoniak, Fraise, Redfern, and Bartz

6 A Resolution honoring University of Iowa

7 Basketball Coach Tom Davis.

8 WHEREAS, University of Iowa Basketball Coach Tom

9 Davis has posted a spectacular record of 249-130 at

10 the University of Iowa, with his teams winning more

11 games in a shorter period of time than teams under any

12 other previous Hawkeye Coach; and

13 WHEREAS, Coach Davis' hard work and dedication to

14 his teams and the fans carried on a rich basketball

15 tradition at the University of Iowa; and

16 WHEREAS, Coach Davis' up-tempo style of play and

17 full-court press coupled with liberal substitutions

18 provided an exciting brand of basketball for Hawkeye

19 fans; and

20 WHEREAS, Coach Davis has led the Hawkeyes to a 32-

21 20 record in the Big Ten Conference over the past

22 three seasons, second best in the Big Ten, and his

23 Iowa teams have earned eight NCAA Tournament bids and

24 two NIT bids, and his teams have won at least 20 games

25 in nine out of 12 seasons; and

26 WHEREAS, the University of Iowa Men's Basketball

27 Team advanced to the sweet sixteen of the NCAA

28 tournament in Coach Tom Davis' final year as head

29 coach; and

30 WHEREAS, the University of Iowa men's basketball

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1 program graduation rate continues to rank near the top

2 of the Big Ten Conference; and

3 WHEREAS, the University of Iowa Men's Basketball

4 Team was ranked second in the Big Ten Conference this

5 year in home game attendance; NOW THEREFORE,

6 BE IT RESOLVED BY THE SENATE, That Coach Tom Davis

7 be congratulated for the success and recognition he

8 helped bring to the University of Iowa and the Hawkeye

9 basketball program both on and off the field, and for

10 his outstanding leadership, inspiration, and coaching

11 ability exhibited throughout his career at the

12 University of Iowa; and

13 BE IT FURTHER RESOLVED, That, upon adoption, an

14 official copy of this resolution be prepared for

15 presentation to Coach Tom Davis.

1 SENATE RESOLUTION NO. 13

2 By: Dvorsky, Bolkcom, Judge, Dearden, Deluhery,
3 Horn, Kibbie, Fraise, Gronstal, Fink, Hammond,
4 McCoy, Harper, Flynn, Soukup, Shearer, Szymoniak,
5 Connolly, McKibben, Behn, King, Veenstra, Redfern,
6 Hedge, Angelo, Drake, Jensen, Rittmer, Tinsman,
7 Schuerer, Redwine, Gaskill, Sexton, and Black
8 A Resolution congratulating the University
9 of Iowa Hawkeyes Wrestling Team.
10 WHEREAS, the citizens of Iowa are thrilled that the
11 University of Iowa Wrestling Team, in Head Coach Jim
12 Zalesky's second season, won the NCAA Division I
13 Wrestling Tournament; and
14 WHEREAS, the fans of the University of Iowa
15 Wrestling Team wish to applaud the individual
16 wrestlers of the team for their stunning season this
17 year, especially the following wrestlers for their
18 performance at the NCAA Tournament: Doug Schwab for
19 placing first in the 141 lbs. weight class, T. J.
20 Williams for placing first in the 149 lbs. weight
21 class, Lee Fulhart for placing second in the 197 lbs.
22 weight class, Eric Juergens for placing third in the
23 133 lbs. weight class, and Jamie Heidt for placing
24 eighth in the 157 lbs. weight class; and
25 WHEREAS, the citizens of Iowa also wish to
26 congratulate the University of Iowa Head Wrestling
27 Coach Jim Zalesky for an outstanding coaching
28 performance and his second straight NCAA Division I
29 Wrestling Tournament Championship in this, his second
30 season as Head Coach; NOW THEREFORE,

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1 BE IT RESOLVED BY THE SENATE, That Coach Jim
2 Zalesky and the University of Iowa Wrestling Team be
3 congratulated on their successful season and be
4 thanked for the honor and excitement they brought to
5 the State of Iowa.

1 SENATE RESOLUTION NO. 14

2 By: Redfern and Harper
3 A Resolution honoring Nina Smith for being
4 named girls' high school basketball National
5 Player of the Year.
6 WHEREAS, the citizens of Iowa are thrilled that
7 Nina Smith of Waterloo West High School was named
8 Parade Magazine's National Player of the Year, the
9 Women's Basketball Coaches Association Player of the
10 Year, and National Player of the Year by USA Today in
11 high school girls' basketball; and
12 WHEREAS, the citizens of Iowa are greatly pleased

13 that Nina Smith is the first player from Iowa to earn
 14 the National Player of the Year honor; and
 15 WHEREAS, Nina Smith was the only underclassman
 16 named Parade Magazine's First-Team All-American in
 17 1998; and
 18 WHEREAS, Nina Smith during the 1998-1999 season
 19 made almost 80 percent of her field goals within the
 20 three-point arc, and averaged 26 points, 11.5
 21 rebounds, and four blocked shots per game; and
 22 WHEREAS, Nina Smith during the 1998-1999 season led
 23 the Waterloo West Girls' Basketball Team to a 23-4
 24 record and to a second-place finish in the Class 4A
 25 Girls' Basketball Tournament and was named Miss Iowa
 26 Basketball, the first African-American to receive such
 27 an honor; and
 28 WHEREAS, Nina Smith's exciting athletic
 29 performances and her integrity on and off the
 30 basketball court have greatly inspired the citizens of

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1 Iowa; NOW THEREFORE,
 2 BE IT RESOLVED BY THE SENATE, That Nina Smith be
 3 congratulated on her outstanding accomplishments and
 4 be thanked for the honor and excitement she has
 5 brought to the State of Iowa.

1 SENATE RESOLUTION NO. 15
 2 By: Horn, Dvorsky, McKean, and Lundby
 3 A Resolution honoring the City of Cedar Rapids on its
 4 sesquicentennial year.
 5 WHEREAS, the City of Cedar Rapids was incorporated
 6 in 1849 and has since evolved as one of the finest
 7 cities in America; and
 8 WHEREAS, 1999 marks the sesquicentennial
 9 anniversary year of the City of Cedar Rapids; and
 10 WHEREAS, the City of Cedar Rapids has chosen its
 11 sesquicentennial anniversary to celebrate its rich
 12 cultural, educational, industrial, and civic history;
 13 and
 14 WHEREAS, the City of Cedar Rapids has chosen a
 15 different-celebration theme for each month of 1999:
 16 January - kickoff, February - diversity, March -
 17 volunteers, April - learning, May - architecture, June -
 18 history, July - freedom, August - neighborhoods,
 19 September - labor, October - business, November -
 20 recreation, and December - looking forward for another
 21 150 years; NOW THEREFORE,
 22 BE IT RESOLVED BY THE SENATE, That the Senate
 23 recognizes and extends its congratulations to the City
 24 of Cedar Rapids on its sesquicentennial anniversary

25 year and for its 150 years of service to its citizens
 26 and to the State of Iowa.
 27 BE IT FURTHER RESOLVED, That an official copy of
 28 this Resolution be prepared and presented to the
 29 Honorable Lee R. Clancey, Mayor of the City of Cedar
 30 Rapids.

1 SENATE RESOLUTION NO. 16

2 By: Iverson and McCoy

3 A Resolution congratulating the Des Moines
 4 Buccaneers.

5 WHEREAS, the citizens of Iowa and the fans of the
 6 Des Moines Buccaneers Hockey Team wish to congratulate
 7 the Buccaneers for an outstanding season; and

8 WHEREAS, the citizens of Iowa and the fans of the
 9 Des Moines Buccaneers are thrilled that the Buccaneers
 10 won the Clark Cup finals of the United States Hockey
 11 League (USHL) by defeating the Omaha Lancers; and

12 WHEREAS, the citizens of Iowa and the fans of the
 13 Des Moines Buccaneers are greatly pleased that the
 14 Buccaneers posted a spectacular season record of 48-7,
 15 recorded 19 consecutive wins, and compiled a home
 16 season record of 30-2, all of which are USHL single
 17 season records; and

18 WHEREAS, the Des Moines Buccaneers scored an
 19 astounding 304 goals during the 1998-1999 season which
 20 is 70 more goals than scored by any other team; and

21 WHEREAS, fans of the Des Moines Buccaneers should
 22 be congratulated for their loyalty and enthusiasm for
 23 the Buccaneers exhibited through an average attendance
 24 of 3,063 for each home game; and

25 WHEREAS, the citizens of Iowa wish to honor the Des
 26 Moines Buccaneers' Head Coach Scott Owens for his
 27 leadership and integrity which has been an inspiration
 28 to both his players and the fans of the Buccaneers;

29 NOW THEREFORE,

30 BE IT RESOLVED BY THE SENATE, That Coach Scott

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1 Owens and the Des Moines Buccaneers be commended for a
 2 successful season, that they are wished the best of
 3 luck in the Gold Cup, and that they be thanked for the
 4 honor and excitement they have brought to the State of
 5 Iowa.

1 SENATE RESOLUTION NO. 17

2 By: Iverson and Gronstal

3 A Resolution paying tribute to the memory of Elizabeth
 4 M. Osenbaugh and recognizing her many contributions

5 to state government.

6 WHEREAS, Elizabeth (Bess) M. Osenbaugh was born in
7 Lucas County, Iowa, where she spent her childhood and
8 formed a lasting bond with the local people and the
9 beautiful Iowa countryside; and

10 WHEREAS, Bess Osenbaugh attended college and law
11 school at the University of Iowa in Iowa City, Iowa,
12 and graduated with honors as Order of the Coif in
13 1971; and

14 WHEREAS, Bess Osenbaugh's legal career took her to
15 the states of Arkansas and Washington, and brought her
16 back to Iowa to join the office of Iowa Attorney
17 General Thomas J. Miller in 1979; and

18 WHEREAS, Bess Osenbaugh ably served the citizens of
19 Iowa for nearly 18 years in the office of the Attorney
20 General in various capacities, including as the
21 Director of the Environmental Law Division and Deputy
22 Attorney General, and was serving as Solicitor General
23 at the time of her death; and

24 WHEREAS, Bess Osenbaugh's service to this state
25 exemplified the best qualities of public service:
26 hard work, intelligence, dedication, and integrity;
27 and

28 WHEREAS, Bess Osenbaugh served as a wonderful role
29 model and inspiring mentor to attorneys in the office
30 of the Attorney General and throughout state

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1 government; and

2 WHEREAS, Bess Osenbaugh performed her duties with
3 great legal skill, compassion, and commitment; and

4 WHEREAS, Bess Osenbaugh has raised her daughter,
5 Betsy Ryan Osenbaugh, to share her love of Iowa and
6 her values; NOW THEREFORE,

7 BE IT RESOLVED BY THE SENATE, That the Senate pay
8 tribute to the memory of Elizabeth M. Osenbaugh,
9 recognizing her deep commitment and many contributions
10 to the State of Iowa, and recognizing the many
11 accomplishments in her life; and

12 BE IT FURTHER RESOLVED, That the Secretary of the
13 Senate prepare official copies of this resolution for
14 presentation to Elizabeth M. Osenbaugh's surviving
15 daughter, Betsy Ryan Osenbaugh, and to her family.

1 SENATE RESOLUTION NO. 18

2 By: Committee on Rules and Administration

3 A 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, 1999 and ending June 30, 2000, 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 \$2,849,895.
27 2. Interim expenses including members' and staff
28 compensation and other current expenses in an amount
29 not to exceed \$344,000.
30 3. Fixed expenses, including permanent employees'

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1 compensation and equipment in an amount not to exceed
2 \$2,077,652.
3 4. A special fund for renovation, restoration, and
4 equipment improvements in the Senate chamber and
5 adjacent areas to be used with the authorization of
6 the Committee on Rules and Administration, in an
7 amount not to exceed \$75,000.
8 5. A special fund for technology and
9 computerization improvements to be used with the
10 authorization of the Committee on Rules and
11 Administration, in an amount not to exceed \$108,000.
12 6. A special Senator Dale L. Tieden fund for an
13 educational program for the Senate Pages to be used
14 with the authorization of the Committee on Rules and
15 Administration, in an amount not to exceed \$1,000.
16 Sec. 2. The Secretary of the Senate shall
17 immediately provide written notice to the majority and
18 minority leaders of the Senate and to the Chair and
19 Ranking Member of the Senate Appropriations Committee
20 if actual expenditures payable pursuant to Iowa Code
21 sections 2.10 through 2.14 inclusive exceed the
22 maximum amount allocated to any category of the budget
23 provided by section 1 of this resolution. The written
24 notice shall specify the amount of and reasons for any
25 excess expenditure.

26 Sec. 3. The expenditures referred to in section 2
27 of this resolution shall consist only of those sums
28 required for payment of the various expenses of the
29 General Assembly including such items as legislative
30 printing expenses, unpaid expenses incurred during the

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1 interim between sessions of the General Assembly,
2 expenditures incurred pursuant to resolutions, and
3 expenses for purchases of legislative equipment and
4 supplies necessary to carry out the functions of the
5 General Assembly. Joint expenditures or special
6 expenditures approved by the Committee on Rules and
7 Administration or the Legislative Council are not
8 included in the budget set forth in this resolution.
9 Sec. 4. If a special session of the General
10 Assembly is held, the Committee on Rules and
11 Administration shall provide for consideration of a
12 budget for the special session.

1 SENATE CONCURRENT RESOLUTION NO. 1

2 By: Fink

3 A Concurrent Resolution encouraging the federal
4 government to ease restrictions on the immediate
5 removal from the classroom of students behaving
6 violently or disruptively and requesting an
7 appropriation increase to assist in establishing
8 alternative education programs.
9 WHEREAS, teachers cannot perform their jobs
10 effectively and students' learning abilities are
11 impaired when other students chronically or severely
12 disrupt class, sometimes to the point of endangering
13 the health and safety of teachers and students; and
14 WHEREAS, federal laws and regulations seemingly
15 ignore the rights of the students who choose to attend
16 school, focus on their education, and learn in a civil
17 environment; and
18 WHEREAS, schools are exposed to lawsuits from
19 parents who fear for their children's safety in
20 classrooms where disruptive and possibly violent
21 behavior must be tolerated because of federal laws and
22 regulations; and
23 WHEREAS, changes resulting from the enactment of
24 the revised Individuals with Disabilities Education
25 Act (IDEA), Pub. L. No. 105-17, improve the plight of
26 students, teachers, and administrators who wish to
27 learn and work in a safe environment, but do not solve
28 problems associated with disruptive behavior in the
29 classroom; and
30 WHEREAS, students who exhibit violent or

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1 chronically disruptive behavior need the special
 2 attention an alternative education program can
 3 provide; NOW THEREFORE,
 4 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 5 REPRESENTATIVES CONCURRING, That the federal executive
 6 branch and Congress are encouraged and requested to
 7 ease the restrictions on the immediate removal of
 8 students behaving violently or disruptively from the
 9 classroom; and
 10 BE IT FURTHER RESOLVED, That the federal
 11 administration and Congress are also encouraged and
 12 requested to increase IDEA appropriations to assist
 13 states in establishing alternative education programs
 14 for violent students; and
 15 BE IT FURTHER RESOLVED, That upon passage by both
 16 the Senate and the House of Representatives, that
 17 copies of this resolution be delivered to the
 18 President of the United States, the members of Iowa's
 19 congressional delegation, and United States Secretary
 20 of Education Richard W. Riley or his successor.

1 SENATE CONCURRENT RESOLUTION 2
 2 By: Committee on Rules and Administration
 3 A Concurrent Resolution relating to the compensation
 4 of chaplains, officers and employees of the ~~seventy-seventh~~
 5 ~~seventy-eighth~~ general assembly.
 6 WHEREAS, section 2.11 of the Code provides that
 7 "The compensation of the chaplains, officers, and
 8 employees of the general assembly shall be fixed by
 9 joint action of the house and senate by resolution at
 10 the opening of each session, or as soon thereafter as
 11 conveniently can be done.", NOW THEREFORE,
 12 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 13 That the compensation for the following officers for
 14 the period commencing ~~January 13, 1997~~ January 11,
 15 1999 and ending ~~January 11, 1999~~ January 8, 2001,
 16 shall be within the following ranges:
 17 Secretary of the Senate and Chief
 18 Clerk of the House \$46,847 to \$80,849
 19 \$49,700 to \$85,772
 20 Within the indicated ranges the exact compensation
 21 shall be set or adjusted for the senate officers by
 22 the senate rules and administration committee and for
 23 the house officers by the house administration and
 24 rules committee. The committees shall report the
 25 exact compensation assigned to each position on the
 26 next legislative day, or, if such action is during the
 27 interim, on the first day the senate or house shall
 28 convene. Any action by the senate or house to

29 disapprove or amend the report shall be effective the
30 day after the action.

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1 BE IT FURTHER RESOLVED, That the compensation of
2 the employees of the ~~seventy-seventh~~ seventy-eighth
3 general assembly is set, effective from January 13,
4 ~~1997 January 11, 1999,~~ until January 11, 1999 January
5 8, 2001, in accordance with the following salary
6 schedule:

7 #8	#9	#10	#11	#12
8 \$12,688.00	\$13,332.80	\$13,998.40	\$14,705.60	\$15,454.40
9 6.10	6.41	6.73	7.07	7.43
10				
11 #13	#14	#15	#16	#17
12 \$16,203.20	\$17,056.00	\$17,971.20	\$18,865.60	\$19,718.40
13 7.79	8.20	8.64	9.07	9.48
14				
15 #18	#19	#20	#21	#22
16 \$20,654.40	\$21,632.00	\$22,734.40	\$23,774.40	\$24,939.20
17 9.93	10.40	10.93	11.43	11.99
18				
19 #23	#24	#25	#26	#27
20 \$26,166.40	\$27,352.00	\$28,724.80	\$30,056.00	\$31,512.00
21 12.58	13.15	13.81	14.45	15.15
22				
23 #28	#29	#30	#31	#32
24 \$33,051.20	\$34,632.00	\$36,296.00	\$38,064.00	\$39,832.00
25 15.89	16.65	17.45	18.30	19.15
26				
27 #33	#34	#35	#36	#37
28 \$41,808.00	\$43,763.20	\$45,864.00	\$48,068.80	\$50,398.40
29 20.10	21.04	22.05	23.11	24.23
30				

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1 #38	#39	#40	#41	#42
2 \$52,790.40	\$55,348.80	\$58,032.00	\$60,798.40	\$63,752.00
3 25.38	26.61	27.90	29.23	30.65
4				
5 #43	#44	#45	#46	#47
6 \$66,747.20	\$70,012.80	\$73,361.60	\$76,856.00	\$80,537.60
7 32.09	33.66	35.27	36.95	38.72
8				
9 #10	#11	#12	#13	#14
10 \$14,851.20	\$15,600.00	\$16,390.40	\$17,180.80	\$18,096.00
11 7.14	7.50	7.88	8.26	8.70
12				
13 #15	#16	#17	#18	#19
14 \$19,073.60	\$20,009.60	\$20,904.00	\$21,923.20	\$22,942.40

15	9.17	9.62	10.05	10.54	11.03
16					
17	#20	#21	#22	#23	#24
18	\$24,128.00	\$25,209.60	\$26,457.60	\$27,768.00	\$29,016.00
19	11.60	12.12	12.72	13.35	13.95
20					
21	#25	#26	#27	#28	#29
22	\$30,472.00	\$31,886.40	\$33,425.60	\$35,068.80	\$36,732.80
23	14.65	15.33	16.07	16.86	17.66
24					
25	#30	#31	#32	#33	#34
26	\$38,500.80	\$40,393.60	\$42,244.80	\$44,345.60	\$46,425.60
27	18.51	19.42	20.31	21.32	22.32
28					
29	#35	#36	#37	#38	#39
30	\$48,651.20	\$50,980.80	\$53,476.80	\$55,993.60	\$58,718.40

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1	23.39	24.51	25.71	26.92	28.23
2					
3	#40	#41	#42	#43	#44
4	\$61,568.00	\$64,500.80	\$67,641.60	\$70,803.20	\$74,276.80
5	29.60	31.01	32.52	34.04	35.71
6					
7	#45	#46	#47	#48	#49
8	\$77,833.60	\$81,536.00	\$85,446.40	\$91,395.20	\$95,950.40
9	37.42	39.20	41.08	43.94	46.13

10 In this schedule, each numbered block shall be the
 11 yearly and hourly compensation for the pay grade of
 12 the number heading the block. Within each grade there
 13 shall be six steps numbered "1" through "6". In the
 14 above schedule the steps for all grades are determined
 15 in the following manner. Each numbered block is
 16 counted as the "1" step for that grade. The next
 17 higher block is counted as the "2" step; the next
 18 higher block is the "3" step; the next higher block is
 19 the "4" step; the next higher block is the "5" step;
 20 the next higher block is the "6" step.

21 All employees shall be available to work daily
 22 until completion of the senate's and house of
 23 representatives' business. The employee's division
 24 supervisor shall schedule all employees' working hours
 25 to, as far as possible, maintain regular working
 26 hours.

27 All employees, other than those designated "part-
 28 time" shall be compensated for 40 hours of work in a
 29 one-week pay period. Secretaries to senators and
 30 representatives are presumed to have 40 hours of work

Page 5

- 1 each week the legislature is in session and shall be
 2 paid only on that basis. Except for the personnel
 3 designated to the contrary in this resolution,
 4 employees who are required to work in excess of 40
 5 hours in a one-week pay period shall either be
 6 compensated at a rate of pay equal to one and one-half
 7 times the hourly pay provided in this resolution or
 8 allowed compensatory time off at a rate of one and
 9 one-half hours for each hour of overtime.
- 10 The following personnel shall not be paid an
 11 overtime premium:
- 12 Secretary of the Senate
 - 13 Chief Clerk of the House
 - 14 Assistant Secretary of the Senate
 - 15 Assistant Chief Clerk of the House
 - 16 Senate Legal Counsel
 - 17 House Legal Counsel
 - 18 Finance Officer
 - 19 Senior Finance Officer
 - 20 Senior Journal Editor
 - 21 All Administrative Assistants
 - 22 All Research Analysts
 - 23 All Research Assistants
 - 24 All Secretaries to Senators and Representatives
 - 25 All Caucus Staff Directors
 - 26 All Caucus Secretaries
 - 27 Administrative, Executive, and Confidential
 - 28 Secretaries to President, Speaker, Leader or
 - 29 Secretary of Senate or Chief Clerk of House
- 30 This list may be modified pursuant to the annual

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- 1 review authorized in this resolution.
- 2 BE IT FURTHER RESOLVED, That part-time employees
 3 shall be compensated at the scheduled hourly rate for
 4 their pay grade and step.
- 5 BE IT FURTHER RESOLVED, That compensatory time off
 6 shall be granted to employees not eligible for the
 7 overtime premium in a uniform manner for all
 8 legislative employees as determined by the legislative
 9 council.
- 10 BE IT FURTHER RESOLVED, That in the event the
 11 salary schedule for employees of the State of Iowa as
 12 promulgated by the personnel commission pursuant to
 13 section 19A.9, subsection 2, Code 1997 1999, is
 14 revised upward at any time during the ~~seventy-seventh~~
 15 ~~seventy-eighth~~ general assembly, such revised schedule
 16 shall simultaneously be adopted for the compensation
 17 of the employees of the ~~seventy-seventh~~ ~~seventy-eighth~~

18 general assembly assigned a grade by this resolution.
 19 The pay ranges of those positions specifically listed
 20 on page one of this resolution shall be automatically
 21 adjusted to reflect any cost of living increases
 22 granted to those employees not included in the
 23 collective bargaining agreements made final under
 24 chapter 20 of the Code and increases provided by the
 25 legislative council for agency directors.
 26 BE IT FURTHER RESOLVED, That adjustments in the
 27 positions and compensation listed in this resolution
 28 may be made through an annual interim review of all
 29 legislative employees for internal equity and to
 30 assure compliance with appropriate legal standards for

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1 granting of overtime and compensatory time off. Such
 2 review shall be conducted by a legislative committee
 3 made up of members of the service committee of
 4 legislative council and the appropriate salary
 5 subcommittees of the senate and house. Only one such
 6 review may be done in any fiscal year and adjustments
 7 suggested must be approved by the appropriate hiring
 8 body.

9 BE IT FURTHER RESOLVED, That the employees of the
 10 ~~seventy-seventh~~ seventy-eighth general assembly be
 11 placed in the following pay grades:

EMPLOYEES OF THE HOUSE

13 Sr. Assistant Chief Clerk of the House	Grade 41
14 Assistant Chief Clerk of the House III	Grade 38
15 Assistant Chief Clerk of the House II	Grade 35
16 Assistant Chief Clerk of the House I	Grade 32
17 Legal Counsel II	Grade 35
18 Legal Counsel I	Grade 32
19 Legal Counsel	Grade 30
20 Sr. Caucus Staff Director	Grade 41
21 Caucus Staff Director	Grade 38
22 Administrative Assistant to Leader	
23 or Speaker	Grade 27
24 Administrative Assistant I to Leader	
25 or Speaker	Grade 29
26 Administrative Assistant II to Leader	
27 or Speaker	Grade 32
28 Administrative Assistant III to Leader	
29 or Speaker	Grade 35
30 Sr. Administrative Assistant to	

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1 Leader or Speaker	Grade 38
2 Research Assistant	Grade 24
3 Legislative Research Analyst	Grade 27

4	Legislative Research Analyst I	Grade 29
5	Legislative Research Analyst II	Grade 32
6	Legislative Research Analyst III	Grade 35
7	Sr. Legislative Research Analyst	Grade 38
8	Secretary to Leader or Speaker	Grade 19
9	Caucus Secretary	Grade 21
10	Senior Caucus Secretary	Grade 24
11	Administrative Secretary to Leader, 12 Speaker, or Chief Clerk	Grade 21
13	Executive Secretary to Leader, 14 Speaker or Chief Clerk	Grade 24
15	Confidential Secretary to Leader, 16 Speaker, or Chief Clerk	Grade 27
17	Confidential Secretary II to Leader, Speaker 18 or Chief Clerk	Grade 32
19	Clerk to Chief Clerk	Grade 16
20	Supervisor of Secretaries	Grade 21
21	Supervisor of Secretaries I	Grade 24
22	Supervisor of Secretaries II	Grade 27
23	Senior Editor	Grade 30
24	Editor II	Grade 25
25	Editor I	Grade 22
26	Assistant Editor	Grade 19
27	Compositor/Desk Top Specialist	Grade 17
28	Sr. Text Processor	Grade 25
29	Text Processor II	Grade 22
30	Text Processor I	Grade 19

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1	Senior Finance Officer	Grade 31
2	Finance Officer II	Grade 27
3	Finance Officer I	Grade 24
4	Assistant Finance Officer	Grade 21
5	Recording Clerk II	Grade 24
6	Recording Clerk I	Grade 21
7	Assistant Legal Counsel	Grade 27
8	Engrossing & Enrolling Processor	Grade 27
9	Assistant to the Legal Counsel	Grade 19
10	Indexer II	Grade 25
11	Indexer I	Grade 22
12	Indexing Assistant	Grade 19
13	Supply Clerk	Grade 16
14	Switchboard Operator	Grade 14
15	Legislative Secretary	Grade 15
16	Legislative Committee Secretary	Grade 17
17	Bill Clerk	Grade 14
18	Assistant Bill Clerk	Grade 12
19	Postmaster	Grade 12
20	Sergeant-at-Arms	Grade 17
21	Assistant Sergeant-at-Arms	Grade 14
22	Chief Doorkeeper	Grade 12

23 Doorkeepers.....	Grade 11
24 Pages	Minimum Wage
EMPLOYEES OF THE SENATE	
26 Sr. Assistant Secretary of the Senate	Grade 41
27 Assistant Secretary of the Senate III.....	Grade 38
28 Assistant Secretary of the Senate II.....	Grade 35
29 Assistant Secretary of the Senate I	Grade 32
30 Legal Counsel II.....	Grade 35

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1 Legal Counsel I.....	Grade 32
2 Legal Counsel.....	Grade 30
3 Sr. Caucus Staff Director	Grade 41
4 Caucus Staff Director.....	Grade 38
5 Administrative Assistant to Leader	
6 or President.....	Grade 27
7 Administrative Assistant I to Leader	
8 or President.....	Grade 29
9 Administrative Assistant II to Leader	
10 or President.....	Grade 32
11 Administrative Assistant III to Leader	
12 or President.....	Grade 35
13 Sr. Administrative Assistant to	
14 Leader or President.....	Grade 38
15 Research Assistant.....	Grade 24
16 Legislative Research Analyst.....	Grade 27
17 Legislative Research Analyst I.....	Grade 29
18 Legislative Research Analyst II.....	Grade 32
19 Legislative Research Analyst III	Grade 35
20 Sr. Legislative Research Analyst.....	Grade 38
21 Caucus Secretary.....	Grade 21
22 Senior Caucus Secretary.....	Grade 24
23 Secretary to Leader or President.....	Grade 19
24 Administrative Secretary to Leader, President,	
25 or Secretary of the Senate.....	Grade 21
26 Executive Secretary to Leader, President,	
27 or Secretary of the Senate.....	Grade 24
28 Confidential Secretary to Leader, President,	
29 or Secretary of the Senate.....	Grade 27
30 Confidential Secretary II to Leader, President,	

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1 or Secretary of the Senate.....	Grade 32
2 Supervisor of Secretaries	Grade 21
3 Supervisor of Secretaries I.....	Grade 24
4 Supervisor of Secretaries II	Grade 27
5 Senior Editor	Grade 30
6 Editor II.....	Grade 25
7 Editor I.....	Grade 22
8 Assistant Editor	Grade 19

9	Compositor/Desk Top Specialist	Grade 17
10	Assistant Legal Counsel.....	Grade 27
11	Assistant to the Legal Counsel	Grade 19
12	Proofreader.....	Grade 16
13	Senior Finance Officer.....	Grade 31
14	Finance Officer II.....	Grade 27
15	Finance Officer I.....	Grade 24
16	Assistant Finance Officer.....	Grade 21
17	Recording Clerk II.....	Grade 24
18	Recording Clerk I.....	Grade 21
19	Indexer II.....	Grade 25
20	Indexer I.....	Grade 22
21	Indexing Assistant	Grade 19
22	Records and Supply Clerk.....	Grade 18
23	Switchboard Operator.....	Grade 14
24	Legislative Secretary.....	Grade 15
25	Legislative Committee Secretary.....	Grade 17
26	Bill Clerk.....	Grade 14
27	Assistant Bill Clerk.....	Grade 12
28	Postmaster.....	Grade 12
29	Sergeant-at-Arms.....	Grade 17
30	Assistant Sergeant-at-Arms.....	Grade 14

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1	Chief Doorkeeper.....	Grade 12
2	Doorkeepers.....	Grade 11
3	Pages	Minimum Wage

4 JOINT SENATE/HOUSE EMPLOYEES

5	<u>Facilities Manager I.....</u>	<u>Grade 35</u>
6	<u>Facilities Manager II.....</u>	<u>Grade 38</u>
7	<u>Sr. Facilities Manager.....</u>	<u>Grade 41</u>

8 **BE IT FURTHER RESOLVED, That there shall be four**
 9 **classes of appointments as employees of the general**
 10 **assembly:**

11 **A "permanent full-time" or "permanent part-time"**
 12 **employee is one who is employed the year around and**
 13 **eligible to receive state benefits.**

14 **An "exempt full-time" employee is one who is**
 15 **employed for the period of the sessions with**
 16 **extensions post-session and pre-session as scheduled.**
 17 **This class is eligible to receive state benefits with**
 18 **the cost of benefits to the state to be paid by the**
 19 **employee when not on the payroll.**

20 **A "session-only" employee is one who is employed**
 21 **for only a portion of the year, usually the**
 22 **legislative session. This class is not eligible for**
 23 **state benefits, except IPERS, and insurance as**
 24 **provided in section 2.40.**

25 **A "part-time" employee is one who is employed to**
 26 **work less than 40 hours per week. This class is not**
 27 **eligible for state benefits, except IPERS if eligible.**

28 BE IT FURTHER RESOLVED, That the exact
29 classification for individuals in a job series created
30 by this resolution shall be set or changed for senate

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1 employees by the senate rules and administration
2 committee and for the house employees by the house
3 administration and rules committee. The committees
4 shall base the classification upon the following
5 factors:

6 1. The extent of formal education required of the
7 position; and,

8 2. The extent of the responsibilities to be
9 assigned to the position; and,

10 3. The amount of supervision placed over the
11 position; and,

12 4. The number of persons the position is assigned
13 to supervise and skill and responsibilities of those
14 positions supervised.

15 The committees shall report the exact
16 classifications assigned to each individual on the
17 next legislative day, or, if such action is during the
18 interim, on the first day the senate or house shall
19 convene. Any action by the senate or house to
20 disapprove a report or a portion of a report shall be
21 effective the day after the action.

22 Recommendations for a pay grade for a new position
23 shall be developed in accordance with the factor
24 scores in the comparable worth report. Beginning in
25 1999, every four years the senate rules and
26 administration committee, the house administration and
27 rules committee, and the legislative council shall
28 review all positions in the legislative branch to
29 assure conformity to comparable worth.

30 BE IT FURTHER RESOLVED, That a senator or

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1 representative may employ a secretary who in the
2 judgment of the senator or representative employing
3 such person, possesses the necessary skills to perform
4 the duties such senator or representative shall
5 designate, under the administrative direction, as
6 appropriate, of the secretary of the senate or the
7 chief clerk of the house.

8 Each standing committee chairperson, ethics
9 committee chairperson, and each appropriations
10 subcommittee chairperson shall designate a secretary
11 who is competent to perform the following duties:
12 prepare committee minutes, committee reports, type
13 committee correspondence, maintain committee records,

14 and otherwise assist the committee. Such duties shall
 15 be performed in accordance with standards which shall
 16 be provided by the secretary of the senate and chief
 17 clerk of the house. In making the designation,
 18 chairpersons shall consider persons for possible
 19 designation as the secretary to the committee in the
 20 following order:

21 First: The secretary to the chairperson.

22 Second: The secretary to the committee's vice-
 23 chairperson.

24 Third: The secretary to any other member of the
 25 committee.

26 Fourth: The secretary to any other member in the
 27 same house as the committee.

28 BE IT FURTHER RESOLVED, That a Legal Counsel II
 29 shall be a person who has graduated from an accredited
 30 school of law and is admitted to practice in Iowa as

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1 an Attorney and Counselor at Law and possesses either
 2 a Masters of Law degree or has at least two years of
 3 legal experience after admission to practice.

4 A Legal Counsel I shall be a person who has
 5 graduated from an accredited school of law and is
 6 admitted to practice in Iowa as an Attorney and
 7 Counselor at Law.

8 BE IT FURTHER RESOLVED, That employees of the
 9 general assembly may be eligible for either:

10 a) increases in salary grade or step based on
 11 evaluation of their job performance and
 12 recommendations of their administrative officers,
 13 subject to approval of the senate committee on rules
 14 and administration or the house committee on
 15 administration and rules, as appropriate, provided,
 16 however, that for promotions between classes with a
 17 three or more pay grade difference, the employee shall
 18 be given a two-step increase in pay or the employee's
 19 salary shall be adjusted to the entry level in the
 20 grade of the new position, whichever is greater; or
 21 b) mobility within a pay grade at the discretion
 22 of the chief clerk of the house upon recommendation by
 23 the employee's division supervisor on the part of the
 24 house, and the discretion of the employee's division
 25 supervisor on the part of the senate, subject to the
 26 approval of the house committee on administration and
 27 rules or the senate committee on rules and
 28 administration, as appropriate -- in accord with the
 29 following schedule:

30 (1) Progression from step "1" to "2" for a newly

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1 hired employee -- six months of actual employment.

2 (2) Progression from step "1" to "2" following
3 promotion within a job series -- twelve months of
4 actual employment in that position.

5 (3) Progression from step "2" to "3", and step "3"
6 to "4", and step "4" to "5", and step "5" to "6" --
7 twelve months of actual employment.

8 BE IT FURTHER RESOLVED, that in addition to the
9 steps provided in the preceding paragraph, that
10 secretaries to senators and representatives who were
11 employees of the senate or house of representatives
12 during any general assembly prior to January 9, 1989,
13 and who have received certification for passing a
14 typing and shorthand performance examination shall be
15 eligible for two additional steps.

16 BE IT FURTHER RESOLVED, That in addition to the
17 steps provided in the preceding paragraph, that
18 secretaries to senators and representatives shall be
19 eligible for a maximum of three additional grades
20 beyond grade 15, in any combination, as provided in
21 this paragraph:

22 1. One additional grade for a secretary to a
23 standing committee chair, ethics committee chair or
24 appropriations subcommittee chair who is not the
25 designated committee secretary.

26 2. One additional grade for a secretary to a vice-
27 chairperson or ranking member of a standing committee,
28 ethics committee or appropriations subcommittee.

29 3. One additional grade for a secretary to the
30 chairperson of the chaplain's committee.

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1 4. Two additional grades for a secretary to an
2 assistant floor leader or speaker pro tempore or
3 president pro tempore.

4 5. One additional grade for a designated committee
5 secretary who is also the designated committee
6 secretary for an additional standing committee, ethics
7 committee, or appropriations subcommittee.

8 BE IT FURTHER RESOLVED, That in the event the
9 secretary to the chairperson of the chaplain's
10 committee is the secretary to the president, president
11 pro tempore, speaker, speaker pro tempore, or the
12 majority or minority leader, such secretary shall
13 receive one additional step.

14 BE IT FURTHER RESOLVED, That the entrance salary
15 for employees of the general assembly shall be at step
16 1 in the grade of the position held. Such employee
17 may be hired above the entrance step if possessing

18 outstanding and unusual experience for the position,
19 provided that the entrance is not beyond step 3. Such
20 employee who is hired above the entrance step shall be
21 mobile above that step in the same period of time as
22 other employees in that same step. An officer or
23 employee who is moved to another position may be
24 considered for partial or full credit for their
25 experience in the former position in determining the
26 step in the new grade.
27 The entry level for the position of research
28 analyst shall be Legislative Research Analyst, unless
29 extraordinary conditions justify increasing that entry
30 level; however, that entry level may not be increased

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1 beyond Legislative Research Analyst I. A research
2 analyst must have shown knowledge of legislative rules
3 and procedures as well as the Code of Iowa to be
4 considered at any level above a Legislative Research
5 Analyst.
6 BE IT FURTHER RESOLVED, That a pay increase for
7 employees of one step within the pay grade for the
8 position may be made for exceptionally meritorious
9 service in addition to step increases provided for in
10 this resolution, at the discretion of the chief clerk
11 upon recommendation by the employee's division
12 supervisor on the part of the house, and upon
13 recommendation by the employee's division supervisor
14 on the part of the senate, and the approval of the
15 senate committee on rules and administration or the
16 house committee on administration and rules.
17 Exceptionally meritorious service pay increases shall
18 be governed by the following:
19 a. The employee must have served in the position
20 for at least twelve months;
21 b. Written justification, setting forth in detail
22 the nature of the exceptionally meritorious service
23 rendered, must be submitted to the senate rules and
24 administration committee or house administration and
25 rules committee and approved in advance of granting
26 the pay increase;
27 c. No more than one exceptionally meritorious
28 service pay increase may be granted in any twelve-
29 month period.
30 d. Such meritorious service pay increase shall not

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1 be granted beyond the six-step maximum for that
2 position.
3 BE IT FURTHER RESOLVED, That the senate rules and

4 administration committee and the house administration
5 and rules committee shall both hire officers and
6 employees for their respective bodies and fill any
7 vacancies which may occur, to be effective at such
8 time as they shall set. The committee shall report
9 the names of those it has hired for the positions
10 specified in this resolution or the filling of any
11 vacancies on the next legislative day or, if such
12 action is during the interim, on the first day the
13 senate or house shall convene. Any action by the
14 senate or house to amend or disapprove a report or a
15 portion of a report shall be effective the day after
16 the action.

17 The chief clerk of the house shall submit to the
18 house committee on administration and rules and the
19 secretary of the senate shall submit to the senate
20 committee on rules and administration the list of
21 names, or amendments thereto, of employee
22 classifications and recommended pay step for each
23 officer and employee. Such list shall include
24 recommendations for the pay step for all employees.
25 Each respective committee shall approve or amend the
26 list of recommended classifications and pay steps and
27 publish said list in the journal.

28 BE IT FURTHER RESOLVED, That permanent employees of
29 the general assembly shall receive vacation
30 allowances, sick leave, health and accident insurance,

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1 life insurance, and disability income insurance as are
2 provided for full-time permanent state employees. The
3 computations shall be maintained by the finance
4 officers in each house and coordinated with the
5 department of revenue and finance.

6 BE IT FURTHER RESOLVED, That should any employee
7 have a grievance, the grievance shall be resolved as
8 provided by procedures determined by the senate rules
9 and administration committee for senate employees or
10 the house administration and rules committee for house
11 employees.

12 BE IT FURTHER RESOLVED, That the general assembly
13 adopt a resolution similar to this resolution which
14 provides for the compensation and benefits of all
15 legislative central staff agency employees for the
16 ~~seventy-seventh~~ seventy-eighth general assembly. The
17 resolution shall be adopted as soon as practicable
18 after the convening of the ~~seventy-seventh~~ seventy-
19 eighth general assembly, and published in the journals
20 of the senate and house.

21 BE IT FURTHER RESOLVED, That the compensation of
22 chaplains officiating at the opening of the daily

23 sessions of the house of representatives and the
24 senate of the ~~seventy-seventh~~ seventy-eighth general
25 assembly be fixed at ten dollars for each house of the
26 general assembly, and that mileage for chaplains be
27 fixed at the rate of twenty-four cents per mile to and
28 from the State Capitol.

1 SENATE CONCURRENT RESOLUTION NO. 3

2 By: Lundby

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

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1 REPRESENTATIVES CONCURRING, That the General Assembly

2 of the State of Iowa requests the members of the

3 Congress of the United States to expeditiously pass

4 enabling legislation 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 of
- 12 Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 4

2 By: Bolkcom

3 A Concurrent Resolution requesting an
4 interim study of the feasibility of televising
5 legislative proceedings.

6 WHEREAS, the growth in citizen access to
7 information through the internet, radio, and
8 television, and other electronic means has greatly
9 increased citizen expectations regarding access to
10 government proceedings; and

11 WHEREAS, recent innovations in technical
12 capabilities now allow widespread distribution of
13 legislative proceedings at a relatively reasonable
14 cost as evidenced by the availability of an audio
15 signal of Iowa legislative proceedings now available
16 via internet access; and

17 WHEREAS, citizen access to government proceedings
18 was recently enhanced with the internet availability
19 of both audio and television coverage of the
20 Governor's recent policy speech; and

21 WHEREAS, nearly 20 states currently provide
22 complete or partial television coverage of floor
23 debate and committee proceedings; and

24 WHEREAS, other public policy issues have arisen
25 concerning the use of television in the Legislature
26 such as allowing legislators to participate in
27 legislative meetings via interactive television; and

28 WHEREAS, implementation and policy questions
29 associated with televised legislative proceedings are
30 numerous and require careful consideration; NOW

Page 2

1 THEREFORE,

2 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
3 REPRESENTATIVES CONCURRING, That

4 The Legislative Council is requested to create a
5 Legislative Study Committee to meet during the 1999
6 Interim to consider the feasibility of televising
7 legislative proceedings and to address other questions
8 regarding the use of television by the Iowa General
9 Assembly; and

10 BE IT FURTHER RESOLVED, That if the study committee
11 is created, it be directed to consider and make
12 recommendations concerning related issues, including
13 but not limited to options for distributing television
14 coverage via internet, cable television, the Iowa
15 communications network, high definition television

16 signals and other broadcasting approaches; rules to
 17 address use of television cameras such as permissible
 18 camera angles and lighting; public and private
 19 approaches to implementing such broadcasting capacity;
 20 storage, availability, and use of recordings of the
 21 proceedings; options for providing full or limited
 22 coverage of floor debate and committee meetings;
 23 options for providing coverage of simultaneous Senate
 24 and House of Representatives proceedings; propose
 25 rules for use of interactive television by
 26 legislators; and other technology and cost
 27 considerations; and
 28 BE IT FURTHER RESOLVED, That if the study committee
 29 is created, it should be directed to report its
 30 findings and recommendations to the 2000 Session of

Page 3

1 the Seventy-eighth General Assembly.

1 SENATE CONCURRENT RESOLUTION NO. 5

2 By: Drake

3 A Concurrent Resolution relating to a
 4 biennial memorial session.

5 WHEREAS, it has been the custom to hold a biennial
 6 memorial session in recognition of the public service
 7 of departed members of the General Assembly; and
 8 WHEREAS, both the Senate and the House of
 9 Representatives desire to participate in such an
 10 observance; NOW THEREFORE,

11 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 12 REPRESENTATIVES CONCURRING, That an evening session of
 13 the Seventy-eighth General Assembly be held in the
 14 Senate Chamber on Wednesday, April 7, 1999, at 7:00
 15 p.m.

16 BE IT FURTHER RESOLVED, That a joint committee of
 17 eight members be appointed, four from the Senate to be
 18 appointed by the President of the Senate, and four
 19 from the House of Representatives to be appointed by
 20 the Speaker of the House of Representatives, to make
 21 suitable arrangements for a joint memorial session.

1 SENATE CONCURRENT RESOLUTION NO. 6

2 By: Drake

3 A Concurrent Resolution relating to
 4 Pioneer Lawmakers.

5 WHEREAS, the Seventy-eighth General Assembly is
 6 advised of a meeting of the Pioneer Lawmakers
 7 Association to be held on Wednesday, April 7, 1999;
 8 and

9 WHEREAS, the Pioneer Lawmakers request the
 10 opportunity to meet formally with the General
 11 Assembly; NOW THEREFORE,
 12 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 13 REPRESENTATIVES CONCURRING, That the General Assembly
 14 meet in joint session in the House Chamber on
 15 Wednesday, April 7, 1999, at 2:00 p.m. and that the
 16 Pioneer Lawmakers be invited to attend and present a
 17 program on that occasion, and that the President of
 18 the Senate and the Speaker of the House of
 19 Representatives be designated to deliver the
 20 invitation to them.

1 SENATE CONCURRENT RESOLUTION NO. 7

2 By: Committee on Education

3

4 A Concurrent Resolution recognizing and endorsing Read
 5 Across America Day, and calling for the citizens of
 6 the State of Iowa to reaffirm the importance and the
 7 joy of reading.

8 WHEREAS, the citizens of the State of Iowa are
 9 firmly committed to promoting reading as a catalyst
 10 for the academic success of Iowa students; and

11 WHEREAS, the academic success of Iowa students will
 12 prepare them to effectively compete for and excel at
 13 employment opportunities in the global economy of the
 14 future; and

15 WHEREAS, the State of Iowa has traditionally
 16 provided significant leadership in the area of
 17 education, grounded in the principle that education is
 18 vital to the state's well-being and long-term quality
 19 of life; and

20 WHEREAS, Tuesday, March 2, 1999, is the birthday of
 21 the noted children's author, Theodore Geisel, also
 22 known as Dr. Seuss, and has been designated Read
 23 Across America Day in celebration of his birthday and
 24 in promotion of reading and adult involvement in
 25 children's education; NOW THEREFORE,

26 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 27 REPRESENTATIVES CONCURRING, That the General Assembly
 28 of the State of Iowa recognizes and endorses Tuesday,
 29 March 2, 1999, as Read Across America Day; and calls
 30 upon the citizens of the state to reaffirm to Iowa

Page 2

1 students the importance and the joy of reading and to
 2 recommit our state resources to promote and provide
 3 programs and activities to make Iowa students the best
 4 readers in the world; and

5 BE IT FURTHER RESOLVED, That copies of this

6 Resolution be sent to the state Department of
 7 Education for distribution throughout the state's
 8 primary and secondary level education system, and for
 9 coordination of media promotion of Read Across America
 10 Day.

1 SENATE CONCURRENT RESOLUTION NO. 8

2 By: Maddox and Harper

3 A Concurrent Resolution designating March 1999 as Iowa
 4 Women's History Month.

5 WHEREAS, Iowa women of every race, class, and
 6 ethnic background have made historic contributions to
 7 the growth and strength of our state and nation in
 8 countless recorded and unrecorded ways, including the
 9 struggle for women's rights; and

10 WHEREAS, Iowa women have played and continue to
 11 play a critical economic, cultural, and social role by
 12 constituting a significant portion of the labor force,
 13 working inside and outside the home; and

14 WHEREAS, Iowa women were particularly important in
 15 the establishment of early charitable, philanthropic,
 16 and cultural institutions in our state and the nation;
 17 and

18 WHEREAS, Iowa women and men worked to amend the
 19 Iowa Constitution to read "All men and women are, by
 20 nature, free and equal, and have certain inalienable
 21 rights ... "; and

22 WHEREAS, Iowa women were leaders in the
 23 abolitionist movement, the emancipation movement, the
 24 industrial labor movement, the civil rights movement,
 25 the peace movement, and the women's suffrage movement,
 26 creating a more equitable and just society for all;
 27 and

28 WHEREAS, despite these contributions and those of
 29 women throughout the world, the role of women is
 30 consistently overlooked and undervalued in literature,

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1 teaching, and the study of history; NOW THEREFORE,
 2 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 3 REPRESENTATIVES CONCURRING, That the General Assembly
 4 designate the month of March 1999 as Iowa Women's
 5 History Month, and invite the citizens of Iowa to
 6 continue to discover and celebrate the roles women
 7 have played throughout history.

8 BE IT FURTHER RESOLVED, That the General Assembly
 9 request that the Governor issue a proclamation calling
 10 upon the people of Iowa to observe Iowa Women's
 11 History Month with appropriate programs, ceremonies,
 12 and activities.

1 SENATE CONCURRENT RESOLUTION NO. 9

2 By: Committee on Agriculture

3

4 A Concurrent Resolution relating to the livestock
5 industry, by requesting that the United States
6 Congress take actions necessary to stabilize the
7 agricultural economy and to request that the
8 United States Department of Justice investigate
9 unfair practices by meatpackers.
10 WHEREAS, agricultural production has traditionally
11 been the foundation of this nation's economic
12 prosperity, providing the basis for a system of
13 production unmatched in the world for its abundant and
14 efficient production of food, feed grains, and animal
15 products, which contributes billions of dollars in
16 revenue each year to the nation's economy from export
17 sales; and

18 WHEREAS, the production and processing of
19 livestock, including swine and cattle, represent key
20 components of this nation's prosperity, by providing
21 numerous value-added food and other products upon
22 which this nation depends; and

23 WHEREAS, the state of Iowa is the leading
24 livestock-producing state in the nation, with
25 production revenue contributing more than 25 percent
26 of Iowa family cash farm income; and

27 WHEREAS, the livestock industry faces a threat to
28 its economic viability, a crisis caused by
29 disastrously low prices and a system of marketing that
30 increasingly relies on marketing contracts and that

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1 may be exasperated by inadequate meatpacking capacity
2 and suspected unfair practices engaged in by
3 meatpackers; and

4 WHEREAS, losses of several billions of dollars in
5 1998 may force thousands of family farm livestock
6 producers out of business and may threaten the
7 cherished position of the small independent producer
8 in the agricultural economy; and

9 WHEREAS, the practice of contract care and feeding
10 of swine and cattle is contrary to the traditional
11 system of the open market's universal price disclosure
12 that most efficiently ensures that price is a product
13 of supply and demand; NOW THEREFORE,

14 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
15 REPRESENTATIVES CONCURRING, That the United States
16 Congress is requested to approve emergency financial
17 assistance payments to family farm swine and cattle
18 producers and funding for loan guarantee programs and
19 interest rate buydown programs administered by the

20 United States Department of Agriculture; and
 21 BE IT FURTHER RESOLVED, That the United States
 22 Congress, the President of the United States, and the
 23 United States Secretary of Agriculture take all
 24 necessary actions in order to study the marketing
 25 practices of meatpackers, including obtaining
 26 information regarding marketing contracts executed
 27 between meatpackers and producers, and that the United
 28 States Department of Agriculture prepare a report
 29 regarding the information and its findings for
 30 publication; and

Page 3

1 BE IT FURTHER RESOLVED, That the United States
 2 Congress, the President of the United States, and the
 3 United States Secretary of Agriculture, and the United
 4 States Department of Justice cooperate in order to
 5 amend the current federal Packers and Stockyards Act
 6 to address current market practices by meatpackers and
 7 pursue antitrust actions as necessary; 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 United States
 11 Secretary of Agriculture; the Administrator of the
 12 Grain Inspection, Packers and Stockyards
 13 Administration, United States Department of
 14 Agriculture; the President of the Senate of the United
 15 States; the United States Attorney General; the
 16 Speaker of the House of Representatives of the United
 17 States; the Chairperson of the United States Senate
 18 Committee on Agriculture, Nutrition, and Forestry; the
 19 Chairperson of the United States House of
 20 Representatives Committee on Agriculture; and members
 21 of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 10

2 By: Fink

3 A Concurrent Resolution requesting the Department of
 4 Education to cooperate with the Iowa Arts Council
 5 in administering a contest for students to submit
 6 design proposals for Iowa's participation in the
 7 United States Mint's 50 state quarters program.
 8 WHEREAS, the United States Mint has implemented a
 9 program in accordance with Public Law No. 105-124, to
 10 commemorate each of the 50 states in the order in
 11 which the states ratified the United States
 12 Constitution and joined the Union; and
 13 WHEREAS, for the 10-year period 1999 through 2008,
 14 the United States will annually issue five quarter
 15 dollar coins with state designs displayed on the

16 reverse side of the coins; and

17 WHEREAS, each state has an opportunity to develop

18 and submit designs representative of the state; and

19 WHEREAS, Iowa entered the Union as the twenty-ninth

20 state on December 28, 1846, and the quarter dollar

21 honoring the state of Iowa will be issued in 2004

22 along with Michigan, Florida, Texas, and Wisconsin;

23 and

24 WHEREAS, the Governor will be contacted no later

25 than 2002 concerning Iowa's design submission; NOW

26 THEREFORE,

27 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

28 REPRESENTATIVES CONCURRING, That the Department of

29 Education is requested to cooperate with the Iowa Arts

30 Council in administering a contest for students

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1 attending school in kindergarten through twelfth grade

2 to develop designs to submit to the United States Mint

3 for the Iowa quarter dollar; and

4 BE IT FURTHER RESOLVED, That the contest should be

5 completed by May 1, 2000, and the exemplary designs

6 submitted to the Governor.

1 SENATE CONCURRENT RESOLUTION NO. 11

2 By: Iverson, Gronstal, and Kramer

3 A Concurrent Resolution requesting the United

4 States Congress to prevent the federal govern-

5 ment from attempting to recoup Medicaid payments

6 from the state tobacco litigation settlement

7 agreement moneys, and to allow the states to

8 keep all settlement moneys, without offset.

9 WHEREAS, more than 40 states, including Iowa,

10 commenced litigation against tobacco manufacturers

11 asserting various claims for monetary, equitable, and

12 injunctive relief; and

13 WHEREAS, on November 23, 1998, 46 states, Puerto

14 Rico, the United States Virgin Islands, Guam, the

15 Northern Mariana Islands, and the District of Columbia

16 signed a settlement agreement relating to both pending

17 and potential litigation by the states against five

18 major tobacco manufacturers; and

19 WHEREAS, the state of Iowa was one of the states

20 that signed the settlement agreement; and

21 WHEREAS, the United States Department of Health and

22 Human Services has stated an opinion in testimony

23 before the United States Congress that the Health Care

24 Financing Administration is entitled to recoup funds

25 paid to the states as a result of the settlement

26 agreement, on the theory, in part, that the settlement

27 constitutes reimbursement for Medicaid payments made
28 due to tobacco-related illnesses, and that the federal
29 government has contributed money toward these Medicaid
30 expenditures; and

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1 WHEREAS, the states that commenced litigation
2 sought to obtain relief based on differing theories in
3 each state, including claims based in equity, and
4 claims seeking damages under state laws, including
5 consumer protection and antitrust laws, in order to
6 further state policies regarding public health,
7 including policies adopted to achieve a significant
8 reduction in smoking by youth; and

9 WHEREAS, recovery of prior Medicaid expenditures
10 was therefore only one theory among many advanced by
11 certain states seeking recovery from tobacco
12 companies; and

13 WHEREAS, in the Iowa lawsuit, the common law claims
14 for relief seeking recovery of state Medicaid
15 expenditures arising from tobacco-related illnesses
16 had previously been dismissed from the state's
17 lawsuit; and

18 WHEREAS, the settlement contained no admission of
19 liability or allocation of settlement of proceeds
20 based on any particular theory used by any state, nor
21 any mention of Medicaid or federal recoupment of any
22 settlement moneys; and

23 WHEREAS, these state lawsuits commenced, proceeded,
24 and concluded without the assistance, participation,
25 or intervention of any branch, department, agency, or
26 division of the federal government; and

27 WHEREAS, the states assumed all risks and costs
28 associated with litigation of these suits; and

29 WHEREAS, the President and the United States
30 Department of Justice have recently announced that the

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1 federal government would be filing their own lawsuit
2 against the tobacco industry to recover money spent by
3 the government on tobacco-related illnesses; NOW

4 THEREFORE,

5 BE IT RESOLVED BY THE SENATE, WITH THE HOUSE OF
6 REPRESENTATIVES CONCURRING, That the United States

7 Congress take all necessary actions in order to
8 prevent and resist any branch, department, agency, or
9 division of the federal government from seeking to
10 recoup any Medicaid funds related to the state tobacco
11 litigation settlement, or otherwise to claim any right
12 to any portion of the funds paid to any state as a

13 result of the state tobacco litigation settlement
 14 agreement; and
 15 BE IT FURTHER RESOLVED, That the United States
 16 Congress take all measures necessary to allow the
 17 states to keep all moneys paid to the states, without
 18 offset, under the provisions of the state tobacco
 19 litigation settlement agreement; and
 20 BE IT FURTHER RESOLVED, That the United States
 21 Congress should support HR 351 and S 346, which would
 22 prohibit federal recoument efforts; and
 23 BE IT FURTHER RESOLVED, That a copy of this
 24 resolution be sent by the Secretary of the Senate to
 25 the President of the United States; the Secretary of
 26 Health and Human Services, United States Department of
 27 Health and Human Services; the Administrator of the
 28 Health Care Financing Administration within the
 29 Department of Health and Human Services; the President
 30 of the Senate of the United States; the Speaker of the

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1 House of Representatives of the United States; members
 2 of Iowa's congressional delegation; the Governor of
 3 Iowa; and the Attorney General of Iowa; and
 4 BE IT FURTHER RESOLVED, That a copy of this
 5 resolution be delivered to the National Conference of
 6 State Legislatures for distribution to its members.

1 SENATE CONCURRENT RESOLUTION NO. 12
 2 By: Rife, Fink, McLaren, McKibben, Redwine,
 3 Boettger, Behn, Sexton, Gaskill, Bolkcom,
 4 Harper, Soukup, Hammond, Dvorsky, Dearden,
 5 Hedge, Angelo, Maddox, Judge, Jensen, Bartz,
 6 Johnson, Drake, Tinsman, McKean, Rittmer,
 7 King, Shearer, Szymoniak, Freeman, Miller,
 8 Black, Horn, Kramer, Zieman, Fraise,
 9 Lamberti, Gronstal, Iverson, Schuerer,
 10 Connolly, Kibbie, Rehberg, and Veenstra
 11 A Concurrent Resolution urging that Iowa State
 12 University of Science and Technology retain the
 13 name of its College of Agriculture.
 14 WHEREAS, In 1858, the Iowa General Assembly enacted
 15 and Governor Lowe signed into law legislation
 16 authorizing the creation of and the expenditure of
 17 moneys for land and improvements for an agricultural
 18 college; and
 19 WHEREAS, during the university's history and
 20 various reorganizations, including President
 21 Beardshear's reorganization in 1896, the College of
 22 Agriculture has developed a long-standing, well-earned
 23 reputation for achieving scientific and technological

24 advances in agriculture; and
 25 WHEREAS, the College of Agriculture is
 26 fundamentally charged to support agriculture in this
 27 state, including by preparing undergraduate and
 28 graduate students; conducting basic and applied
 29 research; and providing outreach services critical to
 30 the success of farming; and

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1 WHEREAS, Iowa State University of Science and
 2 Technology is considering changing the renowned name
 3 of this world-famous college which holds a cherished
 4 place in the hearts of generations of farmers and this
 5 state's agricultural community; and
 6 WHEREAS, proposed replacement names, such as the
 7 College of Agricultural Sciences and Natural
 8 Resources, do not convey the essence of the college's
 9 mission and appear embellished, difficult to remember,
 10 and contrary to the direct approach traditionally
 11 favored by farmers; NOW THEREFORE,
 12 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 13 REPRESENTATIVES CONCURRING, That Iowa State University
 14 of Science and Technology is urged to retain the
 15 world-renowned name of its College of Agriculture; and
 16 BE IT FURTHER RESOLVED, That the Secretary of the
 17 Senate send copies of this Resolution to the State
 18 Board of Regents, the President of Iowa State
 19 University of Science and Technology, and the Dean of
 20 the College of Agriculture.

1 SENATE CONCURRENT RESOLUTION NO. 13

2 By: Harper and Redfern

3 A Concurrent Resolution urging the Governor to
 4 appoint a commission to develop design proposals
 5 for Iowa's participation in the United States Mint's
 6 50 state quarters program.

7 WHEREAS, the United States Mint has implemented a
 8 program in accordance with Public Law No. 105-124, to
 9 commemorate each of the 50 states in the order in
 10 which the states ratified the United States
 11 Constitution and joined the Union; and

12 WHEREAS, for the 10-year period 1999 through 2008,
 13 the United States will annually issue five quarter
 14 dollar coins with state designs displayed on the
 15 reverse side of the coins; and

16 WHEREAS, each state has an opportunity to develop
 17 and submit designs representative of the state; and

18 WHEREAS, quarter dollar coins have a commercial
 19 lifespan of at least 30 years and are collected for
 20 generations, providing an opportunity for wide

21 distribution of an enduring symbol of this state; and
22 WHEREAS, during World War II the five Sullivan
23 brothers of Waterloo, Iowa, and their surviving family
24 members became an enduring national symbol of the
25 importance of families in Iowa, following the
26 brothers' death upon the sinking of the U.S.S. Juneau
27 and the subsequent involvement of their parents and
28 sister in the war effort; and
29 WHEREAS, Iowa entered the Union as the twenty-ninth
30 state on December 28, 1846, and the quarter dollar

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1 honoring the state of Iowa will be issued in 2004; and
2 WHEREAS, the Governor will be contacted no later
3 than 2002 concerning Iowa's design submission; NOW
4 THEREFORE,
5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
6 REPRESENTATIVES CONCURRING, That the Governor is urged
7 to appoint a special commission charged with
8 developing designs to submit to the United States Mint
9 for the Iowa quarter dollar; and
10 BE IT FURTHER RESOLVED, That the commission be
11 directed to develop designs relating to the renowned
12 Sullivan brothers as a symbol for this state.

1 SENATE CONCURRENT RESOLUTION NO. 14

2 By: Kramer, Iverson, Redwine, Boettger, Freeman,
3 Sexton, Gaskill, Behn, Zieman, Miller, Veenstra,
4 Hedge, Lamberti, Rehberg, Maddox, Redfern,
5 Angelo, Johnson, Tinsman, Rittmer, Rife,
6 McKibben, McLaren, Drake, Bartz, Jensen, King,
7 McKean, and Schuerer

8 A Concurrent Resolution urging congressional action to
9 reject the plan by the United States Census Bureau to
10 use statistical sampling in reporting population data
11 to the states for purposes of redistricting.
12 WHEREAS, the United States Constitution requires an
13 actual enumeration of the population every 10 years,
14 and entrusts Congress with overseeing all aspects of
15 each decennial enumeration; and
16 WHEREAS, the constitutional purpose of the
17 decennial census is to apportion the seats in Congress
18 among the several states; and
19 WHEREAS, an accurate and legal decennial census is
20 necessary to properly apportion United States House of
21 Representatives seats among the 50 states and to
22 create legislative districts within the states that
23 comply with the constitutional requirement of one
24 person, one vote; and
25 WHEREAS, the United States Supreme Court has ruled

26 that the Census Act expressly prohibits the use of
27 statistical sampling to enumerate the United States
28 population for the purpose of reapportioning the
29 United States House of Representatives; and
30 WHEREAS, despite the United States Supreme Court

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1 decision, the United States Census Bureau is still
2 considering the use of statistical sampling in the
3 reporting of population data to the states for use in
4 legislative redistricting; and
5 WHEREAS, the use of two methods for the
6 determination and reporting of census data would
7 create serious legal questions and uncertainties if
8 adjusted population data is required to be used to
9 determine legislative district boundaries;
10 NOW THEREFORE, BE IT RESOLVED BY THE SENATE, THE
11 HOUSE OF REPRESENTATIVES CONCURRING, That the General
12 Assembly of the State of Iowa calls on the United
13 States Census Bureau to conduct the 2000 decennial
14 census consistent with the aforementioned United
15 States Supreme Court ruling and constitutional
16 mandate, which require a physical headcount of the
17 population and bar the use of statistical sampling to
18 create or in any way adjust the count; and
19 BE IT FURTHER RESOLVED, That the General Assembly
20 opposes the use and reporting of population data for
21 state legislative redistricting based on census
22 numbers that have been determined in whole or in part
23 by the use of statistical inferences derived by means
24 of random sampling techniques or other statistical
25 methodologies that add or subtract persons to the
26 census counts; and
27 BE IT FURTHER RESOLVED, That the General Assembly
28 demands that it receive population data for
29 legislative redistricting identical to the census
30 tabulation data used to apportion seats in the United

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1 States House of Representatives, consistent with the
2 aforementioned United States Supreme Court ruling and
3 constitutional mandate, which require a physical
4 headcount of the population and bar the use of
5 statistical sampling to create or in any way adjust
6 the count; and
7 BE IT FURTHER RESOLVED, That the General Assembly
8 calls on the United States Census Bureau to ensure
9 that the population data reported be as accurate as
10 possible by providing a mechanism for citizens,
11 consistent with applicable legal requirements, to

12 challenge the population data reported as to a
13 specific area and to seek a recount of the population
14 in that area; and
15 BE IT FURTHER RESOLVED, That the General Assembly
16 urges Congress, as the branch of government assigned
17 the responsibility of overseeing the decennial
18 enumeration, to take whatever steps are necessary to
19 ensure that the 2000 decennial census is conducted
20 fairly and legally; and
21 BE IT FURTHER RESOLVED, That a copy of this
22 Resolution be transmitted to the President of the
23 United States, the Vice President of the United
24 States, the Speaker of the United States House of
25 Representatives, the Majority Leader of the United
26 States Senate, and members of Iowa's congressional
27 delegation.

1 SENATE CONCURRENT RESOLUTION NO. 15

2 By: Bartz

3 A Concurrent Resolution to urge that the
4 United States Congress and the United States
5 Department of Justice take all actions necessary
6 in order to prevent the merger of Cargill Inc.
7 and the grain unit of Continental Grain Co.
8 WHEREAS, agricultural producers are facing
9 financial hardship caused by low commodity prices
10 offered by processors and exporters who are
11 increasingly moving to consolidate business operations
12 in a manner that reduces competition in the
13 marketplace; and
14 WHEREAS, Cargill Inc. and Continental Grain Co. are
15 the two largest grain exporters in the United States,
16 and two of the country's largest privately held
17 companies; and
18 WHEREAS, Cargill Inc. is in the process of
19 acquiring the grain unit of Continental Grain Co. that
20 analysts estimate may be purchased for more than \$300
21 million; and
22 WHEREAS, under the proposal, Cargill Inc. will
23 acquire the grain storage, transportation, export, and
24 trading operations of Continental Grain Co. in North
25 America, Europe, Latin America, and Asia; and
26 WHEREAS, the two companies together control more
27 than 40 percent of all United States corn exports, 34
28 percent of soybean exports, and 20 percent of wheat
29 exports; and
30 WHEREAS, the acquisition of the interest in

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1 Continental Grain Co. by Cargill Inc. will provide
2 anticompetitive control of export grain sales, grain
3 storage facilities, barge capacity, and some rail
4 service; and
5 WHEREAS, the combined company will stifle or drive
6 out competition in local markets and at key
7 distribution points, including along the Mississippi
8 River; and
9 WHEREAS, United States Secretary of Agriculture Dan
10 Glickman has expressed concerns about the far-reaching
11 implications of a proposed merger of the nation's two
12 largest grain exporters; and
13 WHEREAS, the United States Department of Justice
14 must approve the acquisition; NOW THEREFORE,
15 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
16 REPRESENTATIVES CONCURRING, That the United States
17 Congress enact measures to ensure that competition in
18 the grain industry is not stifled by companies that
19 seek monopolistic control of the market; and
20 BE IT FURTHER RESOLVED, That the United States
21 Department of Justice resist the proposed merger of
22 Cargill Inc. and the grain unit of Continental Grain
23 Co.; and
24 BE IT FURTHER RESOLVED, That the Secretary of the
25 Senate mail copies of this resolution to the President
26 of the United States; the United States Secretary of
27 Agriculture; United States Attorney General; the
28 President of the Senate of the United States; the
29 Speaker of the House of Representatives of the United
30 States; the chairman of the United States Senate

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1 Committee on Agriculture, Nutrition, and Forestry; the
2 chairman of the United States House of Representatives
3 Committee on Agriculture; and members of Iowa's
4 congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 16

2 By: Sexton and Bolkcom

3 A Concurrent Resolution requesting an
4 interim study of the feasibility of televising
5 legislative proceedings in order to enhance
6 public access to state government.
7 WHEREAS, the growth in citizen access to
8 information through the internet, radio, and
9 television, and other electronic means has greatly
10 increased citizen expectations regarding access to
11 government proceedings; and

12 WHEREAS, recent innovations in technical
13 capabilities now allow widespread distribution of
14 legislative proceedings at a relatively reasonable
15 cost as evidenced by the availability of an audio
16 signal of Iowa legislative proceedings now available
17 via internet access; and
18 WHEREAS, citizen access to government proceedings
19 was recently enhanced with the internet availability
20 of both audio and television coverage of the
21 Governor's budget address; and
22 WHEREAS, nearly 20 states currently provide
23 complete or partial television coverage of floor
24 debate and committee proceedings; and
25 WHEREAS, other public policy issues have arisen
26 concerning the use of television in the Legislature
27 such as allowing legislators to participate in
28 legislative meetings via interactive television; and
29 WHEREAS, implementation and policy questions
30 associated with televised legislative proceedings are

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1 numerous and require careful consideration; NOW
2 THEREFORE,
3 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
4 REPRESENTATIVES CONCURRING, That the Legislative
5 Council is requested to create a Legislative Study
6 Committee to meet during the 1999 Interim to consider
7 the feasibility of televising legislative proceedings
8 and to address other questions regarding the use of
9 television by the Iowa General Assembly; and
10 BE IT FURTHER RESOLVED, That if the study committee
11 is created, it be directed to consider and make
12 recommendations concerning related issues, including
13 but not limited to options for distributing television
14 coverage via internet, cable television, the Iowa
15 communications network, high definition television
16 signals and other broadcasting approaches; rules to
17 address use of television cameras such as permissible
18 camera angles and lighting; public and private
19 approaches to implementing such broadcasting capacity;
20 storage, availability, and use of recordings of the
21 proceedings; options for providing full or limited
22 coverage of floor debate and committee meetings;
23 options for providing coverage of simultaneous Senate
24 and House of Representatives proceedings; propose
25 rules for use of interactive television by
26 legislators; and other technology and cost
27 considerations; and
28 BE IT FURTHER RESOLVED, That if the study committee
29 is created, it should be directed to report its
30 findings and recommendations to the 2000 Session of

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1 the Seventy-eighth General Assembly.

1 SENATE CONCURRENT RESOLUTION NO. 17

2 By: Kibbie

3 A Concurrent Resolution to urge that the United
4 States Congress enact and the United States Department
5 of Agriculture implement measures necessary in order to
6 allow the interstate sale of meat and poultry products
7 by state-inspected establishments.

8 WHEREAS, the State of Iowa is a leading

9 agricultural state in the nation; and

10 WHEREAS, the production and processing of
11 agricultural commodities represents a key component of
12 this nation's prosperity; and

13 WHEREAS, an essential part of Iowa's economy, like
14 many other agricultural states, is the manufacture of
15 value-added products derived from agricultural
16 commodities, including the slaughter of livestock and
17 poultry and the processing of meat and poultry
18 products; and

19 WHEREAS, the State of Iowa inspects 130 very small
20 establishments employing 12 to 15 employees where
21 livestock and poultry are slaughtered or processed and
22 prepared for custom or retail sale; and

23 WHEREAS, the State of Iowa inspects these
24 establishments according to strict standards that meet
25 or exceed federal requirements; and

26 WHEREAS, the State of Iowa will inspect these very
27 small establishments under a system or process of
28 proactive controls, including the state "HACCP" system
29 that includes hazard analysis, identifying critical
30 control points, establishing critical limits for each

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1 critical control point, monitoring critical control
2 point requirements to control processes, and ensuring
3 corrective action; and

4 WHEREAS, the State of Iowa and its agencies,
5 including the Department of Agriculture and Land
6 Stewardship in cooperation with commodity
7 organizations, are diligently working to ensure that
8 meat and poultry products sold for human consumption
9 are safe and wholesome; and

10 WHEREAS, these very small establishments have
11 developed a close working relationship with Iowa's
12 Department of Agriculture and Land Stewardship in
13 order to implement HACCP; and

14 WHEREAS, these very small establishments desire to

15 market safe and wholesome meat and poultry products to
16 consumers in other states, especially neighboring
17 states; and

18 WHEREAS, federal law currently allows meat and
19 poultry products originating from these very small
20 establishments to be sold within the state's borders;
21 and

22 WHEREAS, this system of state inspection has
23 ensured that consumers in this state purchase meat and
24 poultry products inspected according to the highest
25 standards of safety and wholesomeness; and

26 WHEREAS, the United States Department of
27 Agriculture at last is considering allowing the sale
28 of meat and poultry products originating from state-
29 inspected establishments, including the types of very
30 small establishments subject to inspection by the

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1 State of Iowa; NOW THEREFORE,
2 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
3 REPRESENTATIVES CONCURRING, That the United States
4 Congress enact and the United States Department of
5 Agriculture implement measures necessary in order to
6 allow the interstate sale of meat and poultry products
7 by state-inspected establishments; and
8 BE IT FURTHER RESOLVED, That a copy of this
9 Resolution be sent by the Secretary of the Senate to
10 the United States Secretary of Agriculture; the
11 President of the Senate of the United States; the
12 Speaker of the House of Representatives of the United
13 States; the chairman of the United States Senate
14 Committee on Agriculture, Nutrition, and Forestry; the
15 chairman of the United States House of Representatives
16 Committee on Agriculture; and members of Iowa's
17 congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 18

2 By: Committee on Education
3

4 A Concurrent Resolution requesting the Department of
5 Education to cooperate with the Iowa Arts Council
6 in administering a contest for students to submit
7 design proposals for Iowa's participation in the
8 United States Mint's 50 state quarters program.
9 WHEREAS, the United States Mint has implemented a
10 program in accordance with Public Law No. 105-124, to
11 commemorate each of the 50 states in the order in
12 which the states ratified the United States
13 Constitution and joined the Union; and
14 WHEREAS, for the 10-year period 1999 through 2008,

15 the United States will annually issue five quarter
16 dollar coins with state designs displayed on the
17 reverse side of the coins; and
18 WHEREAS, each state has an opportunity to develop
19 and submit designs representative of the state; and
20 WHEREAS, during World War II the five Sullivan
21 brothers of Waterloo, Iowa, and their surviving family
22 members became an enduring national symbol of the
23 importance of families in Iowa, following the
24 brothers' death upon the sinking of the U.S.S. Juneau
25 and the subsequent involvement of their parents and
26 sister in the war effort; and
27 WHEREAS, Iowa entered the Union as the twenty-ninth
28 state on December 28, 1846, and the quarter dollar
29 honoring the state of Iowa will be issued in 2004
30 along with Michigan, Florida, Texas, and Wisconsin;

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1 and
2 WHEREAS, the Governor will be contacted no later
3 than 2002 concerning Iowa's design submission; NOW
4 THEREFORE,
5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
6 REPRESENTATIVES CONCURRING, That the Department of
7 Education is requested to cooperate with the Iowa Arts
8 Council in administering a contest for students
9 attending school in kindergarten through twelfth grade
10 to develop designs relating to the renowned Sullivan
11 brothers as a symbol for the state to submit to the
12 United States Mint for the Iowa quarter dollar; and
13 BE IT FURTHER RESOLVED, That the contest should be
14 completed by May 1, 2000, and the exemplary designs
15 submitted to the Governor.

1 SENATE CONCURRENT RESOLUTION NO. 19

2 By: Fraise

3 A Concurrent Resolution designating December 15, 1999,
4 as Bill of Rights Day.

5 WHEREAS, the first 10 amendments to the
6 Constitution of the United States of America, which
7 are collectively referred to as the Bill of Rights,
8 were ratified on December 15, 1791; and

9 WHEREAS, several of the original states refused to
10 ratify the Constitution without an express Bill of
11 Rights; and

12 WHEREAS, the Bill of Rights recognizes, affirms,
13 and protects fundamental individual rights for which
14 persons of all races have struggled for thousands of
15 years; and

16 WHEREAS, Americans should pause to reflect on the

17 sacrifices made by generations to protect the Bill of
 18 Rights and celebrate the rights and freedoms
 19 guaranteed by the Bill of Rights; and
 20 WHEREAS, to commemorate the Bill of Rights with a
 21 special day would honor the fundamental rights it
 22 protects, and the sacrifices made to create and
 23 preserve these rights; NOW THEREFORE,
 24 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 25 REPRESENTATIVES CONCURRING, That the General Assembly
 26 designate December 15, 1999, as Bill of Rights Day and
 27 encourage all government agencies to observe the day
 28 in a manner that brings to mind the meaning, need, and
 29 importance of each of the first 10 amendments in the
 30 Bill of Rights.

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1 BE IT FURTHER RESOLVED, That the General Assembly
 2 request that the Governor issue a proclamation calling
 3 upon the people of Iowa to observe Bill of Rights Day
 4 with appropriate programs, classroom recitations, and
 5 activities.

1 SENATE CONCURRENT RESOLUTION NO. 20
 2 By: Gronstal, Black, Bolkcom, Connolly, Dearden,
 3 Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen,
 4 Harper, Horn, Judge, Kibbie, Shearer, Soukup,
 5 Szymoniak, and Hammond
 6 A Concurrent Resolution requesting that the President
 7 of the United States, the United States Secretary of
 8 Agriculture, and the United States Congress
 9 immediately take all actions necessary to reevaluate
 10 and amend the 1996 "Freedom to Farm Bill" in order to
 11 preserve family farms.
 12 WHEREAS, family farm agriculture traditionally has
 13 been the foundation of this nation's economic
 14 prosperity, providing the basis for a system of
 15 production unmatched in the world for its abundant and
 16 efficient production of food, feed grains, and animal
 17 products, and contributing billions of dollars in
 18 revenue each year to the nation's economy from export
 19 sales; and
 20 WHEREAS, in 1996 Congress enacted the Federal
 21 Agriculture Improvement and Reform Act, commonly
 22 referred to as the "Freedom to Farm Bill", contained
 23 in Pub. L. No. 104-127 and Pub. L. No. 104-180; and
 24 WHEREAS, since the passage of the Freedom to Farm
 25 Bill, agriculture has faced a crisis caused by
 26 disastrously low prices; and
 27 WHEREAS, since the passage of the Freedom to Farm
 28 Bill, farm families and rural communities have

29 suffered from a deepening economic crisis resembling
30 the devastating economic conditions experienced in the

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1 1980s; and

2 WHEREAS, according to statistics published by the
3 United States Department of Agriculture, net income
4 earned by farmers from the production of major field
5 crops in 1998 declined 17 percent below the average
6 income earned from the production of major field crops
7 for the five previous years; and

8 WHEREAS, according to projections by the United
9 States Department of Agriculture, net income earned by
10 farmers from the production of major field crops in
11 1999 will decline 27 percent below the average income
12 from the production of major field crops for the
13 previous five years; and

14 WHEREAS, in December 1998, prices paid for swine on
15 a live carcass basis plummeted to below depression
16 area levels; and

17 WHEREAS, when adjusted to 1933 prices, producers
18 received 67 cents per hundredweight for swine sold on
19 a live carcass basis in December; and

20 WHEREAS, the slaughter cattle market has been
21 depressed for several years and milk producers
22 witnessed the largest one-month price decline in
23 history; and

24 WHEREAS, since the passage of the Freedom to Farm
25 Bill, there is an increasing use of contracting,
26 integration of production and processing, and mergers
27 and consolidation of agribusinesses which exacerbates
28 the desperate financial condition faced by family
29 farmers, by limiting opportunities for family farmers
30 to market agricultural commodities; and

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1 WHEREAS, since the passage of the Freedom to Farm
2 Bill, the decline in farm exports is significantly
3 below the levels predicted when the Freedom to Farm
4 Bill was enacted; and

5 WHEREAS, since the passage of the Freedom to Farm
6 Bill, losses of billions of dollars will force
7 thousands of family farmers out of business and may
8 threaten the cherished position of the small
9 independent producer in the agricultural economy; and

10 WHEREAS, for families who have farmed land for
11 generations, "freedom to farm" has come to mean the
12 freedom to leave their farms or face economic ruin;

13 NOW THEREFORE,

14 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

15 REPRESENTATIVES CONCURRING, That the President of the
16 United States, the United States Secretary of
17 Agriculture, and the United State Congress immediately
18 take all actions necessary to reevaluate and amend the
19 Federal Agriculture Improvement and Reform Act in
20 order to address critical issues facing agriculture
21 and to preserve family farms; and
22 BE IT FURTHER RESOLVED, That a copy of this
23 Resolution be sent by the Secretary of the Senate to
24 the President of the United States; the United States
25 Secretary of Agriculture; the President of the Senate
26 of the United States; the United States Attorney
27 General; the Speaker of the House of Representatives
28 of the United States; the Chairperson of the United
29 States Senate Committee on Agriculture, Nutrition, and
30 Forestry; the Chairperson of the United States House

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1 of Representatives Committee on Agriculture; and
2 members of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 21

2 By: Lundby and Drake

3 A Concurrent Resolution relating to the funding
4 of the United Nations.

5 WHEREAS, during the past decade, the Congress of
6 the United States, in an effort to improve the
7 functioning of the United Nations and to provide a
8 more effective United Nations for the coming
9 millennium, has urged the United Nations to take
10 meaningful steps toward reform by reducing
11 inefficiencies, streamlining the organization,
12 eliminating budgetary growth, reducing staff of the
13 Secretariat, reducing United Nations' costs borne by
14 the United States, refocusing development efforts in
15 support of open trade and free markets, and taking on
16 new and emerging global-scale challenges such as drug
17 trafficking, crime, terrorism, and environmental
18 protection; and

19 WHEREAS, according to the Council on Foreign
20 Relations, a strong and effective United Nations has
21 been, since its founding in 1945, and continues to be
22 an important part of a strong and effective American
23 foreign policy; and

24 WHEREAS, the United Nations has made demonstrable
25 progress and has shown good faith in moving to comply
26 with American requests by reducing staff by more than
27 20 percent in the past decade and eliminating more
28 than 3,000 positions in the Secretariat; adopting a

29 no-growth budget since 1994 and reducing the regular
30 budget by \$123 million in the most recent budget

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1 cycle; appointing an inspector general to expose
2 waste, fraud, and abuse and saving more than \$80
3 million and numerous improvements in organizational
4 operations; consolidating a variety of functions
5 including consolidation of more than 12 secretariat
6 departments' executive units; appointing an efficiency
7 board similar to the United States Reinventing
8 Government Initiative that has resulted in hundreds of
9 efficiency improvements and millions of dollars in
10 savings; and attracting dynamic new leaders to head
11 key United Nations agencies and to improve overall
12 management of the United Nations; and
13 WHEREAS, with the end of the Cold War and the rapid
14 growth of economic globalization, the United Nations
15 is more important than ever as a forum for peace,
16 progress, and prosperity, particularly as the
17 international institution capable of bringing all
18 nations together to accomplish such efforts as setting
19 basic standards that are prerequisites to trade
20 including standards for telecommunications,
21 transportation, and mail; working together on common
22 global challenges such as terrorism and the drug
23 trade; promoting the health and well-being of the
24 world's children; upholding basic human rights;
25 feeding the hungry; responding to natural disasters;
26 developing peacekeeping operations and mediating
27 conflicts; and addressing global health challenges
28 such as polio, malaria, and malnutrition; and
29 WHEREAS, the executive and legislative branches of
30 the United States government have suggested that

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1 reform of the United Nations would effectuate payment
2 of past dues by the United States which the United
3 States is legally bound to honor and which now total
4 more than \$1 billion; NOW THEREFORE,
5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
6 REPRESENTATIVES CONCURRING, That in recognition of the
7 rapidly increasing importance of the United Nations to
8 the future stability of the world and to the future
9 security and prosperity of the United States and other
10 nations, and in recognition of the United Nations'
11 marked progress and good faith efforts to comply with
12 United States' reform requests, the Iowa General
13 Assembly hereby commends the Congress of the United
14 States for its role in assisting in the reform of the

15 United Nations and commends the United Nations for its
16 successful implementation of these reforms; and
17 BE IT FURTHER RESOLVED, That the Iowa General
18 Assembly requests that the Congress of the United
19 States authorize and appropriate sufficient funding to
20 pay amounts owed by the United States to the United
21 Nations, now in arrears, and, in addition, that the
22 transfer of these funds to the United Nations be
23 authorized by the Congress of the United States in the
24 current budget cycle.

1 SENATE CONCURRENT RESOLUTION NO. 22

2 By: Gronstal

3 A Concurrent Resolution designating a week in September
4 1999 as Iowa Education Week.

5 WHEREAS, providing Iowa's school children with
6 educational opportunities and excellent education
7 programs is critical to the prosperity of the state as
8 a whole and to the success of each child in achieving
9 their life aspirations; and

10 WHEREAS, it is vital that the importance of
11 education be recognized by society and by the branches
12 of state government responsible for supporting the
13 educational institutions of this state; NOW THEREFORE,

14 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
15 REPRESENTATIVES CONCURRING, That the General Assembly
16 designate a week in September 1999 as Iowa Education
17 Week during which the General Assembly encourages its
18 own members, communities, schools, and all citizens to
19 participate in activities in recognition of the
20 importance of education to all Iowans, including but
21 not limited to participation by legislators and
22 government leaders, educators, community leaders, and
23 others in "read-ins" held to emphasize the importance
24 of acquiring basic educational skills; and

25 BE IT FURTHER RESOLVED, That the General Assembly
26 requests the Governor to issue a proclamation calling
27 upon the people of Iowa to observe the same week in
28 September 1999 as Iowa Education Week.

1 SENATE CONCURRENT RESOLUTION NO. 23

2 By: Rittmer and Kibbie

3 A Concurrent Resolution encouraging Congress
4 to rescind Health Care Financing Administration
5 rules requiring onerous home health agency
6 reporting.

7 WHEREAS, rules recently promulgated by the Health
8 Care Financing Administration (HCFA) of the United
9 States Department of Health and Human Services
10 requiring Outcome and Assessment Information Set

11 (OASIS) assessment and follow-up reports for all
12 patients of Medicare-certified home health agencies
13 and health departments, whether or not the patient is
14 a recipient of Medicare; and

15 WHEREAS, the OASIS system requires an 18-page
16 initial assessment which must be completed by a
17 registered nurse, and a 13-page follow-up assessment
18 which is required to be completed every sixty days;
19 and

20 WHEREAS, the requirement for computer software
21 necessary for preparation and transmission of the
22 OASIS system assessments and reports is essentially an
23 unfunded federal mandate; and

24 WHEREAS, the HCFA requirement necessitates costly
25 reporting for patients who receive services not paid
26 through Medicare and the reporting is duplicative of
27 existing assessment and reporting requirements; and

28 WHEREAS, in the small-scale home health care
29 organization environment in Iowa, it is not feasible
30 to provide services through separate organizations

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1 based upon whether the patient is a recipient of
2 Medicare; and

3 WHEREAS, the HCFA rules would result in Medicare-
4 certified organizations only providing services to
5 recipients of Medicare, thereby reducing the
6 availability of preventive home services to older
7 Iowans who are not recipients of Medicare, increasing
8 in-hospital admissions and Medicare costs, and
9 increasing nursing home admissions and Medicaid costs;
10 and

11 WHEREAS, OASIS appears to be solely a research
12 project of HCFA, totally unfunded by federal sources,
13 and accomplished with loss of funds by reporting
14 agencies and loss of services to older Iowans; NOW
15 THEREFORE,

16 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
17 REPRESENTATIVES CONCURRING, That the Congress of the
18 United States is encouraged to amend the OASIS system
19 requirements to apply them only to patients who are
20 recipients of Medicare and not to all patients of
21 Medicare-certified home health agencies; and

22 BE IT FURTHER RESOLVED, That the Secretary of the
23 Senate is directed to provide a copy of this
24 resolution to the President of the United States, to
25 the Secretary of the United States Department of
26 Health and Human Services, to the President of the
27 United States Senate, to the Speaker of the United
28 States House of Representatives, to the Minority

29 Leaders of the United States Senate and House of
30 Representatives, and to each member of Iowa's

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1 congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 24

2 By: Boettger and Kramer

3 A Concurrent Resolution requesting that the

4 Legislative Council authorize a legislative interim

5 study to plan for the growing long-term care needs

6 of Iowans.

7 WHEREAS, with the aging of Iowans born between 1946

8 through 1964, who are members of the large population

9 group known as the "baby boomers," there will be

10 significant growth in the numbers of people with long-

11 term care service needs; and

12 WHEREAS, because the state-federal Medicaid program

13 is the major source of public funding for long-term

14 care services and the cost per elderly person in this

15 program is much greater than for persons who are

16 children and young adults, consequently, any increases

17 in the need for long-term care services may be

18 expected to greatly increase Medicaid expenditures;

19 and

20 WHEREAS, many members of the public prefer long-

21 term care options that support independence, provide

22 choices, promote inclusion of persons in the

23 community, and are affordable without public

24 assistance; NOW THEREFORE,

25 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

26 REPRESENTATIVES CONCURRING, That the Legislative

27 Council is requested to authorize an interim study

28 committee to plan for the growing long-term care needs

29 of Iowans. If the committee is authorized, it should

30 be directed to consider the factors leading to the

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1 growth in need for long-term care, address public

2 preferences for care which allows independence and

3 community involvement and provides an array of care

4 options, evaluate options to support private financing,

5 of long-term care, develop proposals to manage growth

6 in the Medicaid program for long-term care services,

7 and weigh other proposals to address long-term care

8 service and financing needs.

- 1 SENATE CONCURRENT RESOLUTION 25
- 2 By: Committee on Rules and Administration
- 3 A 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 Thursday, April 29,
- 7 1999, it be the final adjournment of the 1999 Regular
- 8 Session of the Seventy-eighth General Assembly.

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Amendments offered — 260, 1154, 1241

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DRAKE, RICHARD F. — Senator, Twenty-fourth District

Amendments filed — 265, 411, 480, 486, 487, 541, 618, 662, 676, 836, 1070, 1293, 1356

Amendments offered — 486, 541, 744, 836, 1070, 1293, 1356

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Amendments offered — 594, 831, 866, 950, 951, 954, 959, 962, 964, 966, 1026, 1187, 1188, 1265

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Amendments offered — 665, 938, 957, 1027, 1240, 1383

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TO THE
SENATE JOURNAL
Seventy-eighth General Assembly
1999 Regular Session

SENATE BILLS APPROVED AND ITEM VETOED SUBSEQUENT TO ADJOURNMENT

The following is a record of action on Senate bills by the Governor and transmitted to the Secretary of State after the close of the 1999 Regular Session:

S.F. 41 -- Relating to the duties and meetings of the county agricultural extension councils. Approved 5-18-99.

S.F. 76 -- Relating to the administration of the state department of transportation by allowing the use of reverting operating funds for training and technology, making an appropriation, and providing for the nonreversion of certain railroad funds and providing an effective date. Approved 5-14-99.

S.F. 95 -- Relating to mandatory motor vehicle proof of financial responsibility by requiring such proof when a motor vehicle is operated on a parking lot. Approved 5-11-99.

S.F. 101 -- Relating to the offense of promoting or possessing contraband in prisons and detention facilities and establishing penalties. Approved 5-24-99.

S.F. 102 -- Relating to nonsubstantive Code corrections. Approved 5-10-99.

S.F. 114 -- Allowing certain utility employees to operate all-terrain vehicles and snowmobiles on railroad rights of way. Approved 5-10-99.

S.F. 136 -- Relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes, and the livestock production credit; providing penalties; and including effective and retroactive applicability date provisions. Approved 5-20-99.

S.F. 150 -- Concerning judicial administration. Approved 5-19-99.

S.F. 189 -- To change the penalty for and to reclassify certain misdemeanors. Approved 5-20-99.

S.F. 193 -- Relating to the duties of a guardian ad litem appointed to represent a child in juvenile court proceedings. Approved 5-24-99.

S.F. 194 -- Relating to acceptable accreditation of psychiatric medical institutions for children for the purpose of licensing. Approved 5-10-99.

S.F. 210 -- Increasing the minimum daily pay for members of the Iowa national guard while in state active service. Approved 5-10-99.

S.F. 211 -- Relating to eligibility of certain persons with disabilities under the optional services coverage category of medical assistance. Approved 4-30-99.

S.F. 221 – Relating to welfare reform provisions involving the family investment program and individual development accounts. Approved 5-10-99.

S.F. 230 – Updating the Iowa Code references to the Internal Revenue Code, extending the loss carryback period for farm net operating losses, providing certain tax credits to estates and trusts, providing a franchise tax credit to certain taxpayers, and providing an effective date and a retroactive applicability date. Approved 5-6-99.

S.F. 248 – Relating to acquired immune deficiency syndrome, providing penalties, and providing for a repeal. Approved 5-26-99.

S.F. 249 – Relating to the operation and regulation of insurance companies, including the treatment of certain confidential information by the commissioner, the operation of certain types of insurance companies, and the rights and duties of insurance companies under certain policies issued in this state. Approved 5-24-99.

S.F. 275 – Requiring the department of human services to establish certification or licensing standards for children's centers. Approved 5-27-99.

S.F. 282 – Relating to practices and procedures of the department of general services, regulating state purchasing of recycled paper, modifying an appropriation to the department, and providing an effective date. Approved 5-14-99.

S.F. 287 – Relating to child welfare provisions involving voluntary foster care placements of children with mental retardation or other developmental disability, release of child abuse information, and annual group foster care and decategorization plans, and providing a contingent effective date. Approved 5-11-99.

S.F. 294 – Relating to lifetime registration for certain sex offenders, the performance of sex offender risk assessments, and the procedures for dissemination of registry information to agencies and the public. Approved 5-11-99.

S.F. 308 – Relating to the levy rate for fire protection imposed in an area of a benefited fire district and including an effective date. Approved 5-20-99.

S.F. 323 – Relating to the use of professional designations by audiologists and speech pathologists. Approved 5-10-99.

S.F. 337 – Relating to landlords' and tenants' relations, by providing notice requirements, establishing a tenant's duty to properly maintain utility facilities, issuing new titles for valueless homes to third parties, and providing for other properly related matters and an effective date. Approved 5-20-99.

S.F. 352 – Relating to reflective devices on slow-moving vehicles. Approved 5-10-99.

S.F. 367 – Adopting the Uniform Child Custody Jurisdiction and Enforcement Act. Approved 5-10-99.

S.F. 393 – Providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by counties, cities, fire districts, and school districts and providing for joint issuance of school district or fire district bonds. Approved 5-19-99.

S.F. 395 - Relating to the department of corrections by providing for purchases from Iowa prison industries, the study of inmate worker safety issues, the establishment of a criminal offense for attempts to escape, the crediting of time served by inmates, inmate work program agreements, and deductions from inmate work program earnings, standards for the employment of probation and parole officers, and making penalties applicable. Approved 5-26-99.

S.F. 398 - Relating to the requirements for issuance of intermediate driver's licenses and full driver's licenses and providing an effective date. Approved 5-17-99.

S.F. 406 - Relating to entities and subject matter under the regulatory authority of the insurance division, including securities, business opportunities, funeral merchandise, funeral services, cemeteries, cemetery merchandise and residential service contracts, providing for fees, and establishing penalties. Approved 5-24-99.

S.F. 407 - Relating to title certificates for and registration of all-terrain vehicles and snowmobiles and providing for and applying penalties. Approved 5-11-99.

S.F. 410 - Providing for the regulation of viatical settlement contracts when sold as investments. Approved 5-18-99.

S.F. 413 - Providing for access to a safe deposit box on the death of the owner or lessee of such box, and exempting state banks and credit unions from liability associated with such access. Approved 5-19-99.

S.F. 437 - Relating to notification regarding mechanics' liens. Approved 5-10-99.

S.F. 439 - Relating to the Iowa community empowerment Act and related provisions, and providing effective dates. Approved 5-27-99.

S.F. 451 - Relating to the payment of the legal defense costs of indigent persons, expanding the duties of the state public defender, and providing for the appointment and removal of certain state public defender personnel. Approved 5-18-99.

S.F. 457 - Relating to the Iowa educational savings plan trust, and including an effective date and retroactive applicability provision. Approved 5-14-99.

S.F. 458 - Relating to information required to be placed on property tax statements. Approved 5-24-99.

S.F. 462 - Relating to veterans' benefits, veterans preference, veterans' claims, special veterans' motor vehicle registration plates, reimbursement for military service tax exemption, and providing a penalty and applicability date. Approved 5-25-99.

S.F. 469 - Relating to the state sales and use taxes by providing for the effective date for any rate increase or decrease, filing of consolidated sales tax returns by affiliated corporations, changing the statute of limitations for assessing tax and applying for refunds and relating to local sales and services taxes by providing the effective dates for imposing, repealing, or changing rates, allowing cities in more than one county to impose the tax, providing for refunds of tax payable to construction contractors, allowing for 28E agreements to be entered into between school districts and counties or other school districts, and providing for utilization of excess revenue

for property tax reduction, and including retroactive applicability and effective dates. Approved 5-20-99.

S.F. 470 – Relating to campaign finance disclosure, including the study of campaign finance disclosure and related laws, by regulating express advocacy of candidates and ballot issues, establishing a commission to study campaign finance disclosure and related laws, providing and applying penalties, providing an effective date and for severability. Approved 5-18-99.

S.F. 473 – Relating to the administration of the state individual income tax, corporate income tax, sales and use taxes, franchise tax, replacement taxes on electric and natural gas providers, motor fuel taxes, inheritance and estate taxes, property taxes, collection of taxes and debts owed to or collected by the state, and including effective and retroactive applicability date provisions. Approved 5-20-99.

S.F. 482 – Relating to tobacco product manufacturers, providing penalties, and providing an effective date. Approved 5-20-99.

GOVERNOR'S ITEM VETO MESSAGES

May 24, 1999

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 459, an Act relating to state school aid for budget years beginning on or after July 1, 1999, and making appropriations and including effective and applicability date provisions.

This bill is the major property tax relief bill approved during this legislative session. I applaud the Legislature's focus on property tax relief. While I had initially recommended that the state focus its property tax relief on the mental health system, I am willing to compromise with the Legislature and accept this version, which targets property tax relief through the school aid formula.

Unfortunately, the Legislature's tax cut and tax expenditure decisions did not extend the spirit of cooperation I sought to develop by showing flexibility on the sources of property tax relief. The measures that the Legislature presented to me would, under regular budget and revenue assumptions, lead to a general fund budget deficit in the fiscal year beginning July 1, 2000. That is unacceptable, and I am forced to closely scrutinize bills such as this one to ensure that the budget stays balanced and critical services like education and health care can be provided to the citizens of Iowa.

It is notable that this bill also includes changes to the way that we fund school programs for talented and gifted students. I support those efforts and have approved that portion of the bill. It is ironic, however, that the tax cut and tax expenditure

decisions made by the Legislature, if approved, could jeopardize the funding for efforts such as this in future years.

Nearly sixty percent of our state's budget goes to educate our children and those pursuing higher education. It must be our highest priority. If we gamble that the state budget will do better than predicted, we risk having to make severe cuts compromising our ability to educate our children. That is a risk that I am unwilling to take.

As a result, I have been forced to make hard choices. Although property tax relief is a high priority, I cannot accept the level provided in this bill. To do so would threaten our children's health and education, nursing home care for senior citizens, and our public safety. That is a risk that I am unwilling to take.

For these reasons, Senate File 459 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve three designated portions of Section 1. These items would raise the regular program foundation base per pupil to eighty-eight percent of the regular program state cost per pupil and raise the special education support services foundation base to the same level. I have, however, approved raising the regular program foundation base per pupil for the portion of weighted enrollment that is additional enrollment because of special education to eighty-seven and five-tenths percent. This will provide \$22 million a year in additional property tax relief for Iowa's taxpayers.

I am unable to approve five designated portions of Section 2. All school districts are required to have programs for talented and gifted students. This bill would provide that school districts that did not request approval to levy additional property taxes to fund their talented and gifted program would not receive the additional thirty-eight dollar increase in regular program allowable growth. I believe all school districts should have the opportunity to benefit from this change in the school aid formula. The effect of my item vetoes is to provide this assistance for all districts.

I am unable to approve the item designated as Section 4 in its entirety. This would give school districts their budget authority based upon the greater of the special education weighted enrollment in the budget year or base year. This "on-time funding" only partially resolves the issue of negative special education fund balances. While \$13 million is provided to pay for special education enrollment increases, last year school districts with negative balances spent \$19.9 million more than the special education weighting plan generated to cover the actual expenditures for students served. The complexity of special education services and funding needs to be addressed in a more comprehensive manner that includes support for students, especially during the early grades, who need additional help and are at risk of failing.

I am unable to approve two designated portions of Section 8. These vetoes conform to earlier actions taken in vetoes of Section 2.

I am unable to approve the item designated as Section 9 in its entirety. This would remove the requirement that the legislature rewrite the school aid formula and would replace it with a five-year review of the formula with the first review not required until July 1, 2004. The school aid formula changes for talented and gifted programs

contained in this bill are a perfect example of why we need to regularly rewrite the formula. There are a variety of pressing issues facing schools, including school building maintenance and construction, dealing with districts with both advancing and declining enrollments, and supplemental weighting. These issues cannot wait to be resolved until the year 2004.

For the above reasons, I hereby respectfully approve Senate File 459 with the exceptions noted above.

Sincerely,
THOMAS J. VILSACK
Governor

May 6, 1999

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 460, an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, other properly related matter, and providing effective dates, is hereby approved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa, with the exception of section 29, which is hereby disapproved.

I am unable to approve section 29 in its entirety.

I am concerned that the language in section 29 would create a different standard for the departments and agencies funded in this bill than others in state government. While I share the Legislature's concern with vacant unfunded positions in state government, I believe that we must develop an enterprise-wide approach to this issue. I have asked the director of the department of management to study issues relating to vacant positions in state government. I intend to make recommendations to the Legislature to address this issue next year.

For the above reasons, I hereby respectfully approve Senate File 460 with the exception noted above.

Sincerely,
THOMAS J. VILSACK
Governor

May 25, 1999

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 464, an Act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, providing related statutory changes, and providing effective dates.

This bill, which provides funding for portions of our K-12 education and most of our higher education system, is a vital part of our state's efforts to provide the best educational system in the nation. I believe that this bill will build on our tradition of excellence in many areas of critical importance to Iowa.

I am pleased, for example, that the Legislature adopted my recommendation to fully fund formula increases for our community colleges. Iowa's community colleges are an important local resource for job training, community and economic development, and higher education, and this support will enhance their ability to carry forward with their mission.

I am also pleased that the Legislature supported my recommendations for a new public health initiative at the University of Iowa, a new center for plant science research at Iowa State University, and a new master's degree program in social work at the University of Northern Iowa. These will enhance the educational offerings and stature of our regents institutions and also contribute to key statewide objectives such as making Iowa the food capital of the world and providing affordable health care for all Iowans.

This bill also provides important resources for our communities. I am pleased that the Legislature has adopted my recommendation that we make a statewide commitment to upgrade our public libraries. Our local public libraries are an important community resource, and I would encourage the Legislature to follow up their one-year pilot project with a longer-term commitment to enrich Iowa through improvements to our local libraries.

I am encouraged that the Legislature has adopted a portion of my recommendation to reimburse local school districts for the costs of acquiring and using employability skills assessment tools for students. This is only a small part, however, of my recommendation to provide funds to test all state ninth and twelfth grade students. I recommended use of Work Keys, which is also supported by Iowa Business Council. I am directing the Department of Education to utilize this tool as well, because it provides us the opportunity to develop a statewide standard for assessment of student work skills. Once implemented, Work Keys will be an outstanding way for students to judge their progress toward attaining the skills they need in the work force and for businesses to attain the qualified workers they need. I encourage the Legislature to provide the funding necessary to implement my recommendation statewide.

There are other important initiatives contained within this bill, including my recommendation to double the funding for local empowerment zones to bring needed early childhood services to Iowans, to provide additional support for tuition grants, to create a teacher shortage forgivable loan program and a beginning teacher induction program. I am hopeful that the Legislature will continue to work with me to provide the resources necessary to enhance these opportunities in the future.

Senate File 464 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 in its entirety. Sections 33 through 37 bring the Code in conformance with the Federal Higher Education Act of 1965, eliminating the need for this appropriation.

I am unable to approve the items designated as Section 3 and Section 27 in their entirety. This language limits default reduction services to a few emergency loan recipients. The College Student Aid Commission has designed a comprehensive default reduction program that will help a substantially larger number of needy students at risk of defaulting on their student loans. The Commission's program will provide access to expanded default avoidance resources developed by the Commission's Default Avoidance Task Force for all students attending Iowa colleges and universities, with priority given to low income students. Those who need additional assistance will provide individualized services. The Commission is also implementing a five-year pilot grant program for foster children. I encourage the Commission to continue to provide default reduction services to the maximum number of students with priority given to low income students.

I am unable to approve Section 7, subsection 4, paragraph a, unnumbered paragraph 7, which requires the division of vocational rehabilitation to enter into a 28E agreement with Creative Employment Options (CEO) at the University of Iowa for the purpose of counting CEO's state appropriation as a local match. This requirement conflicts with the federal Rehabilitation Act of 1973. Iowa's vocational rehabilitation plan would not be approved if this were implemented.

I am unable to approve the designated portion of Section 13, subsection 3, paragraph c, unnumbered paragraph 3. This would direct the cooperative extension service at Iowa State University, in consultation with the department of human services, to identify educational materials, seminars, and assistance which are duplicative, directly or in subject area, of educational materials, seminars, and assistance offered by the department of human services. The extension service is to submit a report to the General Assembly and the Legislative Fiscal Bureau by January 15, 2000. I have already expressed my concerns, in the human services appropriations bill, for required studies and reports that remove time and resources for the core work of state government, which is to provide services to Iowans. In this case, neither the department of human services nor the extension service was provided additional resources for this task. The broad requirements of the study would unnecessarily divert resources from the important services provided by the extension service.

For the above reasons, I hereby respectfully approve Senate File 464 with the exceptions noted above.

Sincerely,
THOMAS J. VILSACK
Governor

May 24, 1999

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 465, an Act authorizing the establishment of an accelerated career education program, providing a tax credit from withholding, relating to the transfer of job training withholding to the workforce development fund account, and providing an effective date.

This bill is a significant attempt to address issues of workforce development and worker training in our state. Those are important and laudable goals, and I support those efforts. Given the state's low unemployment rate, it is imperative that we fully develop the skills of our present workforce if we hope to increase state personal income and productivity.

At the same time, we should work to achieve these goals as much as possible within the framework of existing state efforts. At the start of the legislative session, when this accelerated career education (ACE) concept was proposed, I suggested that our ultimate goal should be to create a flexible system for workforce development and training that would build on present job training efforts.

For many years, our community colleges have been an important source for job project training through the 260E chapter of the Iowa Code. Given our state's current low unemployment and tight labor markets, the need for this particular effort is reduced. I believe that the state can best utilize what will always be limited tax dollars by seeking as much as possible to combine these sorts of resources and tailor them to the specific needs of the Iowa economy, businesses, and workforce.

I am concerned that the new program will become another separate and distinct workforce component rather than a complementary part of an integrated approach to improving and growing Iowa's workforce. Given that this new effort comes with a significant price tag - \$56 million over the next five years - I believe it makes sense to pursue all opportunities for incorporating this effort into existing workforce development services. I am confident that we can work together in the future to do so.

At the urging of the Legislature, we have already begun a process to review all state programs and suggest ways to improve efficiency and create cost savings. While we review past programs for opportunities to become more efficient, I think we should

do a similar examination of new initiatives. I believe that ACE will benefit from that sort of scrutiny.

I will approve, in House file 772, \$15,000,000 in infrastructure funding to begin this process of implementing the ACE program. This will be a significant first step. It will provide the community colleges the resources they need to begin designing and equipping these programs. At the same time, it will provide the opportunity to further explore ways to incorporate this initiative into the whole of state workforce development efforts.

For these reasons, Senate File 465 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 13 in its entirety. This defines program job credits, which I have also item vetoed.

I am unable to approve designated portions of Section 3, subsection 2. This provides for reporting of program costs to be paid from program job credits. I have item vetoed the program job credits below.

I am unable to approve the item designated as Section 3, subsection 2(a) in its entirety. This provides for program costs to be paid from program job credits. I have item vetoed the program job credits below. There are other funding methods still available for the program within the bill.

I am unable to approve the items designated as Sections 5, 6, and 7 in their entirety. This allows costs of a training program to be covered by diversion from the state general fund of withholding taxes paid by the present employees of an employer involved in the ACE program equal to twelve percent of the annual wage paid to a person in the type of position for which a graduate from the program would be qualified. The program job credits allocated to the community colleges from withholding would total up to \$5,000,000 in fiscal year 2000, and \$10,000,000 in each succeeding fiscal year. The department of economic development would also allocate \$135,000 from the program job credits in fiscal years 2000 and 2001 to each community college. In subsequent fiscal years, thirty percent of the program job credits would be divided equally among the community colleges. While laudable in intent, these provisions should be better integrated with existing programs before being enacted.

I find both the level of resources expended and the method for allocation in these sections troubling. I am concerned that the tax and budget decisions made by the Legislature are projected, under normal revenue and expenditure assumptions, to lead to general fund budget deficits in the fiscal year beginning July 1, 2000. When nearly sixty percent of the state budget goes to education, it is conceivable that budget deficits will lead to cuts to the very programs that this bill seeks to augment. Further, I am concerned that the allocation formula does not take into account the different needs or abilities of community colleges to access this program.

I am unable to approve the items designated as Sections 10 and 11 in their entirety. These would reduce the funds contained in a workforce development account from the present \$10,000,000 to \$9,000,000. The Legislature predicated this change on additional funds being available through the program job credits.

For the above reasons, I hereby respectfully approve Senate File 465 with the exceptions note above.

Sincerely,
THOMAS J. VILSACK
Governor

May 21, 1999

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 468, an act relating to and making appropriations to the justice system and providing effective dates.

I am unable to approve the items designated as Section 4, subsection 3 and Section 5, subsection 9 in their entirety. Section 4, subsection 3 requires the Department of Corrections to timely fill all correctional positions and Section 5, subsection 9 requires the Department of Corrections to exclude positions and money in the proposed budget for fiscal year 2001 that would be otherwise be for operation of the department. This language fails to account for the difficult circumstances that necessitate flexibility for the department in managing its operations to maintain public safety.

I am unable to approve the item designated as Section 23, in its entirety. This item would create a new committee, and include the Citizens' Aide/Ombudsman in the disbursements of moneys from the fund created in Iowa Code 904.508A. Having a centralized committee to approve all expenditures may indeed provide for a better overall departmental use and reporting of the funds. However, this language may also create a future conflict of interest with regard to the statutory role of the Citizens' Aide/Ombudsman and a separation of power issue between the Executive and Legislative branches. Therefore, I have asked the Iowa Board of Corrections to examine the issue and implement a future policy direction that would ensure both the correct use and reporting of these funds.

For the above reasons, I hereby respectfully approve Senate File 468 with the exceptions noted above.

Sincerely,
THOMAS J. VILSACK
Governor