

*State of Iowa*

# **JOURNAL OF THE SENATE**

**2000**

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

**Convened January 10, 2000  
Adjourned April 26, 2000**

**Volume I  
January 10—April 13**

**MARY E. KRAMER, President of the Senate  
BRENT SIEGRIST, Speaker of the House**

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Des Moines



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SEVENTY-EIGHTH GENERAL ASSEMBLY  
2000 Regular Session

OFFICERS OF THE SENATE

MARY E. KRAMER, <i>President</i> .....	West Des Moines
DONALD B. REDFERN, <i>President Pro Tempore</i> .....	Cedar Falls
STEWART E. IVERSON, JR., <i>Majority Leader</i> .....	Dows
MERLIN E. BARTZ, <i>Assistant Majority Leader</i> .....	Grafton
NANCY BOETTGER, <i>Assistant Majority Leader</i> .....	Harlan
H. KAY HEDGE, <i>Assistant Majority Leader</i> .....	Fremont
GENE MADDOX, <i>Assistant Majority Leader</i> .....	Clive
JOHN REDWINE, <i>Assistant Majority Leader</i> .....	Sioux City
MICHAEL E. GRONSTAL, <i>Minority Leader</i> .....	Council Bluffs
DENNIS H. BLACK, <i>Assistant Minority Leader</i> .....	Grinnell
ROBERT E. DVORSKY, <i>Assistant Minority Leader</i> .....	Coralville
GENE FRAISE, <i>Assistant Minority Leader</i> .....	Fort Madison
STEVE HANSEN, <i>Assistant Minority Leader</i> .....	Sioux City
ELAINE SZYMONIAK, <i>Assistant Minority Leader</i> .....	Des Moines
MICHAEL E. MARSHALL, <i>Secretary of the Senate</i> .....	Urbandale
CYNTHIA A. CLINGAN, <i>Assistant Secretary of the Senate</i> .....	Des Moines
BECKY BEACH, <i>Administrative Assistant to</i> <i>President of the Senate</i> .....	Des Moines
KAYE LOZIER, <i>Administrative Assistant to</i> <i>President of the Senate</i> .....	Des Moines
TOM COPE, <i>Administrative Assistant to Majority Leader</i> .....	Des Moines
SARA DEENY, <i>Administrative Assistant to Majority Leader</i> .....	Des Moines
JOANN HANOVER, <i>Administrative Assistant to the Minority Leader</i> .....	Des Moines
MELISSA WATSON, <i>Administrative Assistant to the Minority Leader</i> .....	Des Moines

CHRISTOPHER HULL, <i>Senior Majority Caucus Staff Director</i> .....	Des Moines
PAMELA DUGDALE, <i>Senior Majority Caucus Research Analyst</i> .....	West Des Moines
CAROLANN JENSEN, <i>Senior Majority Caucus Research Analyst</i> .....	Ames
STACEY ABILDTRUP, <i>Majority Caucus Research Analyst</i> .....	West Des Moines
ANGELA DORSEY, <i>Majority Caucus Research Analyst</i> .....	Indianola
JIM FRIEDRICH, <i>Majority Caucus Research Analyst</i> .....	Charles City
MICHAEL MULFORD, <i>Majority Caucus Research Analyst</i> .....	Kellogg
PAT WARD, <i>Majority Caucus Research Analyst</i> .....	Clive
ANDREW WARREN, <i>Majority Caucus Research Analyst</i> .....	Des Moines
ANISSA COWLEY, <i>Majority Caucus Secretary</i> .....	Ankeny
DEBBIE O'LEARY, <i>Senior Minority Caucus Staff Director</i> .....	Urbandale
STEPHEN CONWAY, <i>Senior Minority Caucus Research Analyst</i> .....	West Des Moines
THERESA L. KEHOE, <i>Senior Minority Caucus Research Analyst</i> .....	Des Moines
JAMES FITZGERALD, <i>Minority Caucus Research Analyst</i> .....	Des Moines
JEFF LAKE, <i>Minority Caucus Research Analyst</i> .....	Ames
RUSTY MARTIN, <i>Minority Caucus Research Analyst</i> .....	Iowa City
JULIE T. SIMON, <i>Minority Caucus Research Analyst</i> .....	Des Moines
KERRY WRIGHT, <i>Minority Caucus Research Analyst</i> .....	Grinnell
LINDA LAURENZO, <i>Senior Finance Officer</i> .....	Clive
LOIS BROWNELL, <i>Finance Officer</i> .....	Des Moines
K'ANN BRANDT, <i>Journal Editor</i> .....	Ankeny
JANET HAWKINS, <i>Journal Editor</i> .....	Bondurant
TONI WAKEMAN, <i>Assistant Journal Editor</i> .....	Des Moines
KATHY OLAH, <i>Indexer</i> .....	Des Moines
KATHLEEN CUROE, <i>Indexer</i> .....	Des Moines
LORI BRISTOL, <i>Confidential Secretary to the Secretary of the Senate</i> .....	Cumming

LUANN RANDLEMAN, <i>Administrative Secretary to the Secretary of the Senate</i> .....	Ankeny
PATRICIA WILLEMSSSEN, <i>Assistant to Legal Counsel</i> .....	Urbandale
JAY MOSHER, <i>Bill Clerk</i> .....	Milo
WILLIAM KRIEG, <i>Sergeant-at-Arms</i> .....	Des Moines
TOM SHELDAHL, <i>Assistant Sergeant-at-Arms</i> .....	West Des Moines
ARNOLD BOYUM, <i>Doorkeeper</i> .....	Des Moines
SVEND A. CHRISTENSEN, <i>Doorkeeper</i> .....	Des Moines
GEORGE FINKENAUER, <i>Doorkeeper</i> .....	Johnston
ROBERT LANGBEHN, <i>Doorkeeper</i> .....	Des Moines
FRANK LOEFFEL, <i>Doorkeeper</i> .....	Des Moines
E. A. SAMUELSON, <i>Doorkeeper</i> .....	Des Moines
KERMIT A. TANNATT, <i>Doorkeeper</i> .....	Des Moines
PAUL UNDERHILL, <i>Doorkeeper</i> .....	Ankeny
KIM RUSSELL, <i>Switchboard Operator</i> .....	Des Moines
JACKI SOUER, <i>Switchboard Operator</i> .....	Indianola
ELEANOR HESSLING, <i>Postmaster</i> .....	West Des Moines

ELECTIVE OFFICERS, SUPREME COURT JUSTICES  
AND IOWA COURT OF APPEALS JUDGES

ELECTED STATE OFFICIALS

Official Address: Des Moines, Iowa

THOMAS J. VILSACK, <i>Governor</i> .....	Mt. Pleasant
SALLY J. PEDERSON, <i>Lieutenant Governor</i> .....	Des Moines
CHET CULVER, <i>Secretary of State</i> .....	Des Moines
RICHARD D. JOHNSON, <i>Auditor of State</i> .....	Sheldahl
MICHAEL L. FITZGERALD, <i>Treasurer of State</i> .....	Des Moines
PATTY JUDGE, <i>Secretary of Agriculture and Land Stewardship</i> .....	Albia
TOM MILLER, <i>Attorney General</i> .....	McGregor

JUSTICES OF THE IOWA SUPREME COURT

ARTHUR A. MCGIVERIN, <i>Chief Justice</i> .....	Ottumwa
MARK S. CADY, <i>Justice</i> .....	Fort Dodge
JAMES H. CARTER, <i>Justice</i> .....	Cedar Rapids
K. DAVID HARRIS, <i>Justice</i> .....	Jefferson
J. L. LARSON, <i>Justice</i> .....	Harlan
LOUIS A. LAVORATO, <i>Justice</i> .....	Des Moines
LINDA NEUMAN, <i>Justice</i> .....	Davenport
BRUCE M. SNELL, JR., <i>Justice</i> .....	Ida Grove
MARSHA TERNUS, <i>Justice</i> .....	Des Moines

JUDGES OF THE IOWA COURT OF APPEALS

ROSEMARY S. SACKETT, <i>Chief Judge</i> .....	Spencer
TERRY L. HUITINK, <i>Judge</i> .....	Orange City
ROBERT E. MAHAN, <i>Judge</i> .....	Waterloo
MICHAEL J. STREIT, <i>Judge</i> .....	Des Moines
GAYLE NELSON VOGEL, <i>Judge</i> .....	Knoxville
VAN D. ZIMMER, <i>Judge</i> .....	Vinton



MEMBERS OF THE SENATE  
SEVENTY-EIGHTH GENERAL ASSEMBLY  
2000 REGULAR SESSION

**JEFF ANGELO**

Address.....Creston  
Age.....35  
Occupation.....Broadcaster  
Senatorial District.....44–Adams, Decatur, Page, Ringgold, Taylor, Union  
Former Legislative Service.....77

**MERLIN E. BARTZ**

Address.....Grafton  
Age.....38  
Occupation.....Farmer/Laborer  
Senatorial District.....10–Cerro Gordo, Mitchell, Worth  
Former Legislative Service.....74, 74X, 74XX, 75, 76, 77

**JERRY BEHN**

Address.....Boone  
Age.....45  
Occupation.....Farmer  
Senatorial District.....40–Boone, Carroll, Greene  
Former Legislative Service.....77

**DENNIS H. BLACK**

Address.....Grinnell  
Age.....60  
Occupation.....Conservationist  
Senatorial District.....29–Jasper, Mahaska, Marshall, Poweshiek  
Former Legislative Service.....70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77

**NANCY BOETTGER**

Address.....Harlan  
Age.....56  
Occupation.....Farmer/Former Educator  
Senatorial District.....41–Audubon, Harrison, Pottawattamie, Shelby  
Former Legislative Service.....76, 77

**JOE BOLKCOM**

Address.....Iowa City  
Age.....43  
Occupation.....Legislator  
Senatorial District.....23–Johnson  
Former Legislative Service.....None

**MICHAEL W. CONNOLLY**

Address.....Dubuque  
 Age..... 54  
 Occupation..... School Administrator  
 Senatorial District..... 18—Dubuque  
 Former Legislative Service..... 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX,  
 73, 74, 74X, 74XX, 75, 76, 77

**DICK L. DEARDEN**

Address.....Des Moines  
 Age..... 61  
 Occupation..... Job Developer, 5th Judicial District  
 Senatorial District..... 35—Polk  
 Former Legislative Service..... 76, 77

**PATRICK J. DELUHERY**

Address.....Davenport  
 Age..... 57  
 Occupation..... College Teacher  
 Senatorial District..... 22—Scott  
 Former Legislative Service..... 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX,  
 73, 74, 74X, 74XX, 75, 76, 77

**RICHARD F. DRAKE**

Address.....Muscatine  
 Age..... 72  
 Occupation..... Farmer  
 Senatorial District..... 24—Johnson, Louisa, Muscatine, Scott  
 Former Legislative Service..... 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71,  
 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77

**ROBERT E. DVORSKY**

Address.....Coralville  
 Age..... 51  
 Occupation..... Job Developer, Community-Based Corrections  
 Senatorial District..... 25—Johnson, Linn  
 Former Legislative Service..... 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77

**WILLIAM “BILL” FINK**

Address.....Carlisle  
 Age..... 44  
 Occupation..... Teacher  
 Senatorial District..... 45—Marion, Warren  
 Former Legislative Service..... 75, 76, 77

**TOM FLYNN**

Address..... Epworth  
Age..... 44  
Occupation..... Business Owner  
Senatorial District..... 17—Delaware, Dubuque, Jackson  
Former Legislative Service..... 76, 77

**EUGENE “GENE” FRAISE**

Address..... Fort Madison  
Age..... 67  
Occupation..... Farmer  
Senatorial District..... 50—Des Moines, Lee  
Former Legislative Service..... 71 (2nd), 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77

**MARY LOU FREEMAN**

Address..... Alta  
Age..... 58  
Occupation..... Substitute Teacher/Grantwriter  
Senatorial District..... 5—Buena Vista, Cherokee, Clay, O'Brien, Plymouth, Pocahontas  
Former Legislative Service..... 75 (2nd), 76, 77

**E. THURMAN GASKILL**

Address..... Corwith  
Age..... 64  
Occupation..... Farmer  
Senatorial District..... 8—Hancock, Humboldt, Kossuth, Winnebago, Wright  
Former Legislative Service..... 77 (2nd)

**MICHAEL E. GRONSTAL**

Address..... Council Bluffs  
Age..... 49  
Senatorial District..... 42—Pottawattamie  
Former Legislative Service..... 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77

**JOHNIE HAMMOND**

Address..... Ames  
Age..... 67  
Occupation..... Legislator  
Senatorial District..... 31—Story  
Former Legislative Service..... 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77

**STEVEN D. HANSEN**

Address.....Sioux City  
 Age.....44  
 Occupation.....Adjunct Instructor/Self-Employed  
 Senatorial District.....1—Woodbury  
 Former Legislative Service.....72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77

**PATRICIA M. HARPER**

Address.....Waterloo  
 Age.....67  
 Occupation.....Retired Educator  
 Senatorial District.....13—Black Hawk  
 Former Legislative Service.....72, 72X, 72XX, 73, 75, 76, 77

**H. KAY HEDGE**

Address.....Fremont  
 Age.....71  
 Occupation.....Grain and Livestock Farmer  
 Senatorial District.....48—Keokuk, Mahaska, Marion, Wapello, Washington  
 Former Legislative Service.....73, 74, 74X, 74XX, 75, 76, 77

**WALLY E. HORN**

Address.....Cedar Rapids  
 Age.....66  
 Occupation.....Retired Educator  
 Senatorial District.....27—Linn  
 Former Legislative Service.....65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71,  
 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77

**STEWART E. IVERSON, JR.**

Address.....Dows  
 Age.....49  
 Occupation.....Farmer  
 Senatorial District.....9—Franklin, Hamilton, Hardin, Wright  
 Former Legislative Service.....73 (2nd), 74, 74X, 74XX, 75, 76, 77

**JOHN W. JENSEN**

Address.....Plainfield  
 Age.....73  
 Occupation.....Farmer  
 Senatorial District.....11—Black Hawk, Bremer, Butler, Grundy  
 Former Legislative Service.....68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73,  
 74, 74X, 74XX, 75, 76, 77

**JOANN JOHNSON**

Address..... Adel  
Age..... 50  
Senatorial District..... 39—Adair, Dallas, Guthrie, Madison  
Former Legislative Service..... 76, 77

**JOHN JUDGE**

Address..... Albia  
Age..... 55  
Occupation..... Farmer/Banker  
Senatorial District..... 46—Appanoose, Clarke, Davis, Lucas, Monroe, Van Buren, Wayne  
Former Legislative Service..... None

**JOHN P. KIBBIE**

Address..... Emmetsburg  
Age..... 70  
Occupation..... Farmer  
Senatorial District..... 4—Clay, Dickinson, Emmet, Kossuth, Palo Alto  
Former Legislative Service..... 59, 60, 60X, 61, 62, 73, 74, 74X, 74XX, 75, 76, 77

**STEVE KING**

Address..... Kiron  
Age..... 50  
Occupation..... Earth Moving Contractor  
Senatorial District..... 6—Crawford, Ida, Monona, Sac, Woodbury  
Former Legislative Service..... 77

**MARY E. KRAMER**

Address..... West Des Moines  
Age..... 64  
Occupation..... Foundation Executive  
Senatorial District..... 37—Polk  
Former Legislative Service..... 74, 74X, 74XX, 75, 76, 77

**JEFF LAMBERTI**

Address..... Ankeny  
Age..... 37  
Occupation..... Attorney  
Senatorial District..... 33—Polk  
Former Legislative Service..... 76, 77

**MARY LUNDBY**

Address.....Marion  
 Age.....51  
 Occupation.....Legislator  
 Senatorial District.....26—Linn  
 Former Legislative Service.....72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77

**GENE MADDOX**

Address.....Clive  
 Age.....61  
 Occupation.....Lawyer  
 Senatorial District.....38—Dallas, Polk  
 Former Legislative Service.....75, 76, 77

**MATT McCOY**

Address.....Des Moines  
 Age.....33  
 Occupation.....Industry Relations Manager  
 Senatorial District.....34—Polk  
 Former Legislative Service.....75, 76, 77

**ANDY McKEAN**

Address.....Anamosa  
 Age.....50  
 Occupation.....Lawyer/Bed and Breakfast Operator  
 Senatorial District.....28—Jones, Linn  
 Former Legislative Service.....68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX,  
 73, 74, 74X, 74XX, 75, 76, 77

**LARRY McKIBBEN**

Address.....Marshalltown  
 Age.....53  
 Occupation.....Attorney  
 Senatorial District.....32—Marshall, Story  
 Former Legislative Service.....77

**DERRYL McLAREN**

Address.....Farragut  
 Age.....50  
 Occupation.....Farmer  
 Senatorial District.....43—Cass, Fremont, Mills, Montgomery, Pottawattamie  
 Former Legislative Service.....74, 74X, 74XX, 75, 76, 77

**DAVID MILLER**

Address.....Libertyville  
Age.....53  
Occupation.....Attorney/Farmer  
Senatorial District.....47—Jefferson, Van Buren, Wapello  
Former Legislative Service.....None

**DONALD B. REDFERN**

Address.....Cedar Falls  
Age.....54  
Occupation.....Attorney  
Senatorial District.....12—Black Hawk  
Former Legislative Service.....75 (2nd), 76, 77

**JOHN REDWINE**

Address.....Sioux City  
Age.....49  
Occupation.....Physician  
Senatorial District.....2—Plymouth, Woodbury  
Former Legislative Service.....77

**KITTY REHBERG**

Address.....Rowley  
Age.....61  
Occupation.....Farmer  
Senatorial District.....14—Black Hawk, Buchanan, Delaware, Fayette  
Former Legislative Service.....77

**JACK RIFE**

Address.....Durant  
Age.....56  
Occupation.....Farmer  
Senatorial District.....20—Cedar, Clinton, Jones, Scott  
Former Legislative Service.....70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77

**SHELDON RITTMER**

Address.....DeWitt  
Age.....71  
Occupation.....Farmer  
Senatorial District.....19—Clinton, Scott  
Former Legislative Service.....74, 74X, 74XX, 75, 76, 77

**NEAL SCHUERER**

Address.....Amana  
Age.....45  
Occupation.....Restaurateur  
Senatorial District..... 30–Benton, Black Hawk, Iowa, Tama  
Former Legislative Service.....77

**MIKE SEXTON**

Address.....Rockwell City  
Age.....38  
Occupation.....Farmer  
Senatorial District..... 7–Boone, Calhoun, Hamilton, Webster  
Former Legislative Service.....None

**MARK SHEARER**

Address.....Washington  
Age.....47  
Occupation.....Communications Consultant  
Senatorial District.....49–Des Moines, Henry, Lee, Washington  
Former Legislative Service..... 73, 74, 74X, 74XX

**BETTY SOUKUP**

Address.....New Hampton  
Age.....52  
Occupation.....Legislator, Writer, Communications  
Senatorial District..... 15–Chickasaw, Floyd, Howard, Mitchell, Winneshiek  
Former Legislative Service.....None

**ELAINE SZYMONIAK**

Address.....Des Moines  
Age.....79  
Occupation.....Retired  
Senatorial District..... 36–Polk  
Former Legislative Service.....73, 74, 74X, 74XX, 75, 76, 77

**MAGGIE TINSMAN**

Address.....Davenport  
Age.....63  
Occupation.....Legislator  
Senatorial District..... 21–Scott  
Former Legislative Service.....73, 74, 74X, 74XX, 75, 76, 77



**KEN VEENSTRA**

Address.....Orange City  
Age.....60  
Occupation.....Insurance Agent  
Senatorial District.....3—Lyon, O'Brien, Osceola, Sioux  
Former Legislative Service.....76, 77

**LYLE E. ZIEMAN**

Address.....Postville  
Age.....78  
Occupation.....Retired Farmer/Businessman  
Senatorial District.....16—Allamakee, Clayton, Fayette, Winneshiek  
Former Legislative Service.....75, 76, 77



# **JOURNAL OF THE SENATE**

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FIRST CALENDAR DAY  
FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, January 10, 2000

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the 2000 Regular Session of the Seventy-Eighth General Assembly convened at 10:02 a.m., and the Senate was called to order by President Mary E. Kramer.

Prayer was offered by the Reverend Dr. Sam Massey, pastor of the Westminster Presbyterian Church, Des Moines, Iowa, guest of President Kramer.

## **OPENING REMARKS BY THE PRESIDENT OF THE SENATE**

President Kramer addressed the Senate with the following remarks:

Welcome back to this beautiful chamber. It is historic and inspiring and brings us back each year with a fresh sense of what we might accomplish together.

Much has been said and written about the issues facing our state in the year 2000 and beyond. Our aging population; the loss of talented and productive young people; our declining school enrollment and performance; a difficult agricultural economy engrossed in massive change; a certain "separatism" among rural and urban areas of our state AND a certain apologist attitude — talk about who and what we are not.

It's time to stop continually defining these issues and problems and look at what we can do and can become.

David Gergen, writing in the current issue of US News & World Report, says: "At no time in memory have Americans felt more optimistic about the future and with greater reason. As the new century begins, we look back on one of the brightest decades in memory and forward to a future perhaps even more luminous."

He continues: "Three revolutions are sweeping the world and America leads the way in each . . . the Cold War has faded and democracy is surging — from 69 democratic countries to 120 democratic countries in one decade. This expansion of human freedom is accompanied by a revolution in capitalism that can create a booming

economy here at home and is encouraging entrepreneurs in every nation. Even more revolutionary are the breakthroughs in science and technology — our grandchildren may live in a time when cancer is cured, when multiple universes are discovered, and a decent life is within reach of even the poorest of God's creatures. A recent survey by the Pew Research Center found that fully 70% of Americans are optimistic about America's future and 81% are optimistic about themselves and their families. We may be on the verge of a truly Golden Age."

And how will we here, in this historic place, lead Iowa to her proper role in this coming Golden Age?

As we approached the last millennium, headlines proclaimed, "The United States is the Envy of the World." The arrogance of this thinking, perhaps, prevented us from making the most of our potential during the last century.

Historian John Keegan has said, "The history of the 20th century can be written through the biographies of six men: Lenin, Stalin, Hitler, Mao, Churchill, and Franklin Roosevelt. The first four of these men were tyrants who dimmed the lamps of freedom and plunged the world into the bloodiest conflicts in all of human history." Indeed — leadership counts!

So, the question is: How can we do a better job realizing the promise of the 21st century than we did the 20th?

We must nurture and elect more leaders of great stature. Today, CEOs, entrepreneurs, and athletes often command more respect than politicians. In the years ahead, men and women in public life provide inspiration, vision, and belief in a common purpose.

Isn't that our hope? No — it's our job! How will we in this chamber, individually and collectively, provide that inspiration, vision, and common purpose?

Again quoting David Gergen, "Our most important protections in this new world will be our old values. Nothing we will learn on the Internet will give us deeper insights than the answers found in the desert 2000 years ago. As Americans," (I would say, especially, as Iowans), "we owe an extraordinary debt to those generations who have brought us to the edge of this new promised land. Their sacrifices not only brought us a good life, but through wars and hard times, kept our values alive. These values are now the greatest gift we can pass on to the 21st century."

Martin Luther King defined freedom in this way: "Freedom is the capacity to deliberate on alternatives, the ability to think, to make rational decisions about one's life, and then have the capacity to accept responsibility for those decisions."

Here and now, each of us has been elected a leader for our own constituency and for our state as a whole. John Zenger has said, "There is no mythology or charisma that is necessary for leadership. We know what leaders do: They create shared values through communication. They develop responsible followers. They inspire lofty goal accomplishment. They model appropriate behavior. They focus attention on the important issues. They connect their group to the outside world."

No rocket science here — discipline and practice will get us where we want to be.

In Iowa, we are blessed with the freedom, the values, and the people to shape our future.

Traditional thinking says this will be a tough, political year. It is an election year, and the bitterness and cynicism of old battles, along with our desire to win, will interfere with creating good public policy — a bright future — for Iowa. We will disagree. We have strong philosophical opinions about the role and the size of our government. However, we must move a positive agenda. We can't afford to wait until the "right" year, or the "right" time. The time is now, today. I am eager to begin and hope you are too.

Thank you for your attention.

## REMARKS BY THE MAJORITY LEADER

Senator Iverson addressed the Senate as follows:

I want to take this opportunity to welcome all of you back for the 2000 Regular Session of the 78th General Assembly. I look forward to working with each and every one of you during the next few months.

Each legislative session brings with it numerous challenges, and this session will be no different. Our budget is not as healthy as it has been during the past several years, and we will need to act responsibly to address this issue.

However, I strongly believe that the opportunities far outnumber the challenges. I believe we have an excellent opportunity to make Iowa schools the best in the country by improving reading programs and making schools more accountable to parents.

We can make Iowa's economy more competitive by opening up our utility system to competition through a process that ensures strong protections for Iowa consumers, and we can promote the development of Iowa's work force by preparing young Iowans for tomorrow's high-tech workplace.

We also have an excellent opportunity to build on the substantial investments we have made in additional recreational activities for Iowa families. I've joked this summer a couple of times that my idea of a good time is a cowboy movie and a cheap cigar — I'm sure I'm not the only person who feels that way. But that hasn't stopped this legislature from making an impressive commitment to improving the quality of life for Iowans. But there is more that we can do to make Iowa a better place to work, live, and raise a family. We must also continue to promote value-added agriculture to help Iowa farmers succeed in our global economy.

These goals that I have outlined aren't just my goals. They aren't just the goals of everyone in this room. They are the goals of the Iowans we represent. We've had a history of working together to solve Iowa's problems. Last year, this chamber was nearly unanimous in voting to expand the size of Iowa's skilled work force by passing the ACE legislation. We also voted overwhelmingly to reduce taxes on hardworking Iowa families. Not all of the ideas became law, but that doesn't mean we don't start this session with any less commitment to develop creative solutions to the problems

facing Iowans. I look forward to working on these issues with each and every one of you.

I also want to take this opportunity to thank all of the administrative staff and the staff of the central staff agencies for all the hard work they have provided in the past, their efforts in the upcoming session, and also welcome all the new staff to the Iowa Senate. I also want to take this opportunity to thank each and every one of you for the kindness you have extended to me over the past year.

## REMARKS BY THE MINORITY LEADER

Senator Gronstal addressed the Senate as follows:

Madam President, Ladies and Gentlemen of the Senate:

First of all, I'd like to welcome everyone back to this first session of the 2000s. We have an incredible opportunity this year to pursue an agenda that will ensure the future of our families and our state. There are dozens of issues that confront us this year, but today I'm going to talk about just three:

The first priority this session is to help schools be accountable to parents and their communities. Schools will report when kids are not at grade level in reading, writing, and math and will then provide the extra instruction that child needs to succeed. Our Accountable Schools Initiative will help parents and schools focus on the basics and provide five million dollars to pay for the extra help, so all students succeed. Republican senators rejected similar proposals in 1998 and in 1999, but this year we are happy that Republican leaders in the House and Senate have started talking about these common sense proposals. Back to the Basics and accountability in our schools will be one of the centerpiece accomplishments of this session. Our families shouldn't have to wait to find out when their children are falling behind and our schools should not have to wait for the resources they need to make sure every child succeeds.

The second Democratic priority of this session is to transform Iowa's health care system by directing the tobacco settlement to health care. By taking the money we have reclaimed from tobacco companies for treating people and using a significant portion for prevention, we can become national leaders in preventive health care. We spend billions of dollars in this state treating disease. The tobacco settlement gives us an historic opportunity to begin investing in wellness. Let's not squander this opportunity by coming up with a series of pork barrel projects that won't improve the long-term health of our families.

The third priority for this session must be a commitment to clean water. How can we expect our families to stay here and new families to move here and enjoy Iowa's natural beauty when 159 streams and rivers are polluted. For a modest state investment we can create a 75 million dollar clean-water initiative that will put thousands of acres of environmentally sensitive land in filter strips along those polluted streams and rivers. Iowa's families shouldn't have to wait for our waters to be safe.

There are a host of other issues to deal with this year. Issues like work force development, crumbling schools, community attractions, utility restructuring, and the

farm economy to name just a few, and we will work on those issues with you, as well. But we believe that unless we assure Iowans that we have made dramatic progress in the three priority areas of education, health care, and clean water, this session will have been a failure. The Democrats will fight for our families' future.

Thank you, Madam President.

### COMMITTEE FROM THE HOUSE

A committee from the House appeared and notified the Senate that the House was duly organized and ready to receive any communication the Senate might be ready to transmit.

### COMMITTEE TO NOTIFY THE GOVERNOR

Senator Iverson moved that a committee of five be appointed to notify the Governor that the Senate was organized and ready to receive any communication that he might be ready to transmit.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Bartz, Chair; Maddox, Angelo, Judge, and Deluhery.

### COMMITTEE TO NOTIFY THE HOUSE

Senator Iverson moved that a committee of five be appointed to notify the House of Representatives that the Senate was organized and ready for business.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Johnson, Chair; Zieman, Boettger, Connolly, and McCoy.

### RECESSED

The Senate recessed at 10:20 a.m. until the completion of a meeting of the committee on Rules and Administration.

### RECONVENED

The Senate resumed session at 10:28 a.m., President Kramer presiding.

SUPPLEMENTAL REPORT OF THE COMMITTEE ON  
RULES AND ADMINISTRATION

Senator Iverson asked and received unanimous consent to take up the following supplemental report of the committee on Rules and Administration:

MADAM PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following personnel for appointment as officers and employees of the Senate for the 2000 Session of the Seventy-Eighth General Assembly:

Majority Caucus

Research Analyst ..... Stacey Abildtrup  
Research Analyst ..... Andy Warren  
Research Analyst I ..... Michael Mulford  
Secretary ..... Jason White

Minority Caucus

Secretary ..... Sarah Leonard  
Secretary ..... Ashley Wimmer

Journal

Editor I ..... Janet Hawkins  
Assistant Editor ..... Toni Wakeman

Legal Counsel

Assistant to Legal Counsel ..... Kerry Williams

Secretaries to Senators

Committee Secretary ..... Judy Dierenfeld  
Committee Secretary ..... Gerry Gaskill  
Committee Secretary ..... Kristofer Lyons  
Committee Secretary ..... Jo Murray  
Committee Secretary ..... Joel Oswald  
Committee Secretary ..... Kyle Palmer  
Committee Secretary ..... Sarah Treiber  
Committee Secretary ..... Claudia Baumgarten  
Committee Secretary ..... Beverly Walsmith  
Committee Secretary ..... Jennifer Johnson  
Secretary ..... Nichole Bushore  
Secretary ..... Gary Kaufman  
Secretary ..... Mary Ellen Kimball  
Secretary ..... John Larson  
Secretary ..... Sybil Soukup  
Secretary ..... Joe Cilek



Secretary.....Loretta Greiner  
Secretary..... Barbara Thompson  
Secretary..... Seth Miller  
Secretary..... Rosalee Klisares

STEWART IVERSON, JR., Chair

Senator Iverson moved the adoption of the supplemental report and the appointment of the permanent officers and employees of the Senate.

The motion prevailed by a voice vote and the foregoing officers and employees appeared before the bar of the Senate and were duly sworn.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Johnson reported that the committee assigned to notify the House that the Senate was organized and ready for business had performed its duty.

The report was accepted and the committee discharged.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Bartz reported that the committee assigned to notify the Governor that the Senate was organized and ready to receive communication had performed its duty.

The report was accepted and the committee discharged.

APPOINTMENT OF PAGES

Senator Iverson asked and received unanimous consent to take up the following report of the committee on Rules and Administration:

MADAM PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following persons as Pages for the Senate for the 2000 Session of the Seventy-Eighth General Assembly:

Mandy Besler, Manchester  
Angie Bogges, Carlisle  
Kara Breitbach, Fort Dodge  
Sarah Carlson, Rockwell City

Charise Carstensen, Odebolt  
Sara Falb, Des Moines  
Elizabeth Gauger, Ames  
Julie Gehling, Emmetsburg  
Heidi Gesche, Merrill  
Mike Lindseth, Ellsworth  
Stacey Lyon, Independence  
Justin Manifold, Parkersburg  
Keturah Moretz, Pleasant Hill  
Samantha Morrison, Hamburg  
Matt Nappe, Milford  
Laura Pfeffer, Clinton  
Jesse Schradle, Charles City  
Liz Whims, Swea City  
Alicia Young, Creston

STEWART IVERSON, JR., Chair

Senator Iverson moved the adoption of the report and the appointment of the Senate Pages.

The motion prevailed by a voice vote and the foregoing Senate Pages appeared before the bar of the Senate and were duly sworn to their oaths of office.

#### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 10, 2000, adopted the following resolutions in which the concurrence of the Senate is asked:

**House Concurrent Resolution 101**, a concurrent resolution relating to a joint convention, Tuesday, January 11, 2000, at 10:00 a.m., Governor Vilsack to deliver condition of the state and budget message.

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

**House Concurrent Resolution 102**, a concurrent resolution relating to a joint convention, Wednesday, January 12, 2000, at 10:00 a.m., Chief Justice McGiverin to deliver his condition of the judicial branch message.

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

### CONSIDERATION OF RESOLUTIONS

Senator Iverson asked and received unanimous consent to take up for immediate consideration House Concurrent Resolutions 101 and 102.

#### **House Concurrent Resolution 101**

On motion of Senator Iverson, House Concurrent Resolution 101, a concurrent resolution relating to a joint convention, Tuesday, January 11, 2000, at 10:00 a.m., Governor Vilsack to deliver condition of the state and budget message was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 101, which motion prevailed by a voice vote.

#### **House Concurrent Resolution 102**

On motion of Senator Iverson, House Concurrent Resolution 102, a concurrent resolution relating to a joint convention, Wednesday, January 12, 2000, at 10:00 a.m., Chief Justice McGiverin to deliver his condition of the judicial branch message, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 102, which motion prevailed by a voice vote.

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 101**, by Miller, a concurrent resolution to request a United States Corps of Engineers' study of the lower Des Moines River.

This resolution was read first time and referred to committee on **Natural Resources and Environment.**

### INTRODUCTION OF BILLS

**Senate File 2001**, by Redwine, a bill for an act relating to expenditure of primary road fund moneys for dust control on certain municipal streets.

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

**Senate File 2002**, by Angelo, a bill for an act establishing the criminal offense of laser pointer harassment and providing a penalty.

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

**Senate File 2003**, by Miller, a bill for an act increasing the child and dependent care credit under the state individual income tax and including a retroactive applicability date provision.

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

**Senate File 2004**, by Tinsman, Angelo, Shearer, Szymoniak, Deluhery, Veenstra, and Rittmer, a bill for an act providing an individual and corporate tax credit for the acquisition or modification of assistive technology or the modification of the workplace in order to assist persons with a disability in the workplace and including an effective and retroactive applicability date provision.

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

**Senate File 2005**, by Tinsman and Boettger, a bill for an act relating to a senior living insurance tax credit under the individual income tax and including a retroactive applicability date provision.

Read first time and referred to committee on **Human Resources.**

**Senate File 2006**, by Angelo, a bill for an act establishing certain placements in a juvenile detention or shelter care home as a charge upon the state.

Read first time and referred to committee on **Human Resources.**

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolutions 101** and **102** be **immediately messaged** to the House.

SPECIAL GUEST

Senator Fraise welcomed the Honorable Leonard L. Boswell, former member of the Senate, and his wife, Dody.

Congressman Boswell addressed the Senate with brief remarks.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:43 a.m., until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:05 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.

**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 during the 1999 interim:

June 24, 1999

**IOWA RACING AND GAMING COMMISSION**

1998 Annual Report.

July 7, 1999

**DEPARTMENT OF NATURAL RESOURCES**

Iowa's 1998 Public Drinking Water Program Annual Compliance Report.

July 8, 1999

**DEPARTMENT OF PERSONNEL**

Annual Report FY '98.

July 16, 1999

**IOWA COLLEGE STUDENT AID COMMISSION**

Annual 1997 – 1998 Report.

July 19, 1999

**DEPARTMENT OF TRANSPORTATION**

1998 Quadrennial Need Study and First Annual Update — January 1999, as required by Iowa Code section 307A.2(14).

July 30, 1999

FY '99 DOT highway construction program expenditures.

August 3, 1999

DOT Annual Sufficiency Rating Report, as required by Iowa Code section 307A.2(12).

August 6, 1999

DEPARTMENT OF HUMAN RIGHTS

August 1999 Annual Report of the Iowa Commission on the Status of African-Americans.

August 19, 1999

DEPARTMENT OF NATURAL RESOURCES

Annual Report, pursuant to the Code of Iowa, section 455B.425 and section 455B.427. Registry of Hazardous Waste or Hazardous Substance Disposal Sites & Hazardous Waste Remedial Fund.

August 30, 1999

DEPARTMENT OF HUMAN RIGHTS

Annual Report FY '99 of the Commission of Persons with Disabilities.

September 1, 1999

CITIZENS' AIDE/OMBUDSMAN

Investigative Report 99-1. Investigation of the State Insurance Division's oversight of Clinton Memorial Cemetery and Funeral Home, Inc.

October 5, 1999

DEPARTMENT OF NATURAL RESOURCES

Energy Fund Disbursement Council Annual Report FY '99.

October 28, 1999

IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Annual Report FY '99 of the Office of Renewable Fuels and Co-Products.

November 15, 1999

DEPARTMENT OF HUMAN SERVICES

Allowed Growth Factor Adjustment, as required by Iowa Code sections 331.439(3) and 331.424A(1), and recommendations on changes to the Incentives and Efficiency Fund.

December 14, 1999

BOARD OF REGENTS

Annual Technology Transfer and Economic Development Reports from the University of Iowa, Iowa State University, and the University of Northern Iowa.

December 15, 1999

DEPARTMENT OF HUMAN SERVICES

Report of the review and findings of the Food Stamp Program.

Adult MH/MR/DD Services Funding Pilot Project Annual Report.

December 17, 1999

DEPARTMENT OF HUMAN SERVICES

Mental Health and Developmental Disabilities Commission report on model eligibility guidelines for disability services, as required per Code of Iowa, section 225C.6.

Annual report on Personal Assistance and Family Support Services, pursuant to section 225C.48.

December 20, 1999

BOARD OF REGENTS

Annual Report on College Bound and IMAGES Programs, as required by Code of Iowa, sections 262.92 and 269.93.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Report by the Aviation Transportation in Iowa Study Committee.

DEPARTMENT OF HUMAN SERVICES

Adoption Services Report, as required by House File 760, section 46.

DEPARTMENT OF PUBLIC HEALTH

Three-way Paternity Affidavit Process Report, as required by 1999 Iowa Acts, Chapter 141, section 41 (HF 497).

1999 Annual Report.



December 21, 1999

DEPARTMENT OF EDUCATION

December 1999 School Violence Crisis Intervention Task Force report.

DEPARTMENT OF REVENUE AND FINANCE

Quarterly post-audits of state agencies and institutions for fiscal year ending June 30, 1999.

LEGISLATIVE FISCAL BUREAU

1999 Iowa Factbook.

December 22, 1999

DEPARTMENT OF TRANSPORTATION

Recycled Content Plastic Bag and Soy Inks Report for FY '99.

IOWA HIGHER EDUCATION LOAN AUTHORITY

1999 Annual Report.

December 23, 1999

DEPARTMENT OF GENERAL SERVICES

Reimbursement recommendation to City of Des Moines for police and fire protection for FY '01.

December 29, 1999

DEPARTMENT OF TRANSPORTATION

2000 – 2004 Iowa Transportation Improvement Program, as required by Iowa Code section 307A.2(12).

December 30, 1999

DEPARTMENT OF PUBLIC HEALTH

Chapter 1221 Report submitted by the Division of Substance Abuse and Health Promotion — an evaluation of the effectiveness of existing federal and state funded substance abuse treatment and prevention programs in the state.

Infectious Disease Laws December 1999 Report — an evaluation of current laws in the state and their effectiveness in promoting public health.

January 3, 2000

BOARD OF REGENTS

Annual Governance Report on Diversity Programs, in accordance with Iowa Code sections 262.82 and 262.93. Annual reports for Affirmative Action and Minority and Women Educators Enhancement Program.

DEPARTMENT OF CORRECTIONS

Inmate Vocational and Educational Programs update as of December 1999, as required by 1999 Senate File 468.

Inmate Worker Safety Report, as required by 1999 Senate File 468.

Inmate Hard Labor Law Progress Report, as required by 1999 Senate File 468.

January 4, 2000

DEPARTMENT OF REVENUE AND FINANCE

Comprehensive Annual Financial Report for the State of Iowa for the FY ended June 30, 1999, in accordance with Iowa Code section 421.31(5).

DEPARTMENT OF TRANSPORTATION

Response of Iowa Pavements to Heavy Agricultural Loads — Interim Report, pertaining to the provision in 1999 HF 651 mandating a study and report.

January 5, 2000

DEPARTMENT OF HUMAN RIGHTS

FY '98 Annual Report on Community Action Programs in Iowa, Division of Community Action Agencies.

Status of Asian and Pacific Islanders Study, as required by 1999 House File 737.

DEPARTMENT OF REVENUE AND FINANCE

FY '99 Annual Report.

January 6, 2000

DEPARTMENT OF INSPECTIONS AND APPEALS

FY '99 Annual Report, for the fiscal year ending June 30, 1999.

DEPARTMENT OF TRANSPORTATION

“Adopt-a-Highway Program Dangers” Report, as required by 1999 SF 424, section 7.

January 7, 2000

DEPARTMENT OF PUBLIC HEALTH

IDPH Contractor Compliance in Coordination of Services Report, Division of Family and Community Health, as required by 1999 HF 737.

Report from the Advisory Council that was appointed to make recommendations specific to the direction and operation of the Office of the Iowa State Medical Examiner, as directed by 1999 session law.

IOWA UTILITIES BOARD

Customer Contribution Fund Annual Report for FY ended June 30, 1999, pursuant to Iowa Code section 476.66(6).

January 10, 2000

SUPREME COURT OF IOWA

Report on Judgeship Formulas — response to the General Assembly's request for an analysis of the judgeship formulas, pursuant to 1999 Iowa Acts, Chapter 202, section 12(1)(k).

**AGENCY ICN REPORTS**

June 1, 1999

Year 2000 Readiness Disclosure status report as of 1/5/99.

November 18, 1999

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Report, Review of Maintenance Contract Pursuant to the Code of Iowa, Chapter 8D.3(3)(g), and Five-Year Financial Plan for the years ending June 30, 2000, through 2005.

December 23, 1999

DEPARTMENT OF PERSONNEL

Annual Report for FY '99.

December 29, 1999

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Annual Savings Report for ICN usage FY '99, in accordance with Iowa Code Chapter 8D.10.

January 5, 2000

#### DEPARTMENT OF PERSONNEL

FY '99 ICN Usage Annual Report.

January 7, 2000

#### DEPARTMENT OF PUBLIC HEALTH

FY '99 Annual Report on use of the ICN for videoconferencing, July '98 – June '99.

### ANNOUNCEMENT OF APPOINTMENTS BY THE PRESIDENT OF THE SENATE

As a result of House File 762, Senator Steve King and Senator Bob Dvorsky are appointed to the transition team of the Information Technology Department.

Senator Bolkcom is appointed to the Commission on Elder Affairs.

Senator Szymoniak is appointed to the Medical Assistance Advisory Council.

Senator Connolly is reappointed to the Education Commission of the States.

Senator Horn is appointed to the MFPRSI Board.

### REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MADAM PRESIDENT: Pursuant to Senate Concurrent Resolution 2, your committee on Rules and Administration submits the following names of officers and employees of the Senate for the Seventh-Eighth General Assembly, 2000 Session, and their respective classifications, grades and steps:

Legis. Research Analyst	Stacey Abildtrup	P/FT	Grade 27, Step 1
Legis. Research Analyst	Andy Warren	P/FT	Grade 27, Step 1
Legis. Research Analyst I	Michael Mulford	P/FT	Grade 29, Step 1
Legis. Committee Secretary	Jason White	S/O	Grade 17, Step 1
Legis. Committee Secretary	Sarah Leonard	S/O (1/2 Time)	Grade 17, Step 1

Legis. Committee Secretary	Ashley Wimmer	S/O (1/2 Time)	Grade 17, Step 1
Editor I	Janet Hawkins	P/FT	Grade 22, Step 1
Assistant Editor	Toni Wakeman	S/O	Grade 19, Step 1
Asst. to Legal Counsel	Kerry Williams	S/O	Grade 19, Step 1
Legis. Committee Secretary	Judy Dierenfeld	S/O	Grade 18, Step 1
Legis. Committee Secretary	Gerry Gaskill	S/O	Grade 17, Step 1
Legis. Committee Secretary	Jo Murray	S/O	Grade 17, Step 1
Legis. Committee Secretary	Joel Oswald	S/O	Grade 18, Step 1
Legis. Committee Secretary	Kyle Palmer	S/O	Grade 18, Step 1
Legis. Committee Secretary	Sarah Treiber	S/O	Grade 17, Step 1
Legis. Committee Secretary	Claudia Baumgarten	S/O	Grade 18, Step 1
Legis. Committee Secretary	Beverly Walsmith	S/O	Grade 19, Step 1
Legis. Committee Secretary	Jennifer Johnson	S/O	Grade 18, Step 1
Legis. Committee Secretary	Kristofer Lyons	S/O	Grade 17, Step 1
Legislative Secretary	Nichole Bushore	S/O	Grade 16, Step 1
Legislative Secretary	Gary Kaufman	S/O	Grade 18, Step 1
Legislative Secretary	Mary Ellen Kimball	S/O	Grade 15, Step 1
Legislative Secretary	John Larson	S/O	Grade 16, Step 1
Legislative Secretary	Sybil Soukup	S/O	Grade 16, Step 1
Legislative Secretary	Joe Cilek	S/O	Grade 17, Step 1
Legislative Secretary	Barbara Thompson	S/O	Grade 18, Step 1
Legislative Secretary	Seth Miller	S/O	Grade 16, Step 1
Legislative Secretary	Rosalee Klisares	S/O	Grade 16, Step 1
Legislative Secretary	Loretta Greiner	S/O	Grade 17, Step 1
Page	Mandy Besler	S/O	Minimum Wage
Page	Angie Boggess	S/O	Minimum Wage

Page	Kara Breitbach	S/O	Minimum Wage
Page	Sarah Carlson	S/O	Minimum Wage
Page	Charise Carstensen	S/O	Minimum Wage
Page	Sara Falb	S/O	Minimum Wage
Page	Elizabeth Gauger	S/O	Minimum Wage
Page	Julie Gehling	S/O	Minimum Wage
Page	Heidi Gesche	S/O	Minimum Wage
Page	Mike Lindseth	S/O	Minimum Wage
Page	Stacey Lyon	S/O	Minimum Wage
Page	Justin Manifold	S/O	Minimum Wage
Page	Keturah Moretz	S/O	Minimum Wage
Page	Samantha Morrison	S/O	Minimum Wage
Page	Matt Nappe	S/O	Minimum Wage
Page	Laura Pfeffer	S/O	Minimum Wage
Page	Jesse Schradle	S/O	Minimum Wage
Page	Liz Whims	S/O	Minimum Wage
Page	Alicia Young	S/O	Minimum Wage

STEWART IVERSON, JR., Chair

## REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MADAM PRESIDENT: Pursuant to Senate Concurrent Resolution 2, the committee on Rules and Administration submits the following increases, reclassifications, and the effective dates of Senate employees:

Admin. Asst. to Ldr. III	Tom Cope	Step 5 to Step 6 effective 7/99
Admin. Asst. to Ldr. I to Admin. Asst. to Ldr. II	Sara Deeny	Grade 29, Step 1 to Grade 32, Step 2 effective 6/99

Caucus Staff Director to Sr. Caucus Staff Director	Chris Hull	Grade 38, Step 3 to Grade 41, Step 2 effective 2/00
Sr. Legis. Research Analyst	Jim Boose	Resigned 9/15/99
Sr. Legis. Research Analyst	Carolann Jensen	Step 5 to Step 6 effective 3/00
Sr. Legis. Research Analyst	Pam Dugdale	Step 2 to Step 3 effective 5/99
Legis. Research Analyst II	Michael Savala	Resigned 6/4/99
Legis. Research Analyst to Legis. Research Analyst I	Mike St. Clair	Grade 27, Step 3 to Grade 29, Step 2 effective 6/99 Resigned 9/30/99
Legis. Research Analyst to Legis. Research Analyst I	Petricia Ward	Grade 27, Step 3 to Grade 29, Step 3 effective 2/00
Legis. Research Analyst	Angela Dorsey	Step 1 to Step 2 effective 5/99
Legis. Research Analyst	Jim Friedrich	Step 1 to Step 2 effective 7/99
Caucus Secretary	Anissa Cowley	Step 1 to Step 2 effective 6/99
Admin. Asst. to Ldr. III	Rebecca Beach	Step 3 to Step 5 effective 7/99
Admin. Asst. to Ldr. III	Kaye Lozier	Step 3 to Step 5 effective 7/99
Admin. Asst. to Ldr. II	Melissa Watson	Step 1 to Step 2 effective 7/99
Admin. Asst. to Ldr. II	JoAnn Hanover	Step 3 to Step 4 effective 7/99
Sr. Caucus Staff Director	Debbie O'Leary	Step 3 to Step 5 effective 8/99
Sr. Legis. Research Analyst	Steve Conway	Step 5 to Step 6 effective 9/99
Sr. Legis. Research Analyst	Theresa Kehoe	Step 5 to Step 6 effective 11/99

Legis. Research Analyst	James Fitzgerald	Step 2 to Step 3 effective 7/99
Legis. Research Analyst	Julie Simon	Step 2 to Step 3 effective 7/99
Legis. Research Analyst	Jeff Lake	Step 1 to Step 2 effective 7/99
Legis. Research Analyst	Kerry Wright	Step 1 to Step 2 effective 7/99
Legis. Research Analyst	Rusty Martin	Step 2 to Step 3 effective 8/99
Secretary of the Senate	Michael E. Marshall	\$74,260 to \$80,168 effective 6/99
Sr. Asst. Sec. of Senate	Cynthia Clingan	Step 3 to Step 4 effective 6/99
Finance Officer I	Lois Brownell	Step 4 to Step 5 effective 6/99
Confidential Secretary II	Lori Bristol	Step 4 to Step 5 effective 2/00
Editor II to Sr. Editor	Julie Elder	Grade 25, Step 5 to Grade 30, Step 2 effective 6/99 Resigned 11/11/99
Editor II	K'Ann Brandt	Step 4 to Step 5 effective 1/00
Indexer I to Indexer II	Kathy Olah	Grade 22, Step 4 to Grade 25, Step 3 effective 6/99
Admin. Secretary to Secretary	LuAnn Randleman	Step 3 to Step 4 effective 3/17/00
Sergeant-at-Arms	William Krieg	Step 4 to Step 5 effective 3/17/00
Doorkeeper	George Finkenauer	Step 3 to Step 4 effective 1/21/00
Postmaster	Eleanor Hesseling	Step 4 to Step 5 effective 1/21/00



Switchboard Operator	Jacki Souer	Step 1 to Step 2 effective 3/17/00
Legis. Committee Secretary	Alleen Hedge	Step 4 to Step 5 effective 1/21/00
Legis. Committee Secretary	Myrtle Jensen	Step 5 to Step 6 effective 1/10/00
Legis. Committee Secretary	LeAnn Jesina	Step 1 to Step 2 effective 2/18/00
Legislative Secretary	Anne Burnett	Step 2 to Step 3 effective 3/17/00
Legislative Secretary	Jeff Chavannes	Step 1 to Step 2 effective 3/17/00
Legislative Secretary	Jean Goudy	Step 5 to Step 6 effective 1/10/00
Legislative Secretary	Kay Kibbie	Step 3 to Step 4 effective 1/10/00
Legislative Secretary	Jean Nelson	Step 4 to Step 5 effective 1/10/00
Legislative Secretary	Nancy Wayman	Step 2 to Step 3 effective 3/17/00
Legislative Secretary	Beverly Zieman	Step 3 to Step 4 effective 2/18/00

STEWART IVERSON, JR., Chair

## REPORTS OF COMMITTEE MEETINGS

### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Conven ed:** January 10, 2000, 3:35 p.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair; Connolly, Ranking Member; Johnson and Shearer.

**Members Absent:** None.

**Committee Business:** Introductions and discussion of bills.

**Adjourned:** 3:40 p.m.

**RULES AND ADMINISTRATION**

**Convened:** January 10, 2000; 10:25 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:** Organizational meeting.

**Adjourned:** 10:26 a.m.

**INTRODUCTION OF RESOLUTIONS**

**Senate Concurrent Resolution 102**, by Iverson, a concurrent resolution urging the President of the United States, the United States Environmental Protection Agency, and the United States Congress, immediately take all actions necessary in order to immediately prohibit the use of methyl tertiary butyl ether as an additive in gasoline.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

**Senate Concurrent Resolution 103**, by Kibbie, a concurrent resolution relating to the observation of the decade of the bone and joint.

Read first time under Rule 28 and referred to committee on **State Government**.

**INTRODUCTION OF BILLS**

**Senate File 2007**, by McKean, a bill for an act relating to responsibilities of a guardian in procuring professional services for a ward with a physical or mental disability which do not require prior court approval.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2008**, by Hammond and Szymoniak, a bill for an act prohibiting female genital mutilation, providing education, prevention, and outreach activities, and providing a penalty.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2009**, by Szymoniak, a bill for an act relating to physicians serving as trustees on county hospital boards.

Read first time under Rule 28 and referred to committee on **Local Government**.

**Senate File 2010**, by Angelo, a bill for an act relating to the traditional livestock producer's linked investment loan program by modifying eligibility requirements.

Read first time under Rule 28 and referred to committee on **Agriculture**.

## STUDY BILLS RECEIVED

### **SSB 3000      Appropriations**

Relating to state budgetary matters by providing for reductions and supplementation of appropriations for the fiscal year beginning July 1, 1999, transferring, crediting, and appropriating certain moneys, increasing certain fees, and providing effective dates.

### **SSB 3001      Local Government**

Relating to county warrants.

### **SSB 3002      Commerce**

Relating to the restructuring of the electric utility industry by providing for consumer choice for certain competitive electric services, providing penalties, and providing an effective date.

**SSB 3003      Commerce**

Relating to third-party payor coverage for off-label use of prescription drugs.

**SUBCOMMITTEE ASSIGNMENTS****Senate Concurrent Resolution 101**

NATURAL RESOURCES AND ENVIRONMENT: Miller, Chair; Fink and Rife

**SSB 3000**

APPROPRIATIONS: King, Chair; McLaren and Flynn

**SSB 3001**

LOCAL GOVERNMENT: Judge, Chair; Bartz and Zieman

**SSB 3002**

COMMERCE: Jensen, Chair; Deluhery, Gronstal, Lundby, and Schuerer

**SSB 3003**

COMMERCE: Maddox, Chair; Bolkcom and Schuerer

**ADJOURNMENT**

On motion of Senator Iverson, the Senate adjourned at 1:12 p.m., until 9:00 a.m., Tuesday, January 11, 2000.

# JOURNAL OF THE SENATE

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## SECOND CALENDAR DAY SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 11, 2000

The Senate met in regular session at 9:22 a.m., President Kramer presiding.

Prayer was offered by Pastor Paul Thompson of the First Lutheran Church, Dows, Iowa, guest of Senator Iverson.

The Journal of Monday, January 10, 2000, was approved.

The Senate stood at ease at 9:25 a.m. until the fall of the gavel.

The Senate resumed session at 9:40 a.m., President Kramer presiding.

## COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 101, duly adopted, the Senate proceeded to the House Chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

## JOINT CONVENTION

The joint convention convened at 9:50 a.m., President Kramer presiding.

Senator Iverson moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

President Kramer declared a quorum present and the joint convention duly organized.

Senator Iverson moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify Governor Vilsack that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Drake, Rehberg, and Bolckcom on the part of the Senate, and Representatives Gipp, Metcalf, and Stevens on the part of the House.

The following guests were escorted into the House Chamber:

Secretary of State Chester J. Culver, Treasurer of State Michael Fitzgerald, Secretary of Agriculture and Land Stewardship Patty Judge, State Auditor Dick Johnson, and Eric Tabor, representing the Attorney General.

Chief Justice McGiverin and Justices of the Supreme Court and Chief Judge Sackett and Judges of the Court of Appeals.

Lieutenant Governor Sally Pederson.

Mrs. Christie Vilsack, wife of the Governor.

The committee waited upon Governor Vilsack and escorted him to the Speaker's station.

President Kramer presented Governor Vilsack, who delivered the following Condition of the State and Budget Address:

Thank you, Madam President, Mr. Speaker, thank you members of the General Assembly, thank you distinguished guests and ladies and gentlemen.

After a welcome like that from both sides of the aisle, I am tempted to sit down right now and keep my bipartisan support intact. But I will take a chance and speak about the state of our great state and its future, taking the risk that you will be as supportive, generous, and enthusiastic with your applause when I finish.

During the last year, the Lt. Governor, the First Lady, and I experienced the heart and soul of this state. We looked at the faces of Iowans struck by devastating tornadoes, floods, and droughts — and we saw determination. We looked into the faces

of Iowans who farm the land, concerned about whether their way of life would continue — and we saw character. We looked into the faces of Iowans who are coping with the unexplainable tragedy of children and firefighters who died recently in Keokuk — and we saw strength. In all those experiences, and many others, we felt the strong bonds of community. Even in our most challenging times, Iowans' determination, character, strength, and dedication to community triumph.

In our travels across our great state, we have been struck by the renewed sense of purpose in the air. It is our collective desire to move ahead. It is a longing for greatness, so real you can reach out and touch it. All over the state we see a new era unfolding. As it unfolds, people here, across our nation and around the world, recognize that Iowa is a great place to live, to work, and most importantly, to raise a family. Iowa's promise is its quality of life.

After meeting remarkable Iowans everywhere, the Lt. Governor, First Lady, and I are convinced that Iowa's moment to lead is now.

The building we gather in today is an emblem of Iowa's long-standing belief in greatness. Those that came before us made a conscious choice not to construct a pedestrian, ordinary capitol. They built a shining edifice on a hill, solid and timeless. A special building for a special people; a special place to write special laws. In the past decades, this building fell victim to complacency. The plaster cracked, the ornament crumbled. But our generation of Iowans rejected complacency and erected scaffolding to repair and replace. Building on a solid foundation, we restore this building to greatness.

For our state to reach its fullest potential, we too must build on our strengths with clear goals in mind. Establishing clear goals begins by an honest assessment of where we are.

In the past year, the Iowa 2010 Strategic Planning Group has done an admirable job of outlining where this state is and where it is headed. The group's work indicates that without bold action, Iowa risks limited, not limitless, opportunities.

Our challenge is demographic. We know the statistics all too well. More than half of our counties had their population peak in the year 1900 — one hundred years ago. Our present population grows at a rate one-fourth that of the nation's. At current growth rates, we will not return to our 1980 population until the year 2010 — thirty years to get back to where we were. Skilled worker shortages reflect the impact of this stagnant growth.

To make the situation more daunting, our growth sectors involve Iowans no longer in the work force. The fastest growing segment of our population today, is people over the age of 100. For the first time in our state's history, since we began keeping track, we have more people over the age of 74, than we have five or under.

As we have struggled with these demographic trends, we also have struggled to increase per capita and family incomes. Iowa ranks at the bottom third of states in per capita income — a ranking that consistently corresponds with the percentage of our work force that holds a college degree. Simply put, these statistics and others point to three key goals that must be reached to realize Iowa's promise.

We need more Iowans. We need younger Iowans. We need better-paid Iowans.

For the past six months, the Lt. Governor and I have challenged our staff and the departments of state government to focus on these goals and to develop programs and budget priorities aimed at achieving these goals. We've also encouraged the participation of all Iowans, through the 2010 Strategic Planning Council efforts and two weeks of public hearings on the budget, held at locations around the state. Through this inclusive process, we developed the agenda we outline for you today — an agenda that seizes our moment to lead — an Iowa quality of life agenda that builds and improves upon our already good quality of life. We will be better educated and healthier. We will enjoy cleaner air and water and the benefits of richer soil. We will experience value-added economic opportunity and feel more secure in our homes, schools and communities, and we will be served by a responsible, accountable government.

The budget presented to the general assembly funds these priorities while recognizing the need to limit general fund spending this year. We take seriously our collective duty to be fiscally responsible. When revenues in the current year didn't increase as expected, we called for budget cuts and spending reductions. As part of our budget, we have already presented to you a deappropriations bill. We ask you for quick and speedy action on the bill. I have appreciated the cooperation exhibited by leaders of both chambers and both parties as cuts and reductions were identified for consideration. Let us continue that work together. Working together, I know of no reason why, that bill could not be signed one week from today.

Ordinarily, a budget-cutting year would be a very bad time to present an aggressive list of new ideas. I can already hear the objections. But our administration has a different approach. This year, we are going back to the basics — the three Rs.

The three Rs I am talking about are not reading, writing, and arithmetic.

Our three Rs are reduce, reallocate, and redouble. State agencies have identified \$30 million in reductions they are ready to make. They also will reallocate current dollars to fund priorities by undertaking hard-nosed evaluations of how funds can be better spent. As for redoubling, state agencies are working smarter than ever to find other sources of money for our priorities — from federal funds, to private foundation funds.

The budget we are presenting assumes a general fund revenue growth rate of 4.2% and a general fund expenditure rate of 2.8%. Our budget is balanced, is fiscally responsible, and calls for no new taxes.

Last year, working together, we made a down payment on better educational opportunities for Iowa's students with the class size reduction, reading initiative, by increasing allowable growth, and by fully funding the community college formula for the first time in recent memory. We must continue investing in our children and their future. We fund an additional \$10 million this year for the class size reduction and reading initiative. We propose fixing the allowable growth rate at 4% for fiscal year 2002 and fund an additional \$8.9 million in new resources for the community colleges. But, that is just a beginning — we pledge to do more.



We pledge to do more because Iowa prides itself on quality schools — from kindergarten to graduate school. The challenge of a global economy will only be met by well-educated people. Past success does not justify a lack of action. Declining test scores warn us of the price of complacency.

To reverse that decline, emphasis must be placed on early childhood education. Iowa must be the leader, a nationally recognized leader in early childhood education. Brain research now proves the importance of the first years of life in the learning process. In Iowa, parents will be their child's first and best teacher. In Iowa, childcare providers will recognize their important role in the learning process.

Our children are entitled to a great start. We propose increased funding of \$5.2 million — throughout empowerment communities — to improve early childhood education, and additional resources to provide greater access to quality childcare. Let us pledge together to rewrite the nation's number one educational goal. Today it reads that every child should be ready to learn by the time he or she reaches kindergarten. Tomorrow, let it read that in Iowa, as a result of our efforts, every child shall begin learning at birth and be ready to learn more by the time he or she reaches kindergarten.

As children enter Iowa schools, they will experience smaller class sizes and well-wired schools. But, a great education requires more. Poorly paid teachers and crumbling school buildings undermine our past efforts to improve educational opportunity. Today, I announce an acceleration and expansion of our efforts to recruit, educate and retain quality teachers. In the real world, we continue to lose many of our brightest and our best teachers to other states, who offer incentives or higher pay or to other professions that do likewise. We can no longer afford to ignore the competition. Officials at the University of Northern Iowa and many of the private colleges know all too well how many potentially good teachers we lose each year.

First, I am asking the Council on Continuous Improvement in Education to make recommendations for revising the manner in which we compensate teachers to enable Iowa to be competitive for quality and to report to me by the end of this year. Second, I'm asking you to establish a fund to create an incentive for one or more school districts to develop and implement a model teacher compensation system. Third, I'm asking you to approve a tax credit program for three years that will help school districts now, particularly in rural areas, that are having a difficult time recruiting quality teachers to their districts to do so. Finally, I am asking you to adopt changes in IPERS, including the Rule of 85, that will enable teachers interested in retiring to do so. These retirements will free up resources that must be used to increase teacher compensation. It is time to get serious about teacher pay.

Our children cannot afford to wait any longer for us to act. These steps will enable us to better compete for talent, but we must not stop there. We must increase funding for the teacher induction program that will ensure statewide application of a mentoring program for first-year teachers. Extensive mentoring results in higher teacher satisfaction, which in turn means better retention of quality teachers. After investing so much in quality teachers, we cannot afford to lose them after only a few years of teaching.

Quality teachers with smaller classes and up-to-date technology mean little if school buildings are unsafe or are in poor condition. Iowa remains one of only ten

states that fails to provide any direct assistance to districts for building maintenance, repair or construction. Our state ought to provide resources to school districts faced with serious safety issues and significant building needs. We must recognize that some districts simply cannot do it alone.

Today, we propose using \$100,000,000 of our \$300,000,000 major attractions millennium fund to begin addressing safety issues and other building needs. I support the need to help our urban communities with major attractions to finance them, but the major attraction of most communities is and should be a safe, well-maintained school.

We must also recognize that education in the 21st century will not be confined to a single geographic location. Learning in this century should take place anytime, anywhere, for anybody. Children learning at an accelerated rate ought to have the chance to do so at virtual schools or regional academies created through technology. We fund the beginning of this accelerated learning initiative. Access to well-organized educational materials should be only a click away. Iowa should lead in the development of the technology that delivers such information. We propose a \$2 million appropriation to begin the building the technological infrastructure of this 21st century learning community. Leadership in education requires nothing less.

Along with safer, better schools, Iowans seeking knowledge will experience an enriched Iowa through better libraries and literate communities. The First Lady has been a strong advocate for libraries this past year, visiting libraries large and small. She intends to visit every library in the state, and is well on her way. We need to continue funding for the Enrich Iowa program and to increase it. Her Stories 2000 Initiative will expand on the theme of literate communities. This initiative underscores the importance of reading and storytelling early in life and throughout life. It strengthens family and community identity and helps prepare young people to read.

Would an improved quality of life, centering on providing the best education in the country make a difference, leading to more Iowans, younger Iowans and better-paid Iowans? Consider the story of Brian and Diane Bergstrom and their family, who moved to Cedar Rapids from Chicago four years ago.

Brian and Diane grew up in the Swedesburg-Olds area. They both have advanced degrees. Diane received her master's degree from UNI, and Brian graduated from Harvard Law School, after a fellowship at Cambridge University in England. They were living and working in downtown Chicago, and started thinking about where their first son, Austin, now five years old, would go to school. They moved back for a better education for Austin and his new younger brother, Augie, who was born in Iowa. They wanted to be closer to their families, including Brian's parents, Melvin and Vicky, who also are here today. Education was a key reason this couple moved back. Quality educational opportunities were Iowa's promise to the Bergstroms. Welcome back to Iowa, Brian, Diane, and Austin. Please join me in welcoming back home to Iowa the Bergstroms.

Iowa can seize this moment and become a national leader in education. But we also have an unparalleled opportunity to be a national leader in health care, specifically, preventative health care. Our tobacco settlement presents us with a once-in-a-lifetime opportunity to do something meaningful and long-lasting. We could, given the tight general fund, use all of these funds to cave in to the immediate

financial pressures and avoid having to make tough choices, or we could dribble it out in a broad array of tax cuts, losing forever the opportunity to save health care dollars in the future and make Iowa a healthier state. How we decide to invest these settlement funds will say much about our collective desire to improve the health and welfare of Iowans. Let us join together for a healthier Iowa today, where disease, illness and the after-effects are properly treated or prevented.

Where the stress and burden of illness and disease experienced by many Iowa families is relieved. If we invest \$55 million of tobacco settlement funds, we receive an immediate return of \$100 million of federal resources. Our investment will also pay for itself in general funds of health care savings, as we realize millions in savings over time. More important than dollars and cents are the lives that will be saved. Here is what we must do:

1. Educate young people not to smoke or convince them to stop smoking through an aggressive anti-tobacco and enforcement program as proposed by Attorney General Tom Miller; this will save over a thousand young lives a year;
2. Help Iowa's working families provide health insurance for their children through HAWK-I insurance and expanded Medicaid eligibility; this will impact tens of thousands of our children;
3. Extend the time of residential substance abuse and mental health treatments and give those in need of help a real shot at recovery;
4. Expand respite care for over one thousand families coping with the difficult task of caring for a loved one who is physically or mentally challenged, including brain injured loved ones;
5. Create better access to primary care through stronger public health initiatives and from a variety of health care professionals who will be better compensated for their efforts; and,
6. Respond to the Older Iowa Legislature's number one legislative goal by using federal funds in setting a national standard with a high quality, comprehensive care system for older Iowans needing home health care, assisted living, or nursing home care — a system that leads the nation in ensuring the maximum level of independence and quality of life for this most important group of Iowans.

Finally, if we are to lead in health care, we must erase the stigma of mental illness. Mental illness affects one out of every four Iowa families. A better public/private partnership must be developed if we are to properly and promptly treat mental illness. Iowa is the nation's insurance capital. In that capacity, our state has the unique responsibility and opportunity to lead — and lead we will, when we establish full parity for mental illness coverages in insurance policies. Parity's time in Iowa has come.

Will an improved quality of life and Iowa being a national leader in preventative health care make a difference and lead to more Iowans, younger Iowans and better-paid Iowans? Let me tell you the story of Yukio Strachan from Des Moines. Yukio came to Drake University's School of Pharmacy and Health Sciences from Chicago. After receiving her Doctor of Pharmacy degree in 1998, she decided to stay. Why? She says a big draw was a good job with Hy-Vee, and the family atmosphere of the company. Also, she believes she has more opportunities in pharmacy here, such as conducting regular teaching seminars at a residence for senior citizens. She expected Iowa to be slower-paced than Chicago, but has found herself busier than before with

activities that range from being a fitness instructor, to her sorority, to her church. Quality of health care opportunities was Iowa's promise to Yukio.

Welcome home to Iowa, Yukio.

However, being a national leader in education or preventative health care will mean little if we can not drink the water or breathe the air. Aldo Leopold once said: "We abuse the land because we regard it as a commodity belonging to us. When we see the land as a community to which we belong, we may begin to use it with love and respect." We face a severe threat to water quality from the 159 polluted waterways that crisscross our state. We clean up these waterways by recognizing what the land and water are to all of us — the essential building blocks of our future, the essential infrastructure of our state. We must invest in our working land and water. Our clean water initiative proposes to do just that. For a small investment of state dollars, we generate over \$50 million from the federal government to put in the pockets of our farm families in the form of incentives for farmer participation in private land conservation programs. These programs support the establishment of vegetative buffers, field borders and wetlands, as well as encourage soil conservation practices.

The clean water initiative we propose is a catalyst for positive change and builds on what we know works. Fully fund the clean water initiative and watch the native prairie grasses grow and become home to natural habitat that will draw people from all over the country. Fully fund the clean water initiative and measure the improvement of our water. Fully fund the clean water initiative and welcome more prosperity back to rural Iowa. This clean water initiative will establish Iowa as a national leader in private land conservation.

One other program also must be fully funded to improve Iowa's environment. Isn't it about time to fulfill the promise made to the people of Iowa in the last century, in the last millennium? Shouldn't we finally fund REAP at \$20 million?

Leadership involves accepting the challenge of finding solutions to what appears to be unsolvable problems. Leadership in land stewardship and the environment mandates that we resolve the hog lot issue in our state. We propose a reasonable solution, shared responsibility with integrators and statewide standards based on sound science with modifications allowed based on a county's land use plans. We pride ourselves on our local control of schools and the empowerment of local officials to make decisions about a broad array of human services. Aren't local officials as qualified to help make decisions about their environment? Let's find a way to give local control to the siting and location of large livestock facilities.

Will investing in our natural resources by being a national leader in private land conservation, our parks, our roadsides, and our trails lead to more Iowans, younger Iowans, and better-paid Iowans? Let me tell you the story of Dave Carr and Mark Chelgren, co-founders of Frog Legs in Vinton.

Dave grew up in Charles City, graduated in aerospace engineering from Iowa State, and did his graduate work in California. He is a cyclist who has ridden 13 RAGBRAIs, and RAGBRAI lured him and native Californian Mark Chelgren back in 1995. A RAGBRAI connection took them to watch a wheelchair rugby match in Colorado. Why, they wondered, couldn't wheelchairs have the high-performance features of the high-tech mountain bikes they rode? An idea was born. By this time, Mark had followed his heart back to Iowa to marry Janet Comer that he met on RAGBRAI. The business was

begun in their living room. He and Dave created a high-tech shock absorber for wheelchairs, shaped like a frog's leg, hence the company name. Dave Kaufman, a native Iowan living in Las Vegas, moved back to become the director of marketing.

Now in their third year of business in Vinton, Iowa, Frog Legs sells worldwide and has ten employees.

Quality air, water, and open spaces were Iowa's promise to Dave, Mark, and Dave. Welcome home to Iowa.

It can be difficult to know when you are standing at the beginning of a scientific revolution. When John Atanasoff and Clifford Berry put together the world's first digital computer in Ames in 1939, it was doubtful that they knew. Likewise, the scientists and businesspeople around this state who are entering a golden age of discovery in agricultural research, probably can't realize the future ramifications of their work. But as I travel to the biocatalysis laboratory in Iowa City, and hear the plans for the new plant sciences center at Iowa State University, and see the new, leading-edge companies that use plants and animals for products ranging from fuels and fibers to pharmacy products, I can sense that Iowa is uniquely poised to become the epicenter of a new world food economy.

Are we as a state going to rise to the challenge and become the food capital of the world? It makes sense for us to do so. We have the infrastructure, the knowledge and the history of agricultural innovation.

Let us continue our quest to be the world's food capital for leadership and greatness in this scientific revolution by increasing funding for the plant science center at Iowa State University, and by improving the biology program at the University of Iowa and the biology instruction program at the University of Northern Iowa.

Working with John Pappajohn and our Department of Economic Development, we have identified the nation's best practices for venture capital. We present that to you as well. Let us, working together, create a climate where entrepreneurs can grow their dreams as easily as we grow our corn and beans.

In doing so, let us create the opportunity to convert the 60% of the raw commodities grown in our state to value-added products, such as ethanol. Let us, working together, figure a way to become the nation's leader in ethanol.

Value-added agriculture, changing commodities to ingredients, is the key to keeping profits and people in Iowa.

For Iowa to become a national leader in the new economy, rural Iowa must grow; and for rural Iowa to grow, it needs high-speed Internet access. Today, I call upon all of Iowa's private telecommunications companies to meet with me, the Lt. Governor, and the state's technology and communications officials to develop a strategic plan to make that happen as quickly as possible.

Last year, the Lt. Governor convened a group of talented Iowans and challenged them to provide solutions to skilled work force shortages. I appreciate her efforts and the efforts of the 21st Century Workforce Council. Our budget reflects their work. The council confirmed that Iowa's skilled work force shortages derive from our stagnant

population, but pointed out that our full employment statistics are deceiving. Even with record low unemployment levels across the state, there are Iowa populations experiencing high rates of unemployment. African-Americans are unemployed at double-digit rates. People with disabilities are unemployed at double-digit rates.

We propose the creation of an opportunity fund that would provide resources to remove the barriers existing to full employment for those Iowans.

At the start of the new millennium, let us bring Iowa's promise to all of its people.

But, there is another group of Iowans that we should pay attention to in our quest for skilled workers — Iowa's at-risk students. No child should be allowed to fall through the cracks by becoming a high school dropout or failing to develop needed job skills. Our budget provides \$9.8 million for alternative schools funding for at-risk students. We also propose the expansion of a public-private partnership started last year called Jobs for America's Graduates. This program, currently thriving in 22 other states, focuses attention and resources on young people who are in the bottom 20 percent of their class. It has been successful in keeping teenagers in school to graduate, and then following through for a year after graduation to ensure their continued success at work or at the next level of education.

There is more to do. We have to complete the good work you did last year in creating opportunities for enhanced skills for Iowa's workers at our community colleges. There needs to be greater flexibility given to the community colleges in spending the resources provided for infrastructure on equipment. Financial assistance must be extended to those interested in upgrading their skills. Any individual willing to work hard enough to obtain new skills and to stay in Iowa and use those skills should not be shut out by the cost of tuition. The core program, which stands for career opportunities and resources for education, proposed in this budget will add the flexibility and financial assistance needed to make a good program even better.

Our skilled worker shortage also can be eased by making Iowa an inviting place for those coming to America, drawn by its hopes and dreams. Had it not been for newcomers from other countries, Iowa would have experienced an out-migration of citizens in the last decade. We must make sure that Iowa lives up to its history of a welcoming state. Too often, difficulties exist for immigrants coming to our state and for the communities in which they settle. Many Iowa communities, such as Storm Lake and West Liberty, are working hard on these challenges. All of Iowa should learn from their experiences. We propose developing a number of centers for new Iowans, run by Iowa Workforce Development, to help families and communities seize the opportunity of diversity. Let freedom's beacon of inclusion shine brightest here in the heartland. At the start of the new millennium, let us bring Iowa's promise to all of its people.

Can improving the quality of life for new immigrants and being a leader in the new economy lead to more Iowans, younger Iowans, and better-paid Iowans? Let me tell you the story of the West Liberty Elementary School, where half of the students come from Spanish-speaking homes. Many of these children's parents work at West Liberty Foods turkey processing plant.

Two years ago, the elementary school began an innovative program, aimed at producing bright, bilingual students. Starting in preschool, students who volunteered

for the project were taught in English for half of the school day and in Spanish for the other half.

We have with us today 37 first-grade students who are in this dual-language program. Their principal, Nancy Gardner, also is with them, as well as several teachers.

Now, these students may be in first grade, but they already know more than I do regarding languages. Think of what they'll be able to do in the world economy when they graduate!

Students, I've been practicing and I have a question to ask you. I'll ask it in Spanish, and you can answer in English.

My question is: En cual estado es mejor vivir y estudiar?

(In what state is it best to live and study?)

Students answer: The state of Iowa!

Muy bien. Muchas gracias!

(Very good students. Thank you!)

Quality of value-added economic opportunity is our promise to these students.

State government needs to be more accountable and be operated like a business. We've started by initiating a massive and comprehensive effort at regulatory reform. This is just a beginning.

An accountable government means a government who knows who the boss really is. It is not the immediate supervisor, or the department head, the Governor, or legislative leader. It's the people. Government is of, for, and by the people. To reach that goal, we must reconnect Iowans to their government by making it available 24 hours a day, seven days a week. Currently, our state's information technology systems are a patchwork of computer systems that often are incompatible with each other and not capable of 24/7 service. We need an IT department with a dedicated, uninterrupted, and reliable funding stream for information technology. Delivering 24/7 service.

For years, we have talked about how uncompetitive our tax system is — how high our highest tax rate appears to be — how it discourages growth and expansion — how difficult it makes recruiting top talent from outside the state. Here again, we have a choice. To play politics as usual and fail to take action, or solve this problem once and for all. An accountable government does what is right for the people, not what is politically expedient for special interests. Let's eliminate our high tax rates. Let's simplify our tax system. Let's reduce the number of tax brackets. Let's eliminate federal deductibility. For those who are skeptical that tax rates will creep right back up, let's recognize who the boss really is in our systems — let's give the people the power to vote on future tax rate increases.

An accountable government is also built on trust. We establish trust by guaranteeing that our service is what the customer expects — that is why we propose a series of money-back guarantees for certain state services such as licenses and permits to ensure quality and satisfaction.

We also build trust by the process we use to elect public officials. Iowa needs more campaign disclosure and campaign finance reform.

Voters need fuller disclosure. They ought to be able to find out who is financing any candidate. We should require full disclosure up to Election Day of contributions and expenditures. Iowans ought to be able to find out who is paying for the telephone calls used in a campaign — especially those annoying push poll calls. We should require a disclaimer at the end of each call, identifying who is paying for the call.

At some point, the money madness in politics must stop. Campaigns for governor should not be about money raised, but issues answered. There is a better way. Iowa should make available public funds, not from tax revenues, but from earned interest, to candidates for governor who voluntarily agree to limit their spending and who have broad-based support. Our agenda is about government of, by, and for the people — not government of, by, and for thousands, tens of thousands or millions of dollars in contributions. Better disclosure, public financing, limited spending for governor's races, and term limits for governors put the people back in charge.

Will quality of life delivered through a more accountable government lead to more Iowans, younger Iowans and better-paid Iowans? Let me tell you the story of Bruce Banister of Jefferson, who sells classical guitars through the Internet. He's open 24 hours a day and epitomizes the new way to be responsive to customers.

Bruce grew up in Jefferson, and spent years in Spain studying classical guitar. He later went to Germany, where he taught and performed. He began buying and selling finely made classical guitars to an esoteric group of buyers worldwide. He met and married photographer Carola Wicenti there, and she agreed to move back to Iowa in the summer of 1998. Bruce realized that his website-based business could be headquartered anywhere. If you want to find him, just type in [classicalguitarnet.com](http://classicalguitarnet.com). He says he moved back for Iowa's open spaces, slower-paced life, and to be close to family.

Quality government is Iowa's promise to Bruce and Carola. Welcome back to Iowa.

The last part of the quality of life agenda I'll mention today is perhaps the most basic. It doesn't do any good to improve education, clean up the environment, prevent disease, and create a larger and smarter work force if our communities aren't safe. Safe communities are one of Iowa's basic strengths. To ensure our safe communities, we must reduce the supply and demand for illegal drugs. I remain committed to a plan we worked on last year to fight the methamphetamine epidemic by adding six new narcotics agents to the Department of Public Safety this year. These agents will make inroads in our war against methamphetamine and other drugs.

We also propose increasing the staff for our state criminal laboratory to aid our prosecutors in investigations leading to convictions. Another tool in our effort should be the expansion of drug courts. Drug courts aimed at lower-risk substance abusers have shown to be successful in lowering the rate of recidivism among its graduates. We must increase our commitment to community-based corrections as an alternative to prison for low-risk drug addicts, holding them accountable for their offense and providing necessary treatment. We need to keep prison beds for more dangerous criminals.



We need to avoid losing Iowans, particularly young Iowans, to untimely deaths. It is tragic that children are being killed in firearm accidents. New educational programs for gun owners will prevent children's access to firearms. Our sheriffs and the Department of Public Safety will be working together on this effort. We also need to ensure that if handguns do get into the hands of children they not lead to accidental deaths. Handguns sold by dealers in Iowa, in the future, should be required to have safety locks. We have no hesitation requiring safety caps on aspirin bottles — why not safety locks on handguns?

Will safe communities and a focus on worthwhile programs for children lead to more Iowans, younger Iowans, and better-paid Iowans? Let me tell you the story of Deirdre Cleary and her husband Marcos, who moved to Des Moines six months ago from New York City.

Deirdre's Iowa connection was from middle school. She attended middle school in Nevada, and then moved to California. She's lived in New York City the past 13 years, although her grandparents still live near Iowa Falls.

Last summer, she came to the reception for former Iowans which the Human Resource Consortium, the Department of Economic Development, and our office held in New York City. This was the event that we thought would draw perhaps 200 former Iowans. More than 800 showed up. When Dierdre attended the reception and talked with state officials, she decided to come home. She and her husband Marcos had been wanting to own a house in a good neighborhood where they could have one thing: a safe backyard. They wanted that backyard for their two sons, Kristofer, age seven, and Jacob, age 15 months.

They moved in August. Dierdre found a job in her field, social work, at Mainstream Living, as a supported living coordinator for persons with mental disabilities. Marcos, who was born and raised in Brooklyn, also found a job quickly. They are renting a home and hope to purchase their own home— with a backyard — soon.

Quality of safe homes, schools, and communities is Iowa's promise to Deirdre and her family. Welcome back to Iowa, Deirdre. And welcome home to Iowa, Kristofer.

During this past year, I have been energized by meeting with young Iowans and seeing their hope and enthusiasm for the future. More than we realize, they do listen to us and watch what we do. As I visited schools across our state, I said the Pledge of Allegiance more than once.

Now you know that when you say the pledge, you do a few things. You stand a little straighter and a little taller. You place your hand over your heart — a symbol that you are repeating those words in all honesty. And you look at the American flag.

The words of the pledge stay with you a lifetime, particularly the last phrase, which is perhaps its most powerful and visionary. When our forefathers wrote “. . . with liberty and justice for all,” it was our collective guarantee of safety.

They did not write: “. . . with liberty and justice for all those who share my religious beliefs.”

They did not write: “. . . with liberty and justice for all those who share my skin color.”

They did not write: "... with liberty and justice for all those who speak the same language I do."

They did not write: "... with liberty and justice for all those who live as I do."

They wrote: "... with liberty and justice for all."

We teach the Pledge of Allegiance to all our children. They are justified in asking us if we believe, if we truly believe and live the words we have them memorize.

Do we really believe in liberty and justice for all? I believe in our heart of hearts we do. I believe Iowa can lead the nation in delivering on this guarantee.

I'd like to invite you here this morning to stand with me, placing our hands over our hearts, and repeating the words that our country was founded on. Let us stand a little taller and a little straighter and think about these simple words that should guide our lives — particularly that last phrase.

"I pledge allegiance to the flag of the United States of America. And to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Over the last two hundred plus years, Americans have fought and died to uphold that vision of liberty and justice for all. We owe a debt of gratitude to those veterans, which is why we propose fully funding Iowa's share of the World War II memorial.

Please remain standing as I close. We have now said the Pledge of Allegiance. It will be a sign of our individual and our collective integrity, whether we live by those words and act by them when we take action in this Chamber, in the Senate Chamber and in the Governor's office. It will be a sign of our collective leadership that we improve our quality of life and realize Iowa's promise.

As we make our communities safer, our schools better, our health care more accessible, our environment cleaner, our crops and workers more valuable, and our government more accountable, people will come. As we build on our strengths of fertile soil and fertile minds, people will come. As Ray Kinsella was told in the movie *Field of Dreams* about our fields of opportunities: "People will come. They will come to Iowa for reasons they can't even fathom. Oh, people will come, Ray. People will most definitely come."

May your God, my God, and our God bless this great state and its people.

Thank you.

Governor Vilsack was escorted from the House Chamber by the committee previously appointed.

Representative Rants moved that the joint convention be dissolved, which motion prevailed by a voice vote.

The Senate returned to the Senate Chamber.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### **APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** January 10, 2000, 3:30 p.m.

**Members Present:** Redwine, Chair; Bartz, Vice Chair; Flynn and Sexton.

**Members Absent:** McCoy, Ranking Member (excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 4:00 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** January 10, 2000, 3:30 p.m.

**Members Present:** Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

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

**Committee Business:** Committee organization, discussion of distribution of agency's reductions for FY 2000, and presentation by Department of Management (to answer questions about 2000 reductions).

**Adjourned:** 4:30 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** January 10, 2000, 3:40 p.m.

**Members Present:** Rife, Chair; Zieman, Vice Chair; Bolkcom, Ranking Member; Dearden and McKibben.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 3:54 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** January 10, 2000, 3:46 p.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller and Szymoniak.

**Members Absent:** None.

**Committee Business:** Accepted Governor's proposed budget reduction recommendation.

**Adjourned:** 4:31 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 10, 2000, 3:35 p.m.

**Members Present:** Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; and Fraise.

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

**Committee Business:** Organizational meeting and discussion of deappropriations.

**Adjourned:** 4:05 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** January 10, 2000, 3:30 p.m.

**Members Present:** King, Chair; Lundby, Vice Chair; Deluhery, Ranking Member; Harper and Rittmer.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 3:58 p.m.

#### **APPROPRIATIONS**

**Convened:** January 11, 2000, 8:10 a.m.

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

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

**Committee Business:** Approved SSB 3000, as amended.

**Recessed:** 8:50 a.m.

**Reconvened:** January 11, 2000, 9:12 a.m.

**Adjourned:** 9:18 a.m.

**BUSINESS AND LABOR RELATIONS**

**Convened:** January 11, 2000, 1:47 p.m.

**Members Present:** McKibben, Chair; Freeman, Vice Chair; Behn, Hedge, King, Rife, and Schuerer.

**Members Absent:** Dearden, Ranking Member; Fraise, Hansen, and Horn (all excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 1:52 p.m.

**COMMERCE**

**Convened:** January 11, 2000, 2:50 p.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Deluhery, Ranking Member; Bolkcom, Gronstal, Hansen, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer.

**Members Absent:** Flynn and Johnson (both excused).

**Committee Business:** Organizational meeting and subcommittee assignment.

**Adjourned:** 3:05 p.m.

**EDUCATION**

**Convened:** January 11, 2000, 1:45 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:** Organizational meeting.

**Recessed:** 1:46 p.m.

**Reconvened:** January 11, 2000, 2:10 p.m.

**Adjourned:** 2:15 p.m.

**HUMAN RESOURCES**

**Convened:** January 11, 2000, 2:25 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Behn, Dvorsky, Harper, Schuerer, Shearer, Tinsman, and Veenstra.

**Members Absent:** Bartz, Hammond, and Miller (all excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 2:40 p.m.

## JUDICIARY

**Convened:** January 11, 2000, 3:34 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman.

**Members Absent:** None.

**Committee Business:** Subcommittee assignments and discussion of bills considered dead.

**Adjourned:** 3:58 p.m.

## TRANSPORTATION

**Convened:** January 11, 2000, 2:20 p.m.

**Members Present:** Drake, Chair; Sexton, Vice Chair; McCoy, Ranking Member; Fink, Fraise, Freeman, Jensen, Judge, McKean, McKibben, Rittmer, and Zieman.

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

**Committee Business:** Organizational meeting.

**Adjourned:** 2:52 p.m.

## CERTIFICATE OF RECOGNITION

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

Kelli L. Dolan, Dubuque – For achieving the highest award in Girl Scouting, the Girl Scout Gold Award. Senator Connolly (01/10/00).

## INTRODUCTION OF RESOLUTION

**Senate Joint Resolution 2001**, by Fraise, a joint resolution designating the channel catfish as the official state fish for the State of Iowa.

Read first time under Rule 28 and referred to committee on **State Government**.

## INTRODUCTION OF BILLS

**Senate File 2011**, by Redwine, a bill for an act allowing teaching parents to provide driver education instruction.

Read first time under Rule 28 and referred to committee on **Transportation**.

**Senate File 2012**, by Rehberg, a bill for an act concerning unemployment compensation by relieving unemployment compensation charges for employees who become unemployed due to a presidentially declared disaster.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2013**, by committee on Appropriations, a bill for an act relating to state budgetary matters by providing for reductions and supplementation of appropriations for the fiscal year beginning July 1, 1999, transferring, crediting, and appropriating certain moneys, and providing effective dates.

Read first time under Rule 28 and placed on **Appropriations calendar**.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate Concurrent Resolution 102**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Fink and Gaskill

### **Senate File 2002**

JUDICIARY: Hansen, Chair; McKibben and Miller

### **Senate File 2003**

WAYS AND MEANS: Hedge, Chair; Bartz and Flynn

### **Senate File 2004**

WAYS AND MEANS: Lamberti, Chair; Deluhery and Johnson

**Senate File 2007**

JUDICIARY: Boettger, Chair; Fraise and McKean

**Senate File 2008**

JUDICIARY: McKibben, Chair; Hammond and Tinsman

**Senate File 2009**

LOCAL GOVERNMENT: Miller, Chair; Hammond and McKibben

**COMMITTEE REPORT****APPROPRIATIONS**

**Final Bill Action:** \*SENATE FILE 2013 (SSB 3000), a bill for an act relating to state budgetary matters by providing for reductions and supplementation of appropriations for the fiscal year beginning July 1, 1999, transferring, crediting, and appropriating certain moneys, and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

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

**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 2013, and they were attached to the committee report.

**ADJOURNMENT**

On motion of Senator Iverson, the Senate adjourned at 11:15 a.m., until 9:00 a.m., Wednesday, January 12, 2000.



# JOURNAL OF THE SENATE

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## THIRD CALENDAR DAY THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 12, 2000

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

Prayer was offered by the Reverend Gary Bird, pastor of the Windsor United Methodist Church, Des Moines, Iowa, guest of Senator Maddox.

The Journal of Tuesday, January 11, 2000, was approved.

The Senate stood at ease at 9:18 a.m. until the fall of the gavel.

The Senate resumed session at 9:47 a.m., President Kramer presiding.

## COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 102, duly adopted, the Senate proceeded to the House Chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

## JOINT CONVENTION

In accordance with law and House Concurrent Resolution 102, duly adopted, the joint convention was called to order at 9:58 a.m., President Kramer presiding.

Senator Bartz moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

President Kramer declared a quorum present and the joint convention duly organized.

Senator Bartz moved that a committee of six, three members from the Senate and three members from the House, be appointed to escort Governor Thomas J. Vilsack to the Condition of the Iowa Judiciary Message.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Hedge, Tinsman, and Dearden on the part of the Senate, and Representatives Thomson, Welter, and Whitead on the part of the House.

Senator Bartz moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify the Honorable Arthur A. McGiverin, Chief Justice of the Iowa Supreme Court, that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Redfern, Lamberti, and Fraise on the part of the Senate, and Representatives Garman, Shey, and Kreiman on the part of the House.

The following guests were escorted into the House Chamber:

Secretary of State Chester J. Culver, Treasurer of State Michael Fitzgerald, Secretary of Agriculture and Land Stewardship Patty Judge, and State Auditor Richard Johnson.

Chief Justice McGiverin and Justices of the Supreme Court and Chief Judge Sackett and Judges of the Court of Appeals.

Mrs. Joan McGiverin, wife of Chief Justice McGiverin, from Ottumwa; his niece, Phyllis Martin, and her husband, Ralph Martin, from California; his nephew, Terry McGiverin, from Virginia; his cousin, Ed McGivern, and Mrs. Jo McGivern from Keystone, Iowa.

The committee waited upon Governor Vilsack and escorted him to the Speaker's station.

The committee appointed waited upon Chief Justice McGiverin and escorted him to the Speaker's station.

President Kramer then presented Chief Justice McGiverin, who delivered the following Condition of the Iowa Judiciary Message:

President Kramer, Speaker Siegrist, distinguished members of the General Assembly, Governor Vilsack, Lieutenant Governor Pederson, State Officials, Judicial Colleagues, friends, and my fellow Iowans:

On behalf of the court and all judges and court personnel across Iowa, I want to thank President Kramer and Speaker Siegrist for the invitation to speak to you about the condition of the Iowa Judicial Branch. The court regards this yearly report as its best occasion to share with you, indeed with the people of Iowa, our assessment of the state's justice system.

There are a few matters I should mention before I begin my main remarks.

I want to recognize the newest members of the Iowa Court of Appeals: Judge Daryl Hecht of Sioux City, Judge John Miller of Burlington, and Judge Anuradha Vaitheswaran of Des Moines; and our two newest chief judges, William Eads of the Sixth Judicial District and David Hendrickson of the Eighth Judicial District.

You are all invited to join us for refreshments and conversation downstairs in the courtroom following this address. During the reception, we will take a few minutes to present our annual Child Advocate of the Year Award to a very deserving couple, foster parents Pat and Terry Crosley of Audubon. The Crosleys' unwavering devotion to dozens of foster children is a shining example of the power of caring for others.

Also, we have set up displays about special court programs and court technology in the hall outside the courtroom. We hope you'll spend some time browsing through them and see some of the things we are doing to better serve the people who use the courts.

Finally, I want to speak to you for a moment, not as Chief Justice, but as Art McGiverin. The first time I gave this address was in 1988, and this is last time I will do so because I will retire later this year. It has been an honor and a personal privilege to visit with you each year. I want to thank the members of the legislative staff for their thoughtful attention when making the arrangements for this address; the members of the General Assembly for the many courtesies you have extended to me over the years; and the other justices for their ideas, editorial contributions, and support. And I would be remiss if I overlooked the most important thank you of all, to my wife Joan, for sharing this day with me for the past twelve years.

I must confess that earlier, while I was being escorted up the grand staircase, my mind wandered from the state of the judiciary to our beautiful Capitol building. From its solid stone foundation, to its elegant decorations, and soaring golden dome, many

people have contributed to this masterpiece. Their vision, hard work, and commitment, reflected in this magnificent building, are a source of inspiration for us and for future generations.

Like the Capitol, the Iowa Judicial Branch has benefited from the vision, hard work, and commitment of many people, past and present. Visionaries from the past designed the timeless values upon which it is grounded. Its structure and complex operating system have been developed over time to meet the needs of the people it serves. And like the Capitol, the courts' most significant innovations have taken place in the past thirty years. For example:

Together, in the 1970s, we forged a number of changes that streamlined case processing, modernized court management, and eliminated a hodgepodge of obsolete judgments.

At our prompting in the 1980s, you provided for state funding of the court system, thereby lifting a heavy burden off the backs of property taxpayers, and equalizing local court resources around the state.

With your backing in the 1980s and 1990s, we advanced information technology throughout the state's court system to add management and case-processing efficiencies, collect vital court information, and facilitate public access.

And with your cooperation, we greatly enhanced the development of Iowa case law and the disposition of appeals by creating the Iowa Court of Appeals in 1976, and more recently, restructuring the appellate courts.

The end of the 20th century represented a culmination of innovation and reform for the Iowa Judicial Branch. Now we should ask: What will be said of the beginning of the 21st century?

Like many of you, I've spent a great deal of time trying to imagine what the future will be like. And because we cannot see into the future, one of the best things we can do is use the lessons of the past to help shape the future.

This morning, I'd like to share with you three important lessons, gained from experience. Taken together they can make the promise of justice a reality for generations to come. They are simple lessons. The first is to plan — being prepared. The second is to be committed — our shared commitment to justice. And the third is to be vigilant about equal justice — paying close attention to equal justice under the law.

Let's begin with planning.

Our world is dramatically different than it was in 1965, the year I was appointed to the district court bench in southeastern Iowa. Back then, no one could have predicted that Iowa now would be struggling with rampant methamphetamine abuse, sexually violent predators, and an exploding prison population; no one could have predicted AIDS, crack babies, and surrogate births; no one could have predicted urban sprawl, road rage, and traffic jams in Iowa. In the future, our court system will be challenged to not only resolve the issues spawned by change, but to change itself to maintain its vital role in our society.

Governed by precedent, courts have been slow to change when dealing with policy or administrative matters. But because planning is so obviously in the public interest, we have established, with your support, a court planning function to help us identify emerging trends that will impact the courts, to design solutions to meet the challenges that will arise, and most importantly, to implement those solutions. But being prepared is only the starting point. The delivery of justice also demands the commitment of all three branches of government. This brings me to the second lesson I mentioned.

Our system of government calls on all three branches, in differing roles, to contribute to the administration of justice. Our role is to promptly, but carefully, decide cases according to law, equally to all. And we rely on Iowa's hard-working judiciary and court personnel, who are committed to excellence, to do so. However, as envisioned by our government's founders, we must rely on you for the resources we need to carry out our enormous responsibilities.

Over the years, we have accomplished much by working together. Many of the court reforms and innovations I mentioned earlier were successful, in large part, only because of your commitment of sufficient resources. Together we can accomplish much more. Some present concerns need your attention and support.

To provide the best possible public service, the court system must continue to innovate. Efforts are now underway to test an advanced technology — electronic data management systems or EDMS. This technology will revolutionize court services. It will enable litigants and others to file their court documents and to access court records on-line through their computers. This will reduce the flood of paper inundating our county courthouses to a trickle and take the concept of court beyond the four walls of a courthouse.

We have enough funds in our Enhanced Court Collections Fund to test the system in two counties this year. We hope by next year to be able to present to you a plan for funding statewide implementation.

Another issue that requires your attention concerns safety. We obviously must do our utmost to ensure the safety of every citizen who comes to the courthouse.

The judicial branch has already taken several important steps to achieve this fundamental goal. With the help of local leaders, a statewide task force evaluated the level of security in each county courthouse. It developed standards that county and local court officials can use as a guide for security improvements, and it determined what was needed to bring security levels up to par with the standards.

I want to commend the task force members and the state and local officials who, recognizing the critical nature of courthouse security, participated in the statewide evaluation and study. Under our state funding statutory scheme, the counties are responsible for maintaining courthouse facilities and providing security. Because of these responsibilities, the counties play a pivotal role in protecting citizens from violence in the courthouse. But the counties need some financial assistance for security improvements. We have a plan for a state grant program that would help counties shoulder the cost of nonpersonnel improvements needed to bring courthouse security up to the statewide standards. Let's not wait for a tragedy to occur. For the

safety of our constituents, the Judicial Branch, the Legislature, and the Governor, must work closely with each other, and with the counties, to fund courthouse security.

The third concern that requires your continuing attention involves judicial resources.

Last session, you instructed us to evaluate the soundness of the statutory judgeship formulas. We have, and this is what we found. The current methods for determining judgeship needs in Iowa are inadequate. They are inadequate because they are based primarily upon population rather than caseload. There is a huge gap between Iowa's population growth, which has been modest, and Iowa's caseload growth, which has skyrocketed. The judicial formulas do not accurately measure need because they do not take into account the combined workloads of all levels of the trial court. By that I mean the district court, district associate court, juvenile court, and magistrates. The details of our evaluation are contained in our separate report to you.

We recognize that the current judgeship formulas are statutory, and as such are your prerogative. However, because judicial resources are so essential to the delivery of justice, the Supreme Court has taken steps to rework the judgeship formulas. We plan to have the National Center for State Courts develop recommendations for new formulas. I am confident that we can design for your consideration new judgeship formulas that will precisely measure the number of judges that the state needs.

All of our needs, however, cannot be put off for study. For the next fiscal year, we need more resources in a number of areas to keep pace with the public's demand for prompt court services. The details of our most immediate needs are contained in our budget request that we have submitted to you.

Of course, your commitment is crucial. I'm sure that most of you recall the lean years of the early 1990s and how insufficient resources threatened to impede the delivery of justice. Some of you may recall my address in 1993 when I reported that because of budget cuts and rising caseloads, the quality of justice in Iowa was at risk. Back then we weathered the tough times and working together avoided a crisis.

I mention this only because it gave us two important lessons: the serious consequences which can occur when the demand for access to court services is not met with sufficient resources, and the benefits to be derived when we share a commitment to the delivery of justice.

Limited access to justice, whatever its cause, undermines public confidence in the court system and thereby all state government. Public confidence in the court system also hinges on equal justice. And to fulfill the promise of equal justice under the law requires vigilance — the third lesson.

By equal justice, I mean our duty to administer the law impartially and equally regardless of gender, race, age, economic status, religion, or political affiliation.

This principle was bolstered in 1962 when, with the approval of Iowa voters, our state constitution was amended to ensure that judges are selected based upon merit, legal knowledge, hard work, and temperament, not popularity. Because of this far-sighted reform, Iowa has a high-caliber judiciary and Iowans are assured that judges owe their allegiance to the law and to nothing else.

Nearly thirty years later, with funds you provided, the Iowa Supreme Court established the Equality in the Courts Task Force. We established the task force to scrutinize the court system for any trace of bias based upon race or sex. After a thorough investigation, the task force reported that while it found no evidence of overt bias, there was the perception of bias among women and minorities.

More recently, a survey commissioned by the American Bar Association revealed that a substantial number of people in this country believe that the justice system does not treat everyone equally. Many of the survey respondents believe that our justice system treats the rich better than the poor, certain racial or ethnic groups better than others, and men better than women.

Some may argue that perception of bias is not bias in fact. This may be true, but we cannot ignore perception. Citizens respect the court system, so long as they perceive that the courts are places where disputes are fairly and impartially decided. Thus, it is imperative that in the future we periodically scrutinize court practices, procedures, and personnel to root out any hint of bias.

Ultimately, the vitality of our judicial system depends upon the confidence of the people. To earn their confidence, whether in the second millennium or the seventh, we must plan, we must be committed, and we must be vigilant about equal justice.

So what is the state of the judiciary?

It is much like our Capitol. Its design is timeless, its foundation is solid, and its structure is resilient. It is in constant need of attention and certain areas need special attention now. But with proper care, it will serve the people well for centuries to come.

President Kramer requested that the joint convention and guests join her in thanking Chief Justice McGiverin for his service to the State of Iowa.

The joint convention and guests rose and expressed their appreciation.

Chief Justice McGiverin was escorted from the House Chamber by the committee previously appointed.

Governor Vilsack was escorted from the House Chamber by the committee previously appointed.

Representative Jacobs moved that the joint convention be dissolved, which motion prevailed by a voice vote.

The Senate returned to the Senate Chamber.

## APPENDIX

## REPORTS OF COMMITTEE MEETINGS

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,  
INFRASTRUCTURE, AND CAPITALS**

**Convened:** January 12, 2000, 2:28 p.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair; Connolly, Ranking Member; Johnson and Shearer.

**Members Absent:** None.

**Committee Business:** Review of 1999 Senate files and discussion of deappropriations.

**Adjourned:** 3:17 p.m.

**AGRICULTURE**

**Convened:** January 12, 2000, 8:05 a.m.

**Members Present:** Gaskill, Chair; Miller, Vice Chair; Fraise, Ranking Member; Bartz, Behn, Black, Hedge, Judge, Sexton, Soukup, Veenstra, and Zieman.

**Members Absent:** Angelo, Kibbie, and Shearer (Kibbie excused).

**Committee Business:** Organizational meeting and subcommittee reassignment.

**Adjourned:** 8:10 a.m.

## INTRODUCTION OF BILLS

**Senate File 2014**, by Angelo and Rehberg, a bill for an act relating to law enforcement in state parks and providing for an appropriation.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

**Senate File 2015**, by Angelo, a bill for an act relating to the enhanced criminal penalties associated with sexually predatory offenses and providing an effective date.

Read first time under Rule 28 and referred to committee on **Judiciary**.



**Senate File 2016**, by Angelo, a bill for an act relating to the criminal penalties for violations of sex offender registry requirements and providing an effective date.

Read first time under Rule 28 and referred to committee on **Judiciary.**

**Senate File 2017**, by Johnson, a bill for an act requiring the director of the department of natural resources, in conjunction with the director of the department of education, to publicize the energy bank program to school districts and encourage participation in the program.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

**Senate File 2018**, by Johnson, a bill for an act directing the departments of education, revenue and finance, and management to conduct a study of funding inequities within the kindergarten through grade twelve public school system.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 2019**, by Johnson, a bill for an act requiring an examination of ways to encourage state agencies and school districts to consider the feasibility of joint ventures.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 2020**, by Maddox, a bill for an act relating to damage disclosure statements for motor vehicles.

Read first time under Rule 28 and referred to committee on **Transportation.**

**Senate File 2021**, by Hammond, a bill for an act relating to the criteria used in awarding physical custody or physical care of a child.

Read first time under Rule 28 and referred to committee on **Human Resources.**

**Senate File 2022**, by Johnson, a bill for an act providing for the establishment of a safe schools infrastructure block grant program and making an appropriation.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 2023**, by Johnson, a bill for an act directing the department of education to conduct a feasibility study of reorganization and sharing incentives for school districts.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 2024**, by Drake, Kibbie, Johnson, Angelo, Bartz, Behn, Boettger, Freeman, Gaskill, Hedge, Iverson, Jensen, King, Kramer, Lamberti, Lundby, Maddox, McKean, McKibben, McLaren, Miller, Redfern, Redwine, Rehberg, Rife, Rittmer, Schuerer, Sexton, Tinsman, Veenstra, Zieman, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Gronstal, Hammond, Hansen, Harper, Horn, Judge, McCoy, Shearer, Soukup, and Szymoniak, a bill for an act making an appropriation to the commission of veterans affairs for a contribution toward the construction of a national World War II memorial.

Read first time under Rule 28 and referred to committee on **State Government.**

## SUBCOMMITTEE ASSIGNMENTS

### **Senate Concurrent Resolution 103**

STATE GOVERNMENT: Kibbie, Chair; Drake and Lundby

### **Senate Joint Resolution 6**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Fink and King

### **Senate Joint Resolution 2001**

STATE GOVERNMENT: Fink, Chair; Schuerer and Sexton

**Senate File 312**

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Dearden and Gaskill

**Senate File 418**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Kibbie and King

**Senate File 427**

NATURAL RESOURCES AND ENVIRONMENT: Fink, Chair; Dearden and Kibbie

**Senate File 438**

NATURAL RESOURCES AND ENVIRONMENT: Kibbie, Chair; Bartz and Johnson

**Senate File 2001**

TRANSPORTATION: Sexton, Chair; Kibbie and McKibben

**Senate File 2010**

AGRICULTURE: Sexton, Chair; Behn and Judge

**Senate File 2011**

TRANSPORTATION: Jensen, Chair; Judge and Rittmer

**Senate File 2012**

STATE GOVERNMENT: Schuerer, Chair; Deluhery and Lundby

**AMENDMENT FILED**

S-5001      S.F.    2013      Steve King

**ADJOURNMENT**

On motion of Senator Bartz, the Senate adjourned at 10:36 a.m., until 9:00 a.m., Thursday, January 13, 2000.

# JOURNAL OF THE SENATE

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FOURTH CALENDAR DAY  
FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, January 13, 2000

The Senate met in regular session at 9:10 a.m., President Kramer presiding.

Prayer was offered by the Honorable H. Kay Hedge, member of the Senate from Mahaska County, Fremont, Iowa.

The Journal of Wednesday, January 12, 2000, 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 January 12, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2039**, a bill for an act relating to state budgetary matters by providing for reductions and supplementation of appropriations for the fiscal year beginning July 1, 1999, transferring, crediting, and appropriating certain moneys, and providing effective dates.

Read first time and attached to **similar Senate File 2013**.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lamberti, for the day, on request of Senator Angelo; and Senator Flynn, for the day, on request of Senator Gronstal.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2013.

**Senate File 2013**

On motion of Senator King, **Senate File 2013**, a bill for an act relating to state budgetary matters by providing for reductions and supplementation of appropriations for the fiscal year beginning July 1, 1999, transferring, crediting, and appropriating certain moneys, and providing effective dates, was taken up for consideration.

The Senate stood at ease at 9:17 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:58 a.m., President Kramer presiding.

Senator King offered amendment S-5001, filed by him on January 12, 2000, to pages 4, 5, 6, and 10 of the bill.

Senator King withdrew amendment S-5001.

Senator King offered amendment S-5002, filed by him from the floor, to pages 4, 5, 9, and 10 of the bill and moved its adoption.

Amendment S-5002 was adopted by a voice vote.

Senator King asked and received unanimous consent that **House File 2039** be **substituted** for **Senate File 2013**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Bartz, until he arrives, on request of Senator Hedge; and Senator Horn, until he arrives, on request of Senator Gronstal.

## House File 2039

On motion of Senator King, **House File 2039**, a bill for an act relating to state budgetary matters by providing for reductions and supplementation of appropriations for the fiscal year beginning July 1, 1999, transferring, crediting, and appropriating certain moneys, and providing effective dates, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2039), the vote was:

Ayes, 44:

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

Nays, 2:

Dvorsky	Rittmer
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Absent or not voting, 4:

Bartz	Flynn	Horn	Lamberti
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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 King asked and received unanimous consent that **Senate File 2013** be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2039** be **immediately messaged** to the House.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** January 10, 2000, 3:33 p.m.

**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Soukup, Ranking Member; Judge and Lamberti.

**Members Absent:** None.

**Committee Business:** Review of budget.

**Adjourned:** 3:42 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** January 12, 2000, 2:20 p.m.

**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Soukup, Ranking Member; Judge and Lamberti.

**Members Absent:** None.

**Committee Business:** Review of budget.

**Adjourned:** 3:24 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** January 12, 2000, 2:35 p.m.

**Members Present:** Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise and McKean.

**Members Absent:** None.

**Committee Business:** Presentation by LFB — review of FY 2000 Budget as Base Department of Corrections. FY 2000 budget issues.

**Adjourned:** 4:06 p.m.

#### STATE GOVERNMENT

**Convened:** January 13, 2000, 10:33 a.m.

**Members Present:** Rittmer, Chair; Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak.

**Members Absent:** Lamberti, Vice Chair; Kibbie, Ranking Member; and McLaren (all excused).

**Committee Business:** Subcommittee assignments and passed SF 2024.

**Adjourned:** 10:58 a.m.

## **WAYS AND MEANS**

**Convened:** January 13, 2000, 11:03 a.m.

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

**Members Absent:** Flynn and McLaren (both excused).

**Committee Business:** Organizational meeting, review of 1999 bills, and subcommittee assignments.

**Adjourned:** 11:28 a.m.

## **SIMILAR BILL RECEIVED**

On January 13, 2000, **House File 2039** was received and attached to similar **Senate File 2013** on the calendar.

## **EXPLANATION OF VOTE**

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on January 13, 2000, when the vote was taken on House File 2039. Had I been present, I would have voted "Nay."

MERLIN E. BARTZ

## **SUBCOMMITTEE ASSIGNMENT**

### **Senate File 2024**

STATE GOVERNMENT: Drake, Chair; Kibbie and Schuerer

## **COMMITTEE REPORT**

### **STATE GOVERNMENT**

**Final Bill Action:** SENATE FILE 2024, a bill for an act making an appropriation to the commission of veterans affairs for a contribution toward the construction of a national World War II memorial.

**Recommendation:** DO PASS.



**Final Vote:** Ayes, 12: Rittmer, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 3: Lamberti, Kibbie, and McLaren.

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

AMENDMENT FILED

S-5002      S.F.    2013      Steve King

ADJOURNMENT

On motion of Senator Hedge, the Senate adjourned at 10:11 a.m., until 9:00 a.m., Friday, January 14, 2000.

# JOURNAL OF THE SENATE

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FIFTH CALENDAR DAY  
FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, January 14, 2000

The Senate met in regular session at 9:00 a.m., Senator Boettger presiding.

Prayer was offered by Kathy Olah, Senate Indexer, Des Moines, Iowa.

The Journal of Thursday, January 13, 2000, was approved.

## BILL REFERRED TO COMMITTEE

Senator Hedge asked and received unanimous consent that **Senate File 2024** be referred from the Regular Calendar to the committee on **Appropriations**.

## ADJOURNMENT

On motion of Senator Hedge, the Senate adjourned at 9:05 a.m., until 10:00 a.m., Tuesday, January 18, 2000.

# **JOURNAL OF THE SENATE**

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NINTH CALENDAR DAY  
SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 18, 2000

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

Prayer was offered by Pastor Daniel Parsch of the Gloria Dei Lutheran Church in Urbandale, Iowa, guest of Senator Maddox.

The Journal of Friday, January 14, 2000, was approved.

## **LEAVES OF ABSENCE**

Leaves of absence were granted as follows:

Senator Veenstra, until he arrives, on request of Senator Hedge; Senator Fink, until he arrives, on request of Senator Black; Senator McLaren, for the remainder of the week, on request of Senator Iverson; Senator Jensen, until he arrives, on request of Senator Iverson; and Senator Flynn, until he arrives, on request of Senator Shearer.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** January 18, 2000, 10:36 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Black, Ranking Member; and Gaskill.

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

**Committee Business:** Discussion of budget reductions.

**Adjourned:** 11:00 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** January 18, 2000, 10:43 a.m.

**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Soukup, Ranking Member; Judge and Lamberti.

**Members Absent:** None.

**Committee Business:** Review of budget.

**Adjourned:** 11:55 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

**Convened:** January 18, 2000, 10:46 a.m.

**Members Present:** Zieman, Vice Chair; Bolkcom, Ranking Member; Dearden and McKibben.

**Members Absent:** Rife, Chair (excused).

**Committee Business:** Discussion of budget cuts and budget restoration packages.

**Adjourned:** 11:35 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** January 18, 2000, 10:46 a.m.

**Members Present:** Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; and Fraise.

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

**Committee Business:** Department of Corrections — FY 2000 budget issues, telephone rebate funds, FY 2000 hiring of authorized staff, and private sector employment of inmates.

**Adjourned:** 11:48 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** January 18, 2000, 10:35 a.m.

**Members Present:** King, Chair; Lundby, Vice Chair; Deluhery, Ranking Member; Harper and Rittmer.

**Members Absent:** None.

**Committee Business:** Discussion of budgets.

**Adjourned:** 12:00 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** January 18, 2000, 10:48 a.m.

**Members Present:** Freeman, Chair; Connolly, Ranking Member; Johnson and Shearer.

**Members Absent:** Jensen, Vice Chair (excused).

**Committee Business:** Review of Governor's budget recommendations.

**Adjourned:** 11:16 a.m.

#### **STATE GOVERNMENT**

**Convened:** January 18, 2000, 2:40 p.m.

**Members Present:** Rittmer, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Schuerer, Sexton, and Szymoniak.

**Members Absent:** Maddox and McLaren (both excused).

**Committee Business:** Passed SCR 103. Discussion of bills still active.

**Adjourned:** 2:56 p.m.

## INTRODUCTION OF BILLS

**Senate File 2025**, by Zieman, a bill for an act providing for a .08 blood alcohol concentration standard for operating while intoxicated offenses.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2026**, by Harper, a bill for an act requiring the blood typing of a newborn for the purpose of inclusion of blood type information on the newborn's birth certificate and providing an effective date.

Read first time under Rule 28 and referred to committee on **Human Resources**.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 2005**

HUMAN RESOURCES: Boettger, Chair; Szymoniak and Tinsman

### **Senate File 2006**

HUMAN RESOURCES: Tinsman, Chair; Shearer and Veenstra

### **Senate File 2014**

NATURAL RESOURCES AND ENVIRONMENT: Rehberg, Chair; Black and King

### **Senate File 2017**

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Deluhery and Miller

### **Senate File 2021**

HUMAN RESOURCES: Miller, Chair; Boettger and Shearer

## COMMITTEE REPORT

### **STATE GOVERNMENT**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 103, a concurrent resolution relating to the observation of the decade of the bone and joint.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 2: Maddox and McLaren.

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

## PETITION

The following petition was presented and placed on file:

From 51 residents of Muscatine County, Iowa, favoring legislation in support of Representative Teresa Garman's bill to reinstate the Practical Portion of the Cosmetology Exam. Senator Drake.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:16 a.m., until 9:00 a.m., Wednesday, January 19, 2000.

# JOURNAL OF THE SENATE

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TENTH CALENDAR DAY  
SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 19, 2000

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

Prayer was offered by Pastor Pat Nemmers of the Saylorville Baptist Church in Des Moines, Iowa, guest of Senators Kramer and Lamberti.

The Journal of Tuesday, January 18, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Flynn, for the day, on request of Senator Black; Senators McCoy, Dearden, Hammond, and Gronstal, until they arrive, on request of Senator Black; and Senator Jensen, for the remainder of the week, on request of Senator Iverson.



## **APPENDIX**

### **REPORTS OF COMMITTEE MEETINGS**

#### **APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** January 18, 2000, 10:40 a.m.

**Members Present:** Redwine, Chair; Bartz, Vice Chair; and Sexton.

**Members Absent:** McCoy, Ranking Member; and Flynn (both excused).

**Committee Business:** Budget review.

**Adjourned:** 12:00 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** January 18, 2000, 10:40 a.m.

**Members Present:** Rehberg, Chair; Horn, Ranking Member; and Kibbie.

**Members Absent:** Redfern, Vice Chair; and McLaren (both excused).

**Committee Business:** Discussion on current base budget and total funding/total growth.

**Adjourned:** 12:00 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** January 18, 2000, 10:48 a.m.

**Members Present:** Tinsman, Chair; Hammond, Ranking Member; Miller and Szymoniak.

**Members Absent:** Veenstra, Vice Chair (excused).

**Committee Business:** Discussion of members' priorities.

**Adjourned:** 11:49 a.m.

#### **EDUCATION**

**Convened:** January 18, 2000, 3:32 p.m.

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

**Members Absent:** Dvorsky, Szymoniak, and Veenstra (excused).

**Committee Business:** Joint meeting of Senate and House education committees with presentation by Dept. of Education on accountability.

**Adjourned:** 5:15 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** January 19, 2000, 9:45 a.m.

**Members Present:** Redwine, Chair; Bartz, Vice Chair; and Sexton.

**Members Absent:** McCoy, Ranking Member; and Flynn (both excused).

**Committee Business:** Discussion of budget reductions.

**Adjourned:** 10:45 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** January 19, 2000, 9:41 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Fink and Gaskill.

**Members Absent:** Black, Ranking Member (excused).

**Committee Business:** Discussion on Department of Agriculture's budget.

**Adjourned:** 10:10 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** January 19, 2000, 9:40 a.m.

**Members Present:** Schuerer, Chair; Soukup, Ranking Member; and Judge.

**Members Absent:** Boettger, Vice Chair; and Lamberti (both excused).

**Committee Business:** Presentation of overview of Governor's budget recommendations.

**Adjourned:** 11:30 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** January 19, 2000, 9:45 a.m.

**Members Present:** Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

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

**Committee Business:** Discussion about funding from the general fund.

**Adjourned:** 11:30 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** January 19, 2000, 9:49 a.m.

**Members Present:** Rife, Chair; Zieman, Vice Chair; Bolkcom, Ranking Member; and McKibben.

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

**Committee Business:** Review of Department of Public Health funding, 1%–3%–5% cuts, and budget restoration packages.

**Adjourned:** 10:56 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** January 19, 2000, 9:48 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Miller and Szymoniak.

**Members Absent:** Hammond, Ranking Member (excused).

**Committee Business:** Organizational meeting and discussed budget built-ins summary.

**Adjourned:** 10:40 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 19, 2000, 9:45 a.m.

**Members Present:** Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise and McKean.

**Members Absent:** None.

**Committee Business:** Department of Corrections FY 2000 budget issues, private sector employment of inmates, prison industries construction, Fort Dodge's Focus on Young Offenders, and community-based corrections programs.

**Adjourned:** 11:05 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** January 19, 2000, 9:42 a.m.

**Members Present:** Freeman, Chair; Connolly, Ranking Member; Johnson, and Shearer.

**Members Absent:** Jensen, Vice Chair (excused).

**Committee Business:** Presentations by DOT and LFB.

**Adjourned:** 11:22 p.m.

## **APPROPRIATIONS**

**Convened:** January 19, 2000, 3:04 p.m.

**Members Present:** Kramer, Vice Chair; Behn, Black, Bolkcom, Connolly, Deluhery, Freeman, Hedge, Horn, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman.

**Members Absent:** McLaren, Chair; Flynn, Ranking Member; Dvorsky, Hammond, and Jensen (all excused).

**Committee Business:** Passed SF 2024.

**Adjourned:** 3:10 p.m.

## **HUMAN RESOURCES**

**Convened:** January 19, 2000, 2:08 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Harper, Miller, Schuerer, Shearer, and Tinsman.

**Members Absent:** Dvorsky, Hammond, and Veenstra (all excused).

**Committee Business:** Presentation by ISU on family well-being and welfare reform.

**Adjourned:** 2:52 p.m.

## **JUDICIARY**

**Convened:** January 19, 2000, 1:04 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Angelo, Boettger, Horn, Maddox, McKibben, Miller, Redfern, and Tinsman.

**Members Absent:** Hansen, Ranking Member; Dvorsky, Fraise, Hammond, and McCoy (all excused).

**Committee Business:** Subcommittee assignments.

**Adjourned:** 1:05 p.m.

**TRANSPORTATION**

**Convened:** January 19, 2000, 2:10 p.m.

**Members Present:** Drake, Chair; Sexton, Vice Chair; McCoy, Ranking Member; Fink, Fraise, Freeman, Judge, Kibbie, McKean, McKibben, Rittmer, and Zieman.

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

**Committee Business:** Presentation by Dept. of Transportation.

**Adjourned:** 3:00 p.m.

**CERTIFICATES OF RECOGNITION**

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

Edna Griffin, Des Moines – For being an inductee into the Iowa African-American Hall of Fame. Senator Szymoniak (02/05/00).

Simon Estes, Centerville – For being an inductee into the Iowa African-American Hall of Fame. Senator Szymoniak (02/05/00).

Courtney Petty, Des Moines – For receiving a gold medal in the 2000 Iowa African-American History Month Essay Contest. Senator Szymoniak (02/05/00).

Liza Sharp, Des Moines – For receiving a gold medal in the 2000 Iowa African-American History Month Essay Contest. Senator Szymoniak (02/05/00).

James Faber, Des Moines – For receiving a silver medal in the 2000 Iowa African-American History Month Essay Contest. Senator Szymoniak (02/05/00).

DeAmbre M. Zanders, Des Moines – For receiving a silver medal in the 2000 Iowa African-American History Month Essay Contest. Senator Szymoniak (02/05/00).

Brendetta LaShaye Hawkins, Des Moines – For receiving a bronze medal in the 2000 Iowa African-American History Month Essay Contest. Senator Szymoniak (02/05/00).

April Sauls, Des Moines – For receiving a bronze medal in the 2000 Iowa African-American History Month Essay Contest. Senator Szymoniak (02/05/00).

Jenna Spiering, Des Moines – For receiving a bronze medal in the 2000 Iowa African-American History Month Essay Contest. Senator Szymoniak (02/05/00).

Mark Kerwood, Carroll – For achieving the rank of Eagle Scout. Senator Behn (02/06/00).

## INTRODUCTION OF RESOLUTION

**Senate Resolution 101**, by Boettger, Kramer, and Iverson, a resolution to amend the permanent rules of the Senate relating to the recitation of the pledge of allegiance.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILLS

**Senate File 2027**, by Zieman, a bill for an act providing for administrative license revocation for any driver under twenty-one who drives while having a blood alcohol concentration above .01.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2028**, by Rife, a bill for an act relating to commercial breeders of dogs and cats.

Read first time under Rule 28 and referred to committee on **Agriculture**.

## STUDY BILLS RECEIVED

**SSB 3004      State Government**

Providing for the appointment and length of terms for members added to a hospital board of trustees.

**SSB 3005      Natural Resources and Environment**

Changing the name of the forests and forestry division of the department of natural resources to the forests and prairies division and expanding its responsibilities.

**SSB 3006      Natural Resources and Environment**

Relating to the regulation of motorboats on certain artificial lakes, providing effective and applicability dates, and a repeal.

**SSB 3007      Natural Resources and Environment**

To repeal the upper Mississippi riverway compact.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 422**

JUDICIARY: McKean, Chair; Fraise and McKibben

**Senate File 456**

WAYS AND MEANS: Flynn, Chair; Drake and Johnson

**Senate File 479**

WAYS AND MEANS: McKibben, Chair; Flynn and Johnson

**Senate File 2015**

JUDICIARY: Angelo, Chair; Dvorsky and Tinsman

**Senate File 2016**

JUDICIARY: Angelo, Chair; Dvorsky and Tinsman

**Senate File 2018**

EDUCATION: Redfern, Chair; Connolly and Veenstra

**Senate File 2019**

EDUCATION: Rehberg, Chair; Gaskill and Szymoniak

**Senate File 2022**

EDUCATION: Redfern, Chair; Harper and Redwine

**Senate File 2023**

EDUCATION: Angelo, Chair; Dvorsky and Sexton

**Senate File 2024**

APPROPRIATIONS: Rife, Chair; Hedge and Horn

**Senate File 2025**

JUDICIARY: McKean, Chair; Fraise and McKibben

**House File 723**

JUDICIARY: Miller, Chair; Horn and McKibben

**SSB 3004**

STATE GOVERNMENT: Drake, Chair; Schuerer and Szymoniak

**SSB 3005**

NATURAL RESOURCES AND ENVIRONMENT: Fink, Chair; Kibbie and Miller

**SSB 3006**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Dearden and King

**SSB 3007**

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Dearden and Gaskill

**COMMITTEE REPORT****APPROPRIATIONS**

**Final Bill Action:** SENATE FILE 2024, a bill for an act making an appropriation to the commission of veterans affairs for a contribution toward the construction of a national World War II memorial.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 20: Kramer, Behn, Black, Bolkcom, Connolly, Deluhery, Freeman, Hedge, Horn, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, 5 McLaren, Flynn, Dvorsky, Hammond, and Jensen.

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

**ADJOURNMENT**

On motion of Senator Iverson, the Senate adjourned at 9:25 a.m., until 9:00 a.m., Thursday, January 20, 2000.



# **JOURNAL OF THE SENATE**

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ELEVENTH CALENDAR DAY  
EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, January 20, 2000

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

Prayer was offered by Dr. James R. Newby, pastor of the Plymouth Congregational United Church of Christ of Des Moines, Iowa, guest of President Kramer.

The Journal of Wednesday, January 19, 2000, was approved.

## **LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Senator Veenstra, for the day, on request of Senator Hedge.

## **RECESS**

On motion of Senator Iverson, the Senate recessed at 9:20 a.m., until 1:15 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** January 20, 2000, 9:49 a.m.

**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Soukup, Ranking Member; and Lamberti.

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

**Committee Business:** Budget review and joint meeting with Administration and Regulation Appropriations Subcommittee.

**Adjourned:** 11:20 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

**Convened:** January 20, 2000, 9:49 a.m.

**Members Present:** Rife, Chair; Zieman, Vice Chair; Bolkcom, Ranking Member; Dearden and McKibben.

**Members Absent:** None.

**Committee Business:** Review of Dept. of Human Rights funding sources, 1%–3%–5% cuts, and budget restoration packages.

**Adjourned:** 11:06 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

**Convened:** January 20, 2000, 9:55 a.m.

**Members Present:** King, Chair; Lundby, Vice Chair; Deluhery, Ranking Member; Harper and Rittmer.

**Members Absent:** None.

**Committee Business:** Discussion of budgets and technology requests.

**Adjourned:** 10:40 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

**Convened:** January 20, 2000, 9:50 a.m.

**Members Present:** Freeman, Chair; Connolly, Ranking Member; Johnson and Shearer.

**Members Absent:** Jensen, Vice Chair (excused).

**Committee Business:** Discussed recreational trails issue, State Aviation Assistance Programs issue, Railroad Revolving Loan Fund, and Governor's FY 2001 budget recommendations for the DOT.

**Adjourned:** 11:16 a.m.

## CERTIFICATES OF RECOGNITION

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

Sara S. Pralle, Latimer – For being the recipient of the 1999 Milken Family Foundation National Education Award. Senator Iverson (01/19/00).

Sallie L. White, Estherville – For 12 years as an Iowa Regional Library Trustee and for serving on the Iowa Humanities Board. Senator Kibbie (01/19/00).

## INTRODUCTION OF BILLS

**Senate File 2029**, by Johnson, a bill for an act relating to the distribution of tax revenues from the local option sales and services tax for school infrastructure purposes collected in a county and providing an effective and applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 2030**, by McKean, a bill for an act relating to the date of the primary election and providing an effective date and applicability date.

Read first time under Rule 28 and referred to committee on **State Government**.

## STUDY BILLS RECEIVED

### **SSB 3008      Natural Resources and Environment**

Providing for the registration of environmental auditors.

**SSB 3009      Natural Resources and Environment**

Relating to the regulation of vessels by increasing fees, reducing the categories of vessels to be registered, providing for the disposition of fee revenue and other properly related matters, and providing an effective and applicability date.

**SSB 3010      Ways and Means**

Relating to collection of the physical plant and equipment property tax levy in certain urban renewal areas and providing an applicability date.

**SUBCOMMITTEE ASSIGNMENTS****SSB 3008**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Fink and King

**SSB 3009**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Black and Johnson

**SSB 3010**

WAYS AND MEANS: Johnson, Chair; Maddox and Soukup

## AFTERNOON SESSION

The Senate reconvened at 1:23 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.

## 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 January 20, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2059**, a bill for an act making an appropriation to the commission of veterans affairs for a contribution toward the construction of a national World War II memorial.

Read first time and attached to **companion Senate File 2024**.

## INTRODUCTION OF BILLS

**Senate File 2031**, by Angelo, a bill for an act relating to violations of the sex offender registry requirements and providing an effective date.

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

**Senate File 2032**, by Fink, a bill for an act relating to the information included when a payor of income withholds a child support obligor's income for payment to the clerk of the district court or to the collection services center.

Read first time and referred to committee on **Human Resources**.

**Senate File 2033**, by Fink, a bill for an act relating to replacement crash parts used in motor vehicles damaged in collisions and making a remedy applicable.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2024.

#### **Senate File 2024**

On motion of Senator Drake, **Senate File 2024**, a bill for an act making an appropriation to the commission of veterans affairs for a contribution toward the construction of a national World War II memorial, with reports of committees on State Government and Appropriations recommending passage, was taken up for consideration.

Senator Drake asked and received unanimous consent that **House File 2059** be **substituted** for **Senate File 2024**.

#### **House File 2059**

On motion of Senator Drake, **House File 2059**, a bill for an act making an appropriation to the commission of veterans affairs for a contribution toward the construction of a national World War II memorial, 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. 2059), the vote was:

Ayes, 46:

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	Maddox	McCoy
McKean	McKibben	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Jensen	McLaren	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.

### WITHDRAWN

Senator Drake asked and received unanimous consent that **Senate File 2024** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2059** be **immediately messaged** to the House.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** January 20, 2000, 9:46 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Black, Ranking Member; Fink and Gaskill.

**Members Absent:** None.

**Committee Business:** Discussed the Department of Natural Resources budget.

**Adjourned:** 10:45 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** January 20, 2000, 9:45 a.m.

**Members Present:** Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

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

**Committee Business:** Discussed cultural affairs and began budget review process.

**Adjourned:** 11:30 a.m.

#### AGRICULTURE

**Convened:** January 20, 2000, 8:36 a.m.

**Members Present:** Gaskill, Chair; Miller, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Behn, Hedge, Judge, Kibbie, Soukup, and Zieman.

**Members Absent:** Black, Sexton, Shearer, and Veenstra (all excused).

**Committee Business:** Discussion of holdover bills.

**Adjourned:** 8:50 a.m.

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** January 20, 2000, 2:45 p.m.

**Members Present:** Bartz, Chair; King, Vice Chair; Fink, Ranking Member, Black, Bolcom, Dearden, Deluhery, Freeman, Gaskill, Johnson, Kibbie, Rehberg, and Rife.



**Members Absent:** Drake and Miller (both excused).

**Committee Business:** Approved SSBs 3005 and 3007.

**Adjourned:** 3:02 p.m.

### COMPANION BILL RECEIVED

On January 20, 2000, **House File 2059** was received and attached to companion **Senate File 2024** on the calendar.

### INTRODUCTION OF BILL

**Senate File 2034**, by McCoy, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Gronstal, Hammond, Hansen, Harper, Horn, Judge, Kibbie, Shearer, Soukup, and Szymoniak, a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, health maintenance organizations, and Medicare supplemental insurance policies, by mandating coverage for anesthesia and certain hospital charges associated with the provision of dental care services.

Read first time under Rule 28 and referred to committee on **Commerce**.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:45 p.m., until 9:00 a.m., Friday, January 21, 2000.

# JOURNAL OF THE SENATE

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TWELFTH CALENDAR DAY  
NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, January 21, 2000

The Senate met in regular session at 9:05 a.m., President Kramer presiding.

The Journal of Thursday, January 20, 2000, was approved.

## 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:

December 15, 1999

#### LEGISLATIVE SERVICE BUREAU

Campaign Finance Commission Report, pursuant to 1999 Iowa Acts, chapter 136, Senate File 470, section 14.

January 10, 2000

#### BOARD OF REGENTS

Center for Health Effects of Environmental Contamination Annual Report, in accordance with Iowa Code section 263.17(4b).

#### DEPARTMENT OF CORRECTIONS

January 4, 2000 Report — Estimating the Potential Savings Associated with Discontinuation of Privatized Medical Care Services at the Iowa State Penitentiary (Fort Madison).

January 11, 2000

DEPARTMENT OF CULTURAL AFFAIRS

Iowa Freedom Trail Program Proposal — State Historical Society of Iowa, pursuant to 1999 HF 689, section 1.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Annual Report — Iowa Business Development Finance Corporation, December 31, 1999.

Machine and Equipment Tax Elimination Impact Report (progress report; complete report to be submitted by March 2000) for the Iowa General Assembly.

Community Economic Betterment Account Self-Sustainment Progress Report, per 1999 HF 745.

DEPARTMENT OF PUBLIC HEALTH

Anatomical Gifts — 1999 Annual Donation and Compliance Report, pursuant to Iowa Code, Chapter 142C.17.

Healthy Iowans 2010 document (companion to national plan, Healthy People 2010).

DEPARTMENT OF TRANSPORTATION

Commercial Vehicle Parking Report, as pursuant to 1999 SF 424, section 8.

Report on hours of service for drivers of vehicles transporting more than six persons, as required by 1999 Session Laws, Chapter 198, section 5.

IOWA UTILITIES BOARD

1998 Annual Report.

January 12, 2000

BOARD OF REGENTS

Five-Year Capital Building Program for FY 2001 – FY 2005, in accordance with Iowa Code section 262A.3.

FIFTH JUDICIAL DISTRICT  
DEPARTMENT OF CORRECTIONAL SERVICES

Intermediate Sanctions Program Implementation Report for FY 1999.

DEPARTMENT OF HUMAN SERVICES

Annual Report for FY 1999, in accordance with Iowa Code section 217.21.

**AGENCY ICN REPORT**

January 12, 2000

**CIVIL RIGHTS COMMISSION**

Annual Savings Report on ICN usage for FY 1999.

**INTRODUCTION OF BILLS**

**Senate File 2035**, by committee on Natural Resources and Environment, a bill for an act changing the name of the forests and forestry division of the department of natural resources to the forests and prairies division and expanding its responsibilities.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2036**, by committee on Natural Resources and Environment, a bill for an act to repeal the upper Mississippi riverway compact.

Read first time under Rule 28 and placed on **calendar**.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate Joint Resolution 3**  
(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Kibbie and McLaren

**Senate Joint Resolution 5**  
(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Drake and Fink

**Senate Joint Resolution 8**  
(Reassignment)

STATE GOVERNMENT: Lamberti, Chair; Fink and King

**Senate Resolution 6**  
(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Fink and Schuerer

**Senate Resolution 10**  
(Reassignment)

STATE GOVERNMENT: Deluhery, Chair, Drake and Rittmer

**Senate File 31**

(Reassignment)

STATE GOVERNMENT: Dearden, Chair; Lundby and Maddox

**Senate File 32**

(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Dearden and Lundby

**Senate File 48**

(Reassignment)

STATE GOVERNMENT: King, Chair; Fink and Schuerer

**Senate File 54**

(Reassignment)

STATE GOVERNMENT: King, Chair; Fink and Schuerer

**Senate File 61**

(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Kibbie and Lundby

**Senate File 62**

(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Kibbie and Lundby

**Senate File 63**

(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Kibbie and Lundby

**Senate File 65**

(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Kibbie and Lundby

**Senate File 79**

(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Kibbie and Lundby

**Senate File 89**

(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Kibbie and Lundby

**Senate File 105**

(Reassignment)

STATE GOVERNMENT: Lamberti, Chair; Deluhery and Schuerer

**Senate File 122**

(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Kibbie and Lundby

**Senate File 161**

(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Kibbie and King

**Senate File 163**

(Reassignment)

STATE GOVERNMENT: McLaren, Chair; Deluhery and Schuerer

**Senate File 196**

(Reassignment)

STATE GOVERNMENT: Sexton, Chair; Fink and Lundby

**Senate File 378**

(Reassignment)

STATE GOVERNMENT: Drake, Chair; Deluhery and King

**Senate File 420**

STATE GOVERNMENT: Maddox, Chair; Connolly and King

**Senate File 433**

STATE GOVERNMENT: Rittmer, Chair; Kibbie and Lundby

**Senate File 440**

STATE GOVERNMENT: Szymoniak, Chair; Lamberti and Maddox

**House File 475**

(Reassignment)

STATE GOVERNMENT: Lundby, Chair; Sexton and Szymoniak

**House File 686**

(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Deluhery and Lundby

**SSB 1012**  
(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Dearden and McLaren

**SSB 1052**  
(Reassignment)

STATE GOVERNMENT: Lamberti, Chair; Deluhery and King

CERTIFICATE OF RECOGNITION

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

Noah Daley, Waukon – For achieving the rank of Eagle Scout. Senator Zieman (01/20/00).

COMMITTEE REPORTS

**NATURAL RESOURCES AND ENVIRONMENT**

**Final Bill Action:** SENATE FILE 2035 (SSB 3005), a bill for an act changing the name of the forests and forestry division of the department of natural resources to the forests and prairies division and expanding its responsibilities.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Bartz, King, Fink, Black, Bolkom, Dearden, Deluhery, Freeman, Gaskill, Johnson, Kibbie, Rehberg, and Rife. Nays, none. Absent or not voting, 2: Drake and Miller.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2036 (SSB 3007), a bill for an act to repeal the upper Mississippi riverway compact.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Bartz, King, Fink, Black, Bolkom, Dearden, Deluhery, Freeman, Gaskill, Johnson, Kibbie, Rehberg, and Rife. Nays, none. Absent or not voting, 2: Drake and Miller.

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

## ADJOURNMENT

On motion of Senator Hedge, the Senate adjourned at 9:07 a.m., until 1:00 p.m., Tuesday, January 25, 2000.



# **JOURNAL OF THE SENATE**

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## **SIXTEENTH CALENDAR DAY TENTH SESSION DAY**

Senate Chamber  
Des Moines, Iowa, Tuesday, January 25, 2000

The Senate met in regular session at 1:20 p.m., President Kramer presiding.

Prayer was offered by Aldon Kuiper, pastor of the Christian Reformed Church of Des Moines, Iowa, guest of Senator Veenstra.

The Journal of Friday, January 21, 2000, was approved.

## **LEAVES OF ABSENCE**

Leaves of absence were granted as follows:

Senator Hammond, for the day, on request of Senator Black; Senator Dvorsky, for the day, on request of Senator Bolkcom; and Senator Dearden, for the day, on request of Senator Judge.

## **SPECIAL GUESTS**

Senator Boettger presented Nadija Olijnik and Tamila Kravchenko from Cherkasy, Ukraine. The visitors were in Iowa as part of the Sister States Program studying the caucuses.

**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:

January 13, 2000

**DEPARTMENT OF CORRECTIONS**

Fourth Judicial District Department of Correctional Services Intermediate Sanctions Report — January 11, 2000.

Sixth Judicial District Department of Correctional Services Intermediate Criminal Sanctions Policy Group Overview Report for 1999.

January 14, 2000

**BOARD OF REGENTS**

Report to the Iowa General Assembly in response to 1999 Senate File 464, section 14 — a study of the number and type of college degree programs offered at “satellite locations” in Iowa.

**DEPARTMENT OF CORRECTIONS**

Intermediate Criminal Sanctions Reports from First Judicial District and Third Judicial District, as required per 1999 Senate File 468.

**DEPARTMENT OF PUBLIC DEFENSE**

1999 Annual Report — Iowa Emergency Management Division Enhanced 911 Status, as required by Iowa Code section 34A.7A.

Emergency Management Division Strategic Plan for Domestic Preparedness — January 2000, as required by 1999 Senate File 254.

**STATE APPEAL BOARD**

Listing of general tort claims, highway tort claims, and settlements and judgments paid during 1999, in accordance with Iowa Code section 669.12.

Listing of denied general claims by the State Appeal Board from May 1999 – January 2000.

## UNIVERSITY OF IOWA

Report to the legislature per 1999 Senate File 464 — An Overview of the Use of Home Telemedicine in the University of Iowa Hospitals and Clinics' Indigent Patient Care Program.

January 18, 2000

## DEPARTMENT OF CORRECTIONS

Report regarding the implementation of an Intermediate Sanctions Program in the Second Judicial District of Iowa — January 14, 2000.

Second Judicial District Report on Treatment and Supervision of Probation and Parole Violators Released from Department of Corrections Violator Programs — January 9, 2000.

## DEPARTMENT OF ELDER AFFAIRS

1999 Annual Report of the Long-Term Care Ombudsman Program, pursuant to Iowa Code section 231.42.

## DEPARTMENT OF NATURAL RESOURCES

2000 Iowa Comprehensive Energy Plan Update, per Iowa Code section 473.7.

Household Hazardous Materials Toxic Cleanup Days Program Annual Report for 1999, in accordance with Iowa Code section 455F.8.

Annual Report from the Lewis and Clark Rural Water System, as required by 1999 House File 772, section 18.

## DEPARTMENT OF PUBLIC HEALTH

December 1999 Iowa Child Death Review Team Report, pursuant to Iowa Code section 135.43.

## STATE PSEUDORABIES ADVISORY COMMITTEE

Official Report on Calendar Year 1999 Activities — January 15, 2000, as required by Iowa Code section 166D.3.

## IOWA WORKFORCE DEVELOPMENT

Annual Report for FY '99, as required by Iowa Code section 7B.3(10).

January 19, 2000

## DEPARTMENT OF MANAGEMENT

FY '99 Contract Compliance Annual Report, pursuant to Iowa Code section 19B.7.

## DEPARTMENT OF NATURAL RESOURCES

Registry of Hazardous Waste or Hazardous Substance Disposal Sites and Hazardous Waste Remedial Fund Annual Report for 1999, as pursuant to Iowa Code sections 455B.425 and 455B.427.

January 21, 2000

## DEPARTMENT OF GENERAL SERVICES

Parking Structure Cost Study, in accordance with House File 772.

January 24, 2000

## DEPARTMENT OF PUBLIC HEALTH

Comprehensive Review of the Certificate of Need Program — January 15, 2000, as pursuant to 1997 Iowa Acts, chapter 93, section 11.

January 25, 2000

## DEPARTMENT OF CORRECTIONS

Report on funding sources for Inmate Vocational and Educational Programs, as required by 1999 Senate File 468.

## SUPREME COURT

Report on Enhanced Court Collections Fund and Court Technology Fund, pursuant to 1999 Iowa Acts, chapter 202, section 12(j).

**AGENCY ICN REPORTS**

January 13, 2000

## DEPARTMENT OF TRANSPORTATION

FY '99 report of savings by using videoconferencing through the ICN, pursuant to Iowa Code section 8D.10.

January 17, 2000

## DEPARTMENT OF COMMERCE

Annual Savings Report for ICN usage for FY '99.

January 24, 2000

## STATE LIBRARY OF IOWA

Annual Savings Report for ICN usage for FY '99.

January 25, 2000

## IOWA WORKFORCE DEVELOPMENT

1999 Annual Savings Report — ICN Videoconferencing by Iowa Workforce Development, as required by Iowa Code section 8D.10.

## REPORTS OF COMMITTEE MEETINGS

### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** January 20, 2000, 9:40 a.m.

**Members Present:** Redwine, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Flynn and Sexton.

**Members Absent:** None.

**Committee Business:** Discussion of Dept. of Management budget with Cynthia Eisenhauer, Director, and discussion of IPERS privatization bill.

**Adjourned:** 10:35 a.m.

### APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

**Convened:** January 20, 2000, 10:00 a.m.

**Members Present:** Tinsman, Chair; Hammond, Ranking Member; Miller and Szymoniak.

**Members Absent:** Veenstra, Vice Chair (excused).

**Committee Business:** TANF funding review and discussion of DHS vacant positions.

**Adjourned:** 12:00 p.m.

### LOCAL GOVERNMENT

**Convened:** January 25, 2000, 2:51 p.m.

**Members Present:** Angelo, Chair; Bartz, Vice Chair; Bolkcom, Ranking Member; Fraise, Gaskill, Judge, McCoy, McKibben, Miller, and Ziemann.

**Members Absent:** Hammond, McKean, and Rife (all excused).

**Committee Business:** Approved SSB 3001, as amended.

**Adjourned:** 2:57 p.m.

**STATE GOVERNMENT**

**Convened:** January 25, 2000, 2:52 p.m.

**Members Present:** Lamberti, Vice Chair; Kibbie, Ranking Member; Connolly, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak.

**Members Absent:** Rittmer, Chair; Dearden, and McLaren (all excused).

**Committee Business:** Approved SSB 3004, as amended, and presentation by Dept. of Personnel.

**Adjourned:** 3:45 p.m.

**INTRODUCTION OF RESOLUTION**

**Senate Resolution 102**, by Jensen and Gronstal, a Senate resolution requesting that Congress grant states the authority to regulate automatic teller machine or satellite terminal charges assessed by financial institutions.

Read first time under Rule 28 and referred to committee on **Commerce.**

**INTRODUCTION OF BILLS**

**Senate File 2037**, by Boettger, a bill for an act relating to the authority of the state board of educational examiners to develop a code of professional rights and responsibilities, practices, and ethics for practitioners.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 2038**, by Harper, a bill for an act providing for education requirements for motor vehicle dealers and providing penalties.

Read first time under Rule 28 and referred to committee on **Transportation.**

**Senate File 2039**, by Harper, a bill for an act relating to the carrying and transportation of antique firearms.

Read first time under Rule 28 and referred to committee on **Judiciary.**

**Senate File 2040**, by Lamberti, a bill for an act relating to the assignment of child support to the department of human services for a child in need of assistance placed in the custody of the department.

Read first time under Rule 28 and referred to committee on **Human Resources.**

**Senate File 2041**, by Miller, a bill for an act relating to the deduction of interest paid on education loans under the individual income tax and including an effective and retroactive applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

**Senate File 2042**, by Kibbie, a bill for an act relating to the issuance of special support family farming motor vehicle registration plates, establishing fees, and making an appropriation.

Read first time under Rule 28 and referred to committee on **Transportation.**

**Senate File 2043**, by Bolkcom, a bill for an act providing for the purchase of service credit by a member of the peace officers retirement system or the municipal fire and police retirement system for certain service earned in another public retirement system.

Read first time under Rule 28 and referred to committee on **State Government.**

**Senate File 2044**, by Bolkcom, Fink, and Dvorsky, a bill for an act restricting the application of pesticides and fertilizers in cities and providing a penalty.

Read first time under Rule 28 and referred to committee on **Agriculture.**

**Senate File 2045**, by Bolkcom and Lundby, a bill for an act allowing cities to adopt ordinances to assess a local public transit surcharge on city parking violations.

Read first time under Rule 28 and referred to committee on **Local Government**.

**Senate File 2046**, by Bolkcom, Dearden, Dvorsky, Hammond, McCoy, Shearer and Harper, a bill for an act to raise the state minimum hourly wage and the minimum hourly wage paid to employees serving a training period.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations**.

#### STUDY BILLS RECEIVED

#### **SSB 3011          Natural Resources and Environment**

Relating to the registrations and licensing duties of the county recorder, increasing writing fees, and providing for other properly related matters.

#### **SSB 3012          Transportation**

Prohibiting motor vehicle manufacturers, distributors, wholesalers, and importers from being licensed as, owning an interest in, operating, or controlling a motor vehicle dealer, providing exceptions, and making a penalty applicable.

#### SUBCOMMITTEE ASSIGNMENTS

##### **Senate File 2020**

TRANSPORTATION: Drake, Chair; Jensen and McCoy

##### **Senate File 2033**

TRANSPORTATION: Drake, Chair; Jensen and McCoy

##### **Senate File 2038**

TRANSPORTATION: Drake, Chair; Jensen and McCoy



**SSB 3011**

NATURAL RESOURCES AND ENVIRONMENT: Drake, Chair; Bolkcom and Miller

**SSB 3012**

TRANSPORTATION: McKibben, Chair; Drake and Kibbie

**ADJOURNMENT**

On motion of Senator Iverson, the Senate adjourned at 1:29 p.m., until 9:00 a.m., Wednesday, January 26, 2000.

# **JOURNAL OF THE SENATE**

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SEVENTEENTH CALENDAR DAY  
ELEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 26, 2000

The Senate met in regular session at 9:09 a.m., Senator Hedge presiding.

Prayer was offered by the Reverend Alan Hazelton, pastor of the First Assembly of God Church of Harlan, Iowa, guest of Senator Boettger.

The Journal of Tuesday, January 25, 2000, was approved.

## **SPECIAL GUEST**

Senator Connolly presented the Honorable Robert M. Carr, former member of the Senate and House from Dubuque County.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** January 25, 2000, 3:50 p.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Gronstal, Johnson, King, Lamberti, McCoy, Redfern, Redwine, and Schuerer.

**Members Absent:** Hansen and Lundby (both excused).

**Committee Business:** Presentation by Insurance Commissioner, Therese Vaughn.

**Adjourned:** 4:37 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** January 26, 2000, 9:42 a.m.

**Members Present:** Redwine, Chair; Bartz, Vice Chair; Flynn and Sexton.

**Members Absent:** McCoy, Ranking Member (excused).

**Committee Business:** Presentations from the Dept. of Personnel and Auditor's Office and Dept. of Revenue.

**Adjourned:** 11:26 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** January 26, 2000, 9:38 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Black, Ranking Member; and Gaskill.

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

**Committee Business:** Presentations from the DNR and Dept. of General Services.

**Adjourned:** 11:20 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** January 26, 2000, 9:45 a.m.

**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Soukup, Ranking Member; Judge and Lamberti.

**Members Absent:** None.

**Committee Business:** Presentations by DED and Iowa Workforce Development.

**Adjourned:** 11:23 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** January 26, 2000, 9:45 a.m.

**Members Present:** Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

**Members Absent:** McLaren.

**Committee Business:** Presentations by IPTV and Board of Education Examiners.

**Adjourned:** 11:45 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** January 26, 2000, 9:40 a.m.

**Members Present:** Zieman, Vice Chair; Bolkcom, Ranking Member; Dearden and McKibben.

**Members Absent:** Rife, Chair (excused).

**Committee Business:** Presentation by Dept. of Human Rights.

**Adjourned:** 10:59 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** 9:50 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller and Szymoniak.

**Members Absent:** None.

**Committee Business:** Presentation by Director Rasmussen, Dept. of Human Services.

**Adjourned:** 12:07 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 26, 2000, 9:40 a.m.

**Members Present:** Maddox, Chair; Angelo, Vice Chair; Fraise and McKean.

**Members Absent:** Dvorsky, Ranking Member (excused).

**Committee Business:** Presentation by Dept. of Corrections.

**Adjourned:** 11:10 a.m.

## **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** January 26, 2000, 9:40 a.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair; Johnson and Shearer.

**Members Absent:** Connolly, Ranking Member (excused).

**Committee Business:** Presentation by DOT.

**Adjourned:** 10:45 a.m.

## **AGRICULTURE**

**Convened:** January 26, 2000, 8:01 a.m.

**Members Present:** Gaskill, Chair; Miller, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Behn, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman.

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

**Committee Business:** Passed SF 2010. Presentation by ISU staff member.

**Adjourned:** 8:58 a.m.

## **BUSINESS AND LABOR RELATIONS**

**Convened:** January 26, 2000, 1:07 p.m.

**Members Present:** McKibben, Chair; Freeman, Vice Chair; Dearden, Ranking Member; Behn, Fraise, Hansen, Hedge, Horn, King, Rife, and Schuerer.

**Members Absent:** None.

**Committee Business:** Subcommittee assignment. Presentation by Iowa Workforce Development.

**Adjourned:** 1:40 p.m.

## **EDUCATION**

**Convened:** January 26, 2000, 1:00 p.m.

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

**Members Absent:** Dvorsky and Fink.

**Committee Business:** Subcommittee assignments.

**Adjourned:** 1:07 p.m.

## **HUMAN RESOURCES**

**Convened:** January 26, 2000, 3:08 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra.

**Members Absent:** None.

**Committee Business:** Presentation on Empowerment Areas in the state of Iowa.

**Adjourned:** 3:48 p.m.

## **JUDICIARY**

**Convened:** January 26, 2000, 2:01 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Boettger, Fraise, Hammond, Maddox, McCoy, McKibben, Redfern, and Tinsman.

**Members Absent:** Dvorsky, Horn, and Miller (all excused).

**Committee Business:** Subcommittee assignments.

**Adjourned:** 2:04 p.m.

## **INTRODUCTION OF BILLS**

**Senate File 2047**, by committee on Local Government, a bill for an act relating to the powers and duties of county officers with respect to county warrants.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2048**, by committee on State Government, a bill for an act providing for the appointment and length of terms for members added to a hospital board of trustees.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2049**, by Freeman, a bill for an act providing an exception from regulation as a food establishment for hospital bake shops and cafeterias selling nonpotentially hazardous baked goods.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2050**, by Szymoniak, a bill for an act relating to notification made by a law enforcement officer in connection with an arrest for domestic abuse assault.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2051**, by Maddox and Szymoniak, a bill for an act authorizing alternative means of publication of city notices, hearings, and other official actions.

Read first time under Rule 28 and referred to committee on **Local Government**.

**Senate File 2052**, by Maddox, a bill for an act relating to the value of property or services obtained through the criminal offense of fraudulent use of a credit card.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2053**, by Rehberg, Veenstra, Zieman, Behn, Kibbie, Lundby, Schuerer, Boettger, and McCoy, a bill for an act making an appropriation and allocating moneys to school districts to pay for the costs of making technology available to students attending accredited nonpublic schools.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2054**, by Harper, Black, Deluhery, Fink, Fraise, Kibbie, and Shearer, a bill for an act providing for a .08 blood alcohol

concentration limit for motor vehicle operating while intoxicated offenses.

Read first time under Rule 28 and referred to committee on **Judiciary.**

**Senate File 2055**, by Harper, Lundby, Soukup, Hammond, Bolkcom, Shearer, Fink, Hansen, Connolly, Black, Gronstal, Szymoniak, and Tinsman, a bill for an act providing unemployment compensation benefits to individuals who quit employment due to domestic violence.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations.**

**Senate File 2056**, by McCoy, a bill for an act relating to operating a vessel while intoxicated, and providing penalties.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

#### PRESENTATION OF VISITORS

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

Adult Orientation and Adjustment Center students from the Iowa Department for the Blind in Des Moines, Iowa, accompanied by Orientation Center instructors. Senator Deluhery.

#### STUDY BILLS RECEIVED

#### **SSB 3013      Natural Resources and Environment**

Relating to the establishment of a wild places program by the state advisory board for preserves and the department of natural resources.



**SSB 3014            Judiciary**

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

**SSB 3015            Judiciary**

Relating to nonsubstantive Code corrections.

**SSB 3016            Small Business, Economic Development, and  
Tourism**

Relating to the refundability of the investment tax credit under the new jobs and income program.

**SSB 3017            Small Business, Economic Development, and  
Tourism**

Relating to compensation of members on the Iowa economic development board.

**SSB 3018            Judiciary**

Providing for a .08 blood alcohol concentration limit for operating while intoxicated offenses.

**SSB 3019            Judiciary**

Relating to DNA profiling.

**SSB 3020            Judiciary**

Relating to the criminal jurisdiction of the state regarding the crimes of escape and absence from custody.

**SSB 3021            Judiciary**

Relating to the appearance in court and the release from custody of certain criminal defendants.

**SSB 3022            Judiciary**

Providing for a .08 blood alcohol concentration limit for motor vehicle operating while intoxicated offenses.

**SSB 3023            Judiciary**

Relating to the prohibition of shipping or importing into the state, or the offering for sale, selling, transporting, distributing, or processing within the state, of cigarettes and tobacco products which were previously exported from or which are manufactured for the use outside the United States, and making penalties applicable.

**SSB 3024            Commerce**

Relating to the collection, use, and disclosure of certain information associated with insurance transactions and providing for civil and criminal penalties.

**SSB 3025            Commerce**

Requiring the expenditure of moneys to pay the salary and support costs of a real estate trust account auditor within the department of commerce.

**SSB 3026            Commerce**

Relating to the provision under a group health insurance policy or health maintenance organization contract for compensation of podiatrists.

**SSB 3027            Commerce**

Relating to the required provider provisions under group health insurance policies and health maintenance organization contracts.

**SUBCOMMITTEE ASSIGNMENTS****Senate Resolution 102**

COMMERCE: Jensen, Chair; Gronstal and Redfern

**Senate File 2026**

HUMAN RESOURCES: Harper, Chair; Redwine and Veenstra

**Senate File 2027**

JUDICIARY: McKean, Chair; Fraise and McKibben

**Senate File 2031**

JUDICIARY: Angelo, Chair; Dvorsky and Tinsman

**Senate File 2032**

HUMAN RESOURCES: Miller, Chair; Bartz and Shearer

**Senate File 2034**

COMMERCE: Maddox, Chair; McCoy and Schuerer

**Senate File 2037**

EDUCATION: Boettger, Chair; Dvorsky and Redwine

**Senate File 2039**

JUDICIARY: Redfern, Chair; Hammond and Miller

**Senate File 2040**

HUMAN RESOURCES: Miller, Chair; Hammond and Redwine

**Senate File 2042**

TRANSPORTATION: Kibbie, Chair; Jensen and McKean

**Senate File 2045**

LOCAL GOVERNMENT: Bolkcom, Chair; McKean and McKibben

**Senate File 2046**

BUSINESS AND LABOR RELATIONS: King, Chair; Behn and Dearden

**Senate File 2055**

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Fraise and Hedge

**SSB 3013**

NATURAL RESOURCES AND ENVIRONMENT: Rehberg, Chair; Bolkcom and Miller

**SSB 3014**

JUDICIARY: Lamberti, Chair; Hammond and Maddox

**SSB 3015**

JUDICIARY: Hansen, Chair; Lamberti and Maddox

**SSB 3016**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Behn, Chair; Shearer and Veenstra

**SSB 3017**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Soukup, Chair; Sexton and Rittmer

**SSB 3018**

JUDICIARY: McKean, Chair; Fraise and McKibben

**SSB 3019**

JUDICIARY: Maddox, Chair; Boettger and Dvorsky

**SSB 3020**

JUDICIARY: Lamberti, Chair; Hansen and Redfern

**SSB 3021**

JUDICIARY: McKibben, Chair; Dvorsky and Maddox

**SSB 3022**

JUDICIARY: McKean, Chair; Fraise and McKibben

**SSB 3023**

JUDICIARY: McKean, Chair; Boettger and Hammond

**SSB 3024**

COMMERCE: Deluhery, Chair; Lamberti and Redfern

**SSB 3025**

COMMERCE: Maddox, Chair; Lundby and Bolkcom

**SSB 3026**

COMMERCE: Maddox, Chair; Flynn and Schuerer

**SSB 3027**

COMMERCE: Hansen, Chair; Lundby and Jensen

**COMMITTEE REPORTS****AGRICULTURE**

**Final Bill Action:** SENATE FILE 2010, a bill for an act relating to the traditional livestock producer's linked investment loan program by modifying eligibility requirements.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Gaskill, Miller, Fraise, Angelo, Bartz, Behn, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Black.

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

**LOCAL GOVERNMENT**

**Final Bill Action:** \*SENATE FILE 2047 (SSB 3001), a bill for an act relating to the powers and duties of county officers with respect to county warrants.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Angelo, Bartz, Bolkcom, Fraise, Gaskill, Judge, McCoy, McKibben, Miller, and Rife. Nays, none. Absent or not voting, 3: Hammond, McKean, and Zieman.

**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 Local Government Committee on Senate File 2047, and they were attached to the committee report.

**STATE GOVERNMENT**

**Final Bill Action:** \*SENATE FILE 2048 (SSB 3004), a bill for an act providing for the appointment and length of terms for members added to a hospital board of trustees.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Lamberti, Kibbie, Connolly, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 3: Rittmer, Dearden, and McLaren.

**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 State Government Committee on Senate File 2048, and they were attached to the committee report.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:20 a.m., until 9:00 a.m., Thursday, January 27, 2000.

# **JOURNAL OF THE SENATE**

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EIGHTEENTH CALENDAR DAY  
TWELFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, January 27, 2000

The Senate met in regular session at 9:16 a.m., President Kramer presiding.

Prayer was offered by the Reverend James Van Roeckel, pastor of the Bethany Reformed Church of Des Moines, Iowa, guest of Senator Schuerer.

The Journal of Wednesday, January 26, 2000, was approved.

## **LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Senator Fink, until he arrives, on request of Senator Black.

## **RECESS**

On motion of Senator Iverson, the Senate recessed at 9:30 a.m., until 1:00 p.m.

## **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:

January 25, 2000

#### **DEPARTMENT OF CORRECTIONS**

Funding Sources for Inmate Vocational and Educational Programs Report, as required by 1999 Senate File 468.

#### **IOWA LAW ENFORCEMENT ACADEMY**

Annual Report for FY 1999.

#### **LEGISLATIVE SERVICE BUREAU**

January 2000 Improving School Facilities Study Committee Final Report.

January 2000 Community College Governance System Study Committee Final Report.

#### **DEPARTMENT OF PUBLIC SAFETY**

Cellular telephone study, pursuant to Senate File 468.

#### **IOWA SUPREME COURT**

Enhanced Court Collections Fund and Court Technology Fund Report, as pursuant to 1999 Iowa Acts, chapter 202, section 12(j).

### **PRESENTATION OF VISITORS**

The Chair welcomed students from various community colleges who were present in the Senate gallery.

### **REPORTS OF COMMITTEE MEETINGS**

#### **APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** January 26, 2000, 9:55 a.m.

**Members Present:** King, Chair; Lundby, Vice Chair; Deluhery, Ranking Member; and Harper.



**Members Absent:** Rittmer.

**Committee Business:** Discussion of Information Technology Services budget and presentation by Rich Varn, ITS.

**Adjourned:** 11:40 a.m.

## **TRANSPORTATION**

**Convened:** January 26, 2000, 3:05 p.m.

**Members Present:** Drake, Chair; Sexton, Vice Chair; McCoy, Ranking Member; Fraise, Freeman, Judge, Kibbie, McKibben, Rittmer, and Ziemann.

**Members Absent:** Fink, Jensen, and McKean (all excused).

**Committee Business:** Subcommittee assignments.

**Adjourned:** 3:26 p.m.

## **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 27, 2000, 9:45 a.m.

**Members Present:** Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise and McKean.

**Members Absent:** None.

**Committee Business:** Presentation by Dept. of Public Safety.

**Adjourned:** 11:20 a.m.

## **APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** January 27, 2000, 9:52 a.m.

**Members Present:** King, Chair; Lundby, Vice Chair; Harper and Rittmer.

**Members Absent:** Deluhery, Ranking Member.

**Committee Business:** Discussion of ITTC budget request and presentation by Chief Operating Officer Harold Thompson, ICN.

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

## **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** January 27, 2000, 8:50 a.m.

**Members Present:** Lundby, Chair; Behn, Vice Chair; Flynn, Judge, Sexton, Soukup, and Ziemann.

**Members Absent:** Shearer, Ranking Member; Boettger, Hansen, Rittmer, Tinsman, and Veenstra (all excused).

**Committee Business:** Subcommittee assignments and listing of Senate files withdrawn from consideration.

**Adjourned:** 8:55 a.m.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 2029**

WAYS AND MEANS: Johnson, Chair; Flynn and Hedge

### **Senate File 2041**

WAYS AND MEANS: Redwine, Chair; Harper and McLaren

### **Senate File 2051**

LOCAL GOVERNMENT: Angelo, Chair; Hammond and Rife

### **SSB 3014**

(Reassignment)

JUDICIARY: Lamberti, Chair; Hansen and Maddox

## AFTERNOON SESSION

The Senate reconvened at 1:15 p.m., President Kramer presiding.

## 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:

January 27, 2000

#### DEPARTMENT OF HUMAN RIGHTS

28th Annual Report — Iowa Commission on the Status of Women.

#### LEGISLATIVE SERVICE BUREAU

January 2000 Aviation Transportation in Iowa Study Committee Final Report.

#### DEPARTMENT OF TRANSPORTATION

1999 Annual Report of the Iowa Railway Finance Authority, as required by Iowa Code section 327I.8(6).

FY '99 Annual Report of Highway Research and Development in Iowa.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** January 27, 2000, 9:48 a.m.

**Members Present:** Redwine, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Flynn and Sexton.

**Members Absent:** None.

**Committee Business:** Discussed lottery computer problems and state budget reductions.

**Adjourned:** 10:55 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** January 27, 2000, 9:50 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; and Gaskill.

**Members Absent:** Black, Ranking Member; and Fink (both excused).

**Committee Business:** Presentation on pseudorabies eradication in Iowa.

**Adjourned:** 10:45 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** January 27, 2000, 9:55 a.m.

**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Soukup, Ranking Member; and Judge.

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

**Committee Business:** Presentation by IDED.

**Adjourned:** 11:25 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** January 27, 2000, 9:45 a.m.

**Members Present:** Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

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

**Committee Business:** Reviewed budgets for Dept. of Education and Vocational Rehabilitation.

**Adjourned:** 11:45 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** January 27, 2000, 9:51 a.m.

**Members Present:** Rife, Chair; Zieman, Vice Chair; and Dearden.

**Members Absent:** Bolcom, Ranking Member; and McKibben (both excused).

**Committee Business:** Continued presentation by Dept. of Human Rights.

**Recessed:** 11:00 a.m.

**Reconvened:** January 27, 2000, 11:07 a.m.

**Adjourned:** 11:34 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** January 27, 2000, 10:00 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller and Szymoniak.

**Members Absent:** None.

**Committee Business:** Discussion between concerned parents, Consultec, and DHS Child Support Recovery Unit.

**Adjourned:** 12:10 p.m.

## **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** January 27, 2000, 9:50 a.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair; Connolly, Ranking Member; and Johnson.

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

**Committee Business:** Presentations by DOT and the Division of Information Technology.

**Adjourned:** 10:55 a.m.

## **NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** January 27, 2000, 2:34 p.m.

**Members Present:** Bartz, Chair; King, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Deluhery, Drake, Freeman, Johnson, Kibbie, Miller, Rehberg, and Rife.

**Members Absent:** Dearden and Gaskill (both excused).

**Committee Business:** Approved SSB 3011, as amended, and passed SCR 101.

**Adjourned:** 2:45 p.m.

## **CERTIFICATE OF RECOGNITION**

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

Merle Culbertson, Waverly — For celebrating your 102nd birthday on November 17, 1999, and for living in three centuries and two millennia. Senator Jensen (01/27/00).

## INTRODUCTION OF BILLS

**Senate File 2057**, by Hammond, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Harper, Kibbie, McCoy, Shearer, Soukup, Szymoniak, and Gronstal, a bill for an act relating to the Iowa empowerment board membership by adding a state agency member to the board.

Read first time under Rule 28 and referred to committee on **Human Resources.**

**Senate File 2058**, by Lundby, a bill for an act creating a new offense of aggressive driving, providing for instruction relating to the hazards of aggressive driving, and providing penalties.

Read first time under Rule 28 and referred to committee on **Transportation.**

**Senate File 2059**, by Harper, a bill for an act relating to payment of education costs for certain juvenile facilities and providing an effective date.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 2060**, by Hansen, a bill for an act relating to the rule against perpetuities.

Read first time under Rule 28 and referred to committee on **Judiciary.**

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 2028**

AGRICULTURE: Soukup, Chair; Judge and Sexton

**Senate File 2030**

STATE GOVERNMENT: Drake, Chair; Connolly and Sexton

**Senate File 2043**

STATE GOVERNMENT: Rittmer, Chair; Drake and Kibbie

## COMMITTEE REPORT

### NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 101, a concurrent resolution to request a United States Corps of Engineers' study of the lower Des Moines River.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Bartz, King, Fink, Black, Bolkcom, Deluhery, Drake, Freeman, Johnson, Kibbie, Miller, Rehberg, and Rife. Nays, none. Absent or not voting, 2: Dearden and Gaskill.

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

## ADJOURNMENT

On motion of Senator Hedge, the Senate adjourned at 1:16 p.m., until 1:00 p.m., Monday, January 31, 2000.

# JOURNAL OF THE SENATE

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TWENTY-SECOND CALENDAR DAY  
THIRTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, January 31, 2000

The Senate met in regular session at 1:12 p.m., President Kramer presiding.

Prayer was offered by the Reverend Glenn Reynolds, pastor of the Christian Life Assembly Church of Norwalk, Iowa, guest of Senator Fink.

The Journal of Thursday, January 27, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Harper, until she arrives, on request of Senator Black; Senator Shearer, for the day, and Senator Flynn, until he arrives, on request of Senator Fraise; and Senators Jensen, McKean, McLaren, and Rife, until they arrive, on request of Senator Iverson.

## QUORUM CALL

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

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

## CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2036.



**Senate File 2036**

On motion of Senator Black, **Senate File 2036**, a bill for an act to repeal the upper Mississippi riverway compact, was taken up for consideration.

Senator Black 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. 2036), the vote was:

Ayes, 43:

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

Nays, none.

Absent or not voting, 7:

Flynn	Harper	Jensen	McKean
McLaren	Rife	Shearer	

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 2036** be **immediately messaged** to the House.

**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:

January 28, 2000

**DEPARTMENT OF PUBLIC HEALTH**

Report on Access to Obstetrical and Gynecological Care in Iowa, as required by 1997 Iowa Acts, chapter 197, section 1, subsection 18A.

1998 Vital Statistics of Iowa, pursuant to Iowa Code, chapter 144.5(5).

**APPOINTMENTS FROM THE GOVERNOR**

The following appointees were submitted by the Governor to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

**TERM**

ADJUTANT GENERAL, STATE OF IOWA (Sec. 29A.11)

Gilbert "Ron" Dardis, Johnston

06/19/1999 – Pleasure of the Governor

ALCOHOLIC BEVERAGES DIVISION, ADMINISTRATOR OF THE (Sec. 123.10)

Lynn M. Walding, Des Moines

02/01/2000 – 04/30/2002

ARCHITECTURAL EXAMINING BOARD (Sec. 544A.1)

Ann Diehl, Osceola

05/01/1999 – 04/30/2002

ATHLETIC TRAINING, BOARD OF EXAMINERS FOR (Sec. 152D.7)

Mary Khowassah, Iowa City

05/01/1999 – 04/30/2002

BANKING, SUPERINTENDENT OF (Sec. 524.201)

Holmes Foster, Clive

11/15/1999 – 04/30/2001

BARBER EXAMINERS, BOARD OF (Sec. 147.14)

Billie Houck, Urbandale

10/27/1999 – 04/30/2002

BEHAVIORAL SCIENCE EXAMINERS, BOARD OF (Sec. 147.14)

Vilia Sauerberg, Iowa City

12/17/1999 – 04/30/2001

CHIROPRACTIC EXAMINERS, BOARD OF (Sec. 147.14)

Patsy Hastings, Jefferson

05/01/1999 – 04/30/2002

## CIVIL RIGHTS COMMISSION, DIRECTOR OF THE IOWA STATE (Sec. 216.3)

Corlis S. Moody, Des Moines

01/04/2000 – Pleasure of the Governor

## COMMUNITY EMPOWERMENT FACILITATOR (Sec. 28.3)

Kristyn R. Bell, West Des Moines

10/22/1999 – Pleasure of the Governor

## CORRECTIONS, BOARD OF (Sec. 90A.104)

Donald Tietz, Algona

05/26/1999 – 04/30/2001

## COSMETOLOGY ARTS AND SCIENCES EXAMINERS, BOARD OF (Sec. 147.14)

Dean Banowetz, Bettendorf

10/04/1999 – 04/30/2002

## COUNTY FINANCE COMMITTEE (Sec. 333A.2)

Denise Dolan, Dubuque

05/01/1999 – 04/30/2003

Richard Heidloff, George

05/01/1999 – 04/30/2003

## CREDIT UNION REVIEW BOARD (Sec. 533.53)

Barbara Oliver Hall, Johnston

05/01/1999 – 04/30/2002

## CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL

(Sec. 216A.132)

Thomas Ferguson, Waterloo

09/09/1999 – 04/30/2002

## CULTURAL AFFAIRS, DIRECTOR OF THE DEPARTMENT OF (Sec. 303.1)

Douglas W. Larche, Indianola

09/14/1999 – Pleasure of the Governor

## DEAF, COMMISSION ON THE (Sec. 216A.112)

Susan MacDonald, Iowa City

05/01/1999 – 04/30/2002

Sharon Terry, Council Bluffs

05/01/1999 – 04/30/2002

## DENTAL EXAMINERS, BOARD OF (Sec. 147.14)

Alan Hathaway, Davenport

05/01/1999 – 04/30/2002

Lisette Sell, Des Moines

05/01/1999 – 04/30/2002

Suzan Stewart, Sioux City

10/06/1999 – 04/30/2000

## DIETETIC EXAMINERS, BOARD OF (Sec. 147.14)

Marcy Rolenc, Iowa City

05/01/1999 – 04/30/2002

## DISABILITIES, ADMINISTRATOR OF THE DIVISION OF PERSONS WITH

(Sec. 216A.71)

Marilyn Turner, Des Moines

07/19/1999 – Pleasure of the Governor

## EDUCATION, DIRECTOR OF THE DEPARTMENT OF (Sec. 256.8)

Frederick Stilwill, Des Moines

05/01/2000 – Pleasure of the Governor

## EMPLOYMENT APPEAL BOARD (Sec. 10A.601)

Elizabeth Seiser, Des Moines

12/10/1999 – 04/30/2002

## ENGINEERING AND LAND SURVEYING EXAMINING BOARD (Sec. 542B.3)

Susan Albright, Urbandale

05/01/1999 – 04/30/2002

Randall Beavers, Des Moines

05/01/1999 – 04/30/2002

FINANCE AUTHORITY, IOWA (Sec. 16.2)	
Steven Adams, Red Oak	05/01/1999 – 04/30/2005
FOSTER CARE REVIEW BOARD, STATE CITIZEN (Sec. 237.16)	
Ruth Gaines, Des Moines	11/10/1999 – 04/30/2002
GRAIN INDEMNITY FUND BOARD, IOWA (Sec. 203D.4)	
Donna Winburn, Grinnell	05/01/1999 – 04/30/2002
HEALTH FACILITIES COUNCIL (Sec. 135.62)	
Joan Koenigs, St. Ansgar	05/01/1999 – 04/30/2005
HEALTHY AND WELL KIDS IN IOWA (HAWK-I) BOARD (Sec. 514I.4)	
Susan Poulton, Iowa City	10/13/1999 – 04/30/2000
HUMAN SERVICES, COUNCIL ON (Sec. 217.2)	
Donald Wright, Cedar Falls	05/01/1999 – 04/30/2005
LANDSCAPE ARCHITECTURAL EXAMINING BOARD (Sec. 544B.3)	
Laura Hawks, Iowa City	05/01/1999 – 04/30/2002
Lillie Perry, Washington	05/01/1999 – 04/30/2002
LATINO AFFAIRS, ADMINISTRATOR OF THE DIVISION OF (Sec. 216A.2)	
Elizabeth Salinas Newby, Des Moines	09/20/1999 – Pleasure of the Governor
LAW ENFORCEMENT ACADEMY COUNCIL, IOWA (Sec 80B.6)	
Joseph Frisbie, Sioux City	05/01/1999 – 04/30/2003
LOTTERY BOARD (Sec. 99E.5)	
Mary Junge, Cedar Rapids	05/01/1999 – 04/30/2002
MEDICAL EXAMINERS, BOARD OF (Sec. 147.14)	
Bruce Hughes, Des Moines	01/13/2000 – 04/30/2000
Curtis Reynolds, Cedar Rapids	04/28/1999 – 04/30/2001
MORTUARY SCIENCE EXAMINERS, BOARD OF (Sec. 147.14)	
Karen Thomsen, Cumberland	05/01/1999 – 04/30/2002
NARCOTICS ENFORCEMENT ADVISORY COUNCIL (Sec. 80E.3)	
Gary Mulholland, Clinton	05/01/1999 – 04/30/2003
Kelly Rasmussen, Des Moines	11/10/1999 – 04/30/2003
NURSING EXAMINERS, BOARD OF (Sec. 147.14)	
Robert Campbell, Newton	05/01/1999 – 04/30/2002
Pauline Taylor, Iowa City	05/01/1999 – 04/30/2002
NURSING HOME ADMINISTRATORS, STATE BOARD OF EXAMINERS FOR (Sec. 155.2)	
Tim Moe, Davenport	05/01/1999 – 04/30/2002
OPTOMETRY EXAMINERS, BOARD OF (Sec. 147.14)	
Marilyn Spina, Des Moines	10/27/1999 – 04/30/2000

## PAROLE, BOARD OF (Sec. 904A.3)

Rogers Kirk, Davenport

10/27/1999 – 04/30/2001

PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA  
COMPREHENSIVE (Sec. 455G.4)

Cathy Addington, Cedar Falls

05/01/1999 – 04/30/2003

## PHYSICAL AND OCCUPATIONAL THERAPY EXAMINERS, BOARD OF (Sec. 147.14)

Phyllis Cacciatore, Des Moines

05/01/1999 – 04/30/2002

Theodore Peterson, Cedar Rapids

05/01/1999 – 04/30/2002

Henrietta Scholten, Sioux City

05/01/1999 – 04/30/2002

## PHYSICIAN ASSISTANT EXAMINERS, BOARD OF (Sec. 147.14)

Bery Engebretsen, Urbandale

01/10/2000 – 04/30/2002

Gloria Welte, Sergeant Bluff

05/01/1999 – 04/30/2002

## PODIATRY EXAMINERS, BOARD OF (Sec. 147.14)

Robert Yoho, West Des Moines

05/01/1999 – 04/30/2002

PROFESSIONAL LICENSING AND REGULATION, ADMINISTRATOR OF  
(Sec. 546.10)

Kathleen H. Chapman, Cedar Rapids

12/08/1999 – 04/30/2002

## PSYCHOLOGY EXAMINERS, BOARD OF (Sec. 147.14)

Ruth Daggett, Creston

05/01/1999 – 04/30/2002

## PUBLIC DEFENDER, STATE (Sec. 13B.2)

Thomas G. Becker, Waukee

10/04/1999 – Pleasure of the Governor

## PUBLIC EMPLOYMENT RELATIONS BOARD (Sec. 20.5)

James Riordan, West Des Moines

12/10/1999 – 04/30/2000

## REAL ESTATE APPRAISER EXAMINING BOARD (Sec. 543D.4)

Luther Gammon, Glenwood

10/27/1999 – 04/30/2002

## RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE (Sec. 159A.4)

Eldon Boswell, Nevada

05/01/1999 – 04/30/2002

Lucy Norton, Clive

05/01/1999 – 04/30/2002

Eric Seuren, West Des Moines

05/01/1998 – 04/30/2002

## RESPIRATORY CARE, STATE BOARD FOR (Sec. 152B.13)

Gregory Hicklin, Urbandale

05/24/1999 – 04/30/2002

Amy Love, Jefferson

05/01/1999 – 04/30/2002

## SMALL BUSINESS ADVISORY COUNCIL (Sec. 15.108)

James Davis, Charles City

05/01/1999 – 04/30/2003

Denise Essman, Des Moines

05/01/1999 – 04/30/2003

## SOCIAL WORK EXAMINERS, BOARD OF (Sec. 147.14)

Monsignor W. Robert Schmidt, Davenport

05/01/1999 – 04/30/2002

## SOIL CONSERVATION COMMITTEE, STATE (Sec. 161A.4)

Muffy Harmon, Des Moines	05/01/1999 – 04/30/2005
Gerald Johnson, New Hampton	05/01/1999 – 04/30/2005
Charles Manson, Ottumwa	11/22/1999 – 04/30/2003
John Sellers, Jr., Corydon	05/01/1999 – 04/30/2005

## SPEECH PATHOLOGY AND AUDIOLOGY EXAMINERS, BOARD OF (Sec. 147.14)

Marianne Mickelson, West Des Moines	05/01/1999 – 04/30/2002
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## TITLE GUARANTY DIVISION BOARD (Sec. 16.2)

Surasee Rodari, Des Moines	08/06/1999 – 04/30/2005
Mitchell Taylor, Burlington	05/01/1999 – 04/30/2005

## TRANSPORTATION, DIRECTOR OF (Sec. 307.11)

Mark F. Wandro, Des Moines	10/08/1999 – Pleasure of the Governor
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## UTILITIES BOARD (Sec. 474.1)

Diane C. Munns, Des Moines	06/14/1999 – 04/30/2003
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## UTILITIES BOARD, CHAIR OF (Sec 474.1)

Allan Thoms, West Des Moines	05/01/1999 – 04/30/2001
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## VETERANS AFFAIRS, COMMISSION OF (Sec. 35A.2)

Mildred Dawson, Cedar Rapids	05/01/1999 – 04/30/2003
Jesse Rodriguez, Des Moines	05/01/1999 – 04/30/2003

## VETERINARY MEDICINE, IOWA BOARD OF (Sec. 169.5)

Sarah Garst, West Des Moines	05/01/1999 – 04/30/2002
Paul Willis, Thornton	05/26/1999 – 04/30/2002

## WORKFORCE DEVELOPMENT, DIRECTOR OF (Sec. 84A.1)

Richard V. Running, Des Moines	05/24/1999 – Pleasure of the Governor
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The appointments were referred to the committee on **Rules and Administration**.

## REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on January 31, 2000:

### AGRICULTURE

Donna Winburn – Iowa Grain Indemnity Fund Board

Muffy Harmon – State Soil Conservation Committee  
Gerald Johnson – State Soil Conservation Committee  
Charles Manson – State Soil Conservation Committee  
John Sellers, Jr. – State Soil Conservation Committee

### **BUSINESS AND LABOR RELATIONS**

Elizabeth Seiser – Employment Appeal Board  
James Riordan – Public Employment Relations Board  
Richard V. Running – Director of Workforce Development

### **COMMERCE**

Holmes Foster – Superintendent of Banking  
Barbara Oliver Hall – Credit Union Review Board  
Surasee Rodari – Title Guaranty Division Board  
Mitchell Taylor – Title Guaranty Division Board  
Allan Thoms – Chair of Utilities Board  
Diane C. Munns – Utilities Board

### **EDUCATION**

Douglas W. Larche – Director of the Department of Cultural Affairs  
Frederick Stilwill – Director of the Department of Education

### **HUMAN RESOURCES**

Mary Khowassah – Board of Examiners for Athletic Training  
Vilia Sauerberg – Board of Behavioral Science Examiners  
Susan MacDonald – Commission on the Deaf  
Sharon Terry – Commission on the Deaf  
Marilyn Turner – Administrator of the Division of Persons with Disabilities  
Kristyn R. Bell – Community Empowerment Facilitator  
Ruth Gaines – State Citizen Foster Care Review Board  
Susan Poulton – Healthy and Well Kids in Iowa (HAWK-I) Board  
Joan Koenigs – Health Facilities Council  
Donald Wright – Council on Human Services

Bery Engebretsen – Board of Physician Assistant Examiners  
Gloria Welte – Board of Physician Assistant Examiners

### **JUDICIARY**

Corlis S. Moody – Director of the Iowa State Civil Rights Commission

Donald Tietz – Board of Corrections

Thomas Ferguson – Criminal and Juvenile Justice Planning Advisory Council

Gary Mulholland – Narcotics Enforcement Advisory Council

Kelly Rasmussen – Narcotics Enforcement Advisory Council

Rogers Kirk – Board of Parole

Thomas G. Becker – State Public Defender

### **LOCAL GOVERNMENT**

Denise Dolan – County Finance Committee

Richard Heidloff – County Finance Committee

### **NATURAL RESOURCES AND ENVIRONMENT**

Cathy Addington – Iowa Comprehensive Petroleum Underground Storage Tank  
Fund Board

Eldon Boswell – Renewable Fuels and Coproducts Advisory Committee

Lucy Norton – Renewable Fuels and Coproducts Advisory Committee

Eric Seuren – Renewable Fuels and Coproducts Advisory Committee

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

James Davis – Small Business Advisory Council

Denise Essman – Small Business Advisory Council

### **STATE GOVERNMENT**

Gilbert "Ron" Dardis – State of Iowa Adjutant General

Lynn M. Walding – Administrator of the Alcoholic Beverages Division

Ann Diehl – Architectural Examining Board

Billie Houck – Board of Barber Examiners

Patsy Hastings – Board of Chiropractic Examiners

Dean Banowetz – Board of Cosmetology Arts and Sciences Examiners



Alan Hathaway – Board of Dental Examiners  
Lisette Sell – Board of Dental Examiners  
Suzan Stewart – Board of Dental Examiners

Marcy Rolenc – Board of Dietetic Examiners

Susan Albright – Engineering and Land Surveying Examining Board  
Randall Beavers – Engineering and Land Surveying Examining Board

Laura Hawks – Landscape Architectural Examining Board  
Lillie Perry – Landscape Architectural Examining Board

Elizabeth Salinas Newby – Administrator of the Division of Latino Affairs

Mary Junge – Lottery Board

Bruce Hughes – Board of Medical Examiners  
Curtis Reynolds – Board of Medical Examiners

Karen Thomsen – Board of Mortuary Science Examiners

Robert Campbell – Board of Nursing Examiners  
Pauline Taylor – Board of Nursing Examiners

Tim Moe – State Board of Examiners for Nursing Home Administrators

Marilyn Spina – Board of Optometry Examiners

Phyllis Cacciatore – Board of Physical and Occupational Therapy Examiners  
Theodore Peterson – Board of Physical and Occupational Therapy Examiners  
Henrietta Scholten – Board of Physical and Occupational Therapy Examiners

Robert Yoho – Board of Podiatry Examiners

Kathleen H. Chapman – Administrator of Professional Licensing and Regulation

Ruth Daggett – Board of Psychology Examiners

Luther Gammon – Real Estate Appraiser Examining Board

Gregory Hicklin – State Board for Respiratory Care  
Amy Love – State Board for Respiratory Care

Monsignor W. Robert Schmidt – Board of Social Work Examiners

Marianne Mickelson – Board of Speech Pathology and Audiology Examiners

Mildred Dawson – Commission of Veterans Affairs  
Jesse Rodriguez – Commission of Veterans Affairs

Sarah Garst – Iowa Board of Veterinary Medicine  
Paul Willis – Iowa Board of Veterinary Medicine

**TRANSPORTATION**

Joseph Frisbie – Iowa Law Enforcement Academy Council

Mark F. Wandro – Director of Transportation

**WAYS AND MEANS**

Steven Adams – Iowa Finance Authority

**REPORT OF COMMITTEE MEETING****EDUCATION**

**Convened:** January 31, 2000, 2:20 p.m.

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

**Members Absent:** Dvorsky, Harper, and Shearer (all excused).

**Committee Business:** Subcommittee assignment. Presentation by Board of Education Examiners.

**Adjourned:** 3:07 p.m.

**INTRODUCTION OF BILLS**

**Senate File 2061**, by committee on Natural Resources and Environment, a bill for an act relating to the registration and licensing duties of the county recorder and providing for other properly related matters.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2062**, by Lamberti, a bill for an act relating to the eligibility of certain school organizations to conduct games and raffles.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2063**, by Dvorsky and Bolkcom, a bill for an act relating to retirement benefits for employees covered by the Iowa public employees' retirement system who are also certain elective officials.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2064**, by Dvorsky, a bill for an act relating to establishing a bona fide retirement for school employees in the Iowa public employees' retirement system.

Read first time under Rule 28 and referred to committee on **State Government**.

#### STUDY BILLS RECEIVED

**SSB 3028      Commerce**

Relating to the filing of veterinarian liens.

**SSB 3029      Commerce**

Relating to public utilities crossing railroad right-of-way.

**SSB 3030      Transportation**

Relating to motor vehicles, including motor vehicle enforcement, titling, and registration, the renewal of certain licenses related to selling vehicles, and motor carrier regulation, and making penalties applicable.

**SSB 3031      Small Business, Economic Development, and Tourism**

Relating to insurance costs incurred by employers for individuals in targeted, underutilized populations.

**SSB 3032      Small Business, Economic Development, and Tourism**

Relating to the issuance of closing protection letters by the Iowa finance authority.

**SSB 3033      Small Business, Economic Development, and Tourism**

Relating to insurance premium tax credits for the creation of new jobs.

**SSB 3034      Natural Resources and Environment**

Relating to operating watercraft while intoxicated and providing penalties.

**SSB 3035      Natural Resources and Environment**

Relating to outdoor light fixture efficiency.

**SSB 3036      Ways and Means**

Updating the Iowa Code references to the Internal Revenue Code, amending the earned income credit, amending requirements for nonresident taxpayers, providing tax benefits to military personnel in hazardous duty areas, and providing effective and retroactive applicability dates.

**SSB 3037      Ways and Means**

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, sales and use, hotel and motel, county and school local option, real estate transfer, environmental protection charge on petroleum diminution, property, motor fuel, special fuel, cigarette, and inheritance taxes, and imposing the state use and local option taxes on communication services and including effective and retroactive applicability date provisions.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2049**

STATE GOVERNMENT: Schuerer, Chair; Fink and Sexton

**Senate File 2056**

NATURAL RESOURCES AND ENVIRONMENT: Miller, Chair; Bartz and Black

**Senate File 2059**

EDUCATION: Veenstra, Chair; Harper and Sexton

**SSB 1012**

(Reassignment)

STATE GOVERNMENT: Sexton, Chair; Dearden and Rittmer

**SSB 3028**

COMMERCE: Redfern, Chair; Flynn and Johnson

**SSB 3029**

COMMERCE: Lamberti, Chair; Hansen and Jensen

**SSB 3030**

TRANSPORTATION: Sexton, Chair; Drake and McCoy

**SSB 3031**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Tinsman, Chair; Judge and Lundby

**SSB 3032**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Veenstra, Chair; Rittmer and Soukup

**SSB 3033**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Judge, Chair; Rittmer and Sexton

**SSB 3034**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Black and Miller

**SSB 3035**

NATURAL RESOURCES AND ENVIRONMENT: Fink, Chair; Freeman and Johnson

**SSB 3036**

WAYS AND MEANS: McKibben, Chair; Deluhery and Johnson

**SSB 3037**

WAYS AND MEANS: Lamberti, Chair; Harper and Johnson

**COMMITTEE REPORT****NATURAL RESOURCES AND ENVIRONMENT**

**Final Bill Action:** \*SENATE FILE 2061 (SSB 3011), a bill for an act relating to the registration and licensing duties of the county recorder and providing for other properly related matters.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Bartz, King, Fink, Black, Bolkcom, Deluhery, Drake, Freeman, Johnson, Kibbie, Miller, Rehberg, and Rife. Nays, none. Absent or not voting, 2: Dearden and Gaskill.

**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 Natural Resources and Environment Committee on Senate File 2061, and they were attached to the committee report.

**ADJOURNMENT**

On motion of Senator Iverson, the Senate adjourned at 1:35 p.m., until 9:00 a.m., Tuesday, February 1, 2000.

# JOURNAL OF THE SENATE

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TWENTY-THIRD CALENDAR DAY  
FOURTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 1, 2000

The Senate met in regular session at 9:15 a.m., President Kramer presiding.

Prayer was offered by the Reverend Louis Jaeger, pastor of St. Henry's Church of Marshalltown, Iowa, guest of Senator McKibben.

The Journal of Monday, January 31, 2000, was approved.

## SPECIAL GUEST

Senator Jensen presented Mrs. Opal Zesch. Married for 69 years and long-time Iowa residents, Ernest and Opal Zesch were recognized for their generous donation of \$10,000 towards the restoration of "Westward."

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shearer, for the day, on request of Senator Black.

## SPECIAL GUESTS

Senator Szymoniak presented Dr. Kenneth M. Quinn, Ambassador (Ret.) and Executive Director of The World Food Prize Foundation.

Dr. Quinn addressed the Senate with brief remarks in honor of World Food Prize Recognition Day. The World Food Prize, known to many as the "Nobel Prize" for food, is awarded to an individual who has advanced human development by improving the quality,

quantity, or availability of food in the world. An award of \$250,000 is presented in Des Moines each October.

Dr. Quinn made the following introductions:

Norman E. Borlaug, Ph.D., 1970 Nobel Peace Prize Laureate;

John Ruan, Philanthropist and Chairman of The World Food Prize Foundation;

Dean R. Kleckner, Past President of the American Farm Bureau Federation;

John Ruan III, Vice Chairman of The World Food Prize Foundation;

Michael G. Gartner, Former Co-Owner of the Ames Daily Tribune and Past President of NBC News;

Robert D. Havener, President Emeritus of Winrock International;

A.S. Clausi, Past President, Institute of Food Technologists and Senior Vice President (Ret.) of General Foods Corp.;

Ann Schodde, Executive Director, Iowa Council for International Understanding; and

Denise Essman, President and CEO of Essman/Associates, Inc.

Dr. Quinn introduced the following World Food Prize Youth Interns:

Amanda James, sophomore at Grinnell College from Creston, who served at the International Center for Insect Physiology and Ecology in Nairobi, Kenya, worked with World Food Prize Laureate B.R. Barwale in India over winter break, and has been invited to return to India during the summer of 2000;

Matthew Feldmann, sophomore at Northwestern University from Regis High School in Cedar Rapids, who served at the International Maize and Wheat Improvement Center in Texcoco, Mexico, and returned on his own for a second summer internship;

Zachary Vosburg, freshman at Wartburg College from Hampton, who served at the International Livestock Research Institute, Nairobi, Kenya;

Martha Pope, freshman at Iowa State University from Mason City, who served at the International Rice Research Institute, Manila, the Philippines;



Meredith Nelson, senior at Bettendorf High School, who served at the International Maize and Wheat Improvement Center, Texcoco, Mexico;

Aysha Chowdhry, senior at Independence High School, who served at the M.S. Swaminathan Research Foundation, Madras, India; and

Jessica Heikkila, senior at Lamoni High School, who served at the International Center for Insect Physiology and Ecology, Nairobi, Kenya (not present).

Dr. Quinn announced the special recognition of John Ruan, in receiving the Distinguished Service Award from American Farm Bureau.

Dr. Quinn announced that Former President George Bush has joined the Council of Advisors for The World Food Prize Foundation.

John Ruan addressed the Senate with brief remarks.

Dr. Norman E. Borlaug addressed the Senate with brief remarks.

Dr. Quinn presented framed certificates from The World Food Prize Foundation to President of the Senate Mary E. Kramer, Senate Majority Leader Stewart E. Iverson, Jr., and Senate Minority Leader Michael E. Gronstal.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:50 a.m., until 1:00 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** January 31, 2000, 4:04 p.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Deluhery, Ranking Member; Bolkcom, Gronstal, Hansen, Johnson, King, Lamberti, Redfern, Redwine, and Schuerer.

**Members Absent:** Flynn, Lundby, and McCoy (all excused).

**Committee Business:** Passed SR 102. Presentation by Holmes Foster, State Banking Superintendent.

**Adjourned:** 5:01 p.m.

#### RULES AND ADMINISTRATION

**Convened:** January 31, 2000, 5:12 p.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:** Unanimously approved by short form the following: proposed travel policy, assignment of the Governor's appointments, and the Senate process for budget requests.

**Adjourned:** 5:24 p.m.

### CERTIFICATE OF RECOGNITION

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

Ernest and Opal Zesch, Des Moines – For your generous donation to the restoration of “Westward.” Senator Jensen (02/01/00).

### INTRODUCTION OF BILLS

**Senate File 2065**, by Rehberg, a bill for an act relating to the appointment of law enforcement officers at state parks.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

**Senate File 2066**, by Kibbie, Harper, Soukup, Hammond, Bolkcom, Dvorsky, Deluhery, and Shearer, a bill for an act providing for the marketing of livestock by prohibiting price discrimination and providing penalties.

Read first time under Rule 28 and referred to committee on **Agriculture.**

**Senate File 2067**, by Connolly, a bill for an act making an appropriation to the department of education relating to training programs for adult volunteers who work with adolescent youths in after school mentoring programs.

Read first time under Rule 28 and referred to committee on **Education.**

#### SUBCOMMITTEE ASSIGNMENTS

##### **Senate File 2050**

JUDICIARY: Redfern, Chair; Fraise and McKean

##### **Senate File 2052**

JUDICIARY: Maddox, Chair; Hammond and McKean

##### **Senate File 2054**

JUDICIARY: McKean, Chair; Fraise and Hansen

##### **Senate File 2058**

TRANSPORTATION: Kibbie, Chair; Jensen and Sexton

##### **Senate File 2060**

JUDICIARY: Redfern, Chair; Hansen and McKean

## AFTERNOON SESSION

The Senate reconvened at 1:10 p.m., Senator Hedge presiding.

## QUORUM CALL

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

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dearden, until he arrives, on request of Senator Kibbie.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2048.

**Senate File 2048**

On motion of Senator Drake, **Senate File 2048**, a bill for an act providing for the appointment and length of terms for members added to a hospital board of trustees, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2048), the vote was:

Ayes, 47:

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	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

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

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 101.

#### **Senate Concurrent Resolution 101**

On motion of Senator Miller, Senate Concurrent Resolution 101, a concurrent resolution to request a United States Corps of Engineers' study of the lower Des Moines River, with report of committee recommending passage, was taken up for consideration.

Senator Miller moved the adoption of Senate Concurrent Resolution 101, which motion prevailed by a voice vote.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2048** and **Senate Concurrent Resolution 101** be **immediately messaged** to the House.

### INTRODUCTION OF BILL

**Senate File 2068**, by McKibben, a bill for an act relating to the repeal of the state inheritance tax and state qualified use inheritance tax.

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

## **APPENDIX**

### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 1, 2000, to investigate the appointment and reappointment of the following appointees:

#### **AGRICULTURE**

As a member of the Iowa Grain Indemnity Fund Board:

DONNA WINBURN – Miller, Chair; Hedge and Black

As members of the State Soil Conservation Committee:

MUFFY HARMON – Bartz, Chair; Sexton and Soukup  
GERALD JOHNSON – Bartz, Chair; Sexton and Soukup  
CHARLES MANSON – Angelo, Chair; Zieman and Shearer  
JOHN SELLERS, JR. – Angelo, Chair; Zieman and Shearer

#### **BUSINESS AND LABOR RELATIONS**

As a member of the Employment Appeal Board:

ELIZABETH SEISER – Rife, Chair; Hedge and Hansen

As a member of the Public Employment Relations Board:

JAMES RIORDAN – Schuerer, Chair; Behn and Horn

As Director of Workforce Development:

RICHARD V. RUNNING – McKibben, Chair; Freeman and Dearden

#### **COMMERCE**

As Superintendent of Banking:

HOLMES FOSTER – Lamberti, Chair; Deluhery and Gronstal

As a member of the Credit Union Review Board:

BARBARA OLIVER HALL – McCoy, Chair; Lamberti and King

As members of the Title Guaranty Division Board:

SURASEE RODARI – Lundby, Chair; Redfern and Flynn  
MITCHELL TAYLOR – Redwine, Chair; Bolcom and Johnson

As Chair of the Utilities Board:

ALLAN THOMS – Jensen, Chair; Hansen and King

As a member of the Utilities Board:

DIANE C. MUNNS – Deluhery, Chair; Schuerer and Lundby

### **EDUCATION**

As Director of the Department of Cultural Affairs:

DOUGLAS W. LARCHE – Gaskill, Chair; Tinsman and Harper

As Director of the Department of Education:

FREDERICK STILWILL – Redfern, Chair; Connolly and Rehberg

### **HUMAN RESOURCES**

As a member of the Board of Examiners for Athletic Training:

MARY KHOWASSAH – Dvorsky, Chair; Bartz and Behn

As a member of the Board of Behavioral Science Examiners:

VILIA SAUERBERG – Bartz, Chair; Dvorsky and Schuerer

As members of the Commission of the Deaf:

SUSAN MACDONALD – Szymoniak, Chair; Redwine and Bartz  
SHARON TERRY – Hammond, Chair; Behn and Szymoniak

As Administrator of the Division of Persons with Disabilities:

MARILYN TURNER – Szymoniak, Chair; Bartz and Behn

As Community Empowerment Facilitator:

KRISTYN R. BELL – Boettger, Chair; Tinsman and Szymoniak

As a member of the State Citizen Foster Care Review Board:

RUTH GAINES – Hammond, Chair; Redwine and Veenstra

As a member of the Healthy And Well Kids in Iowa (HAWK-I) Board:

SUSAN POULTON – Harper, Chair; Miller and Tinsman

As a member of the Health Facilities Council:

JOAN KOENIGS – Shearer, Chair; Schuerer and Tinsman

As a member of the Council on Human Services:

DONALD WRIGHT – Harper, Chair; Veenstra and Miller

As members of the Board of Physician Assistant Examiners:

BERY ENGBRETSSEN – Miller, Chair; Behn and Veenstra

GLORIA WELTE – Veenstra, Chair; Harper and Miller

### **JUDICIARY**

As Director of the Iowa State Civil Rights Commission:

CORLIS S. MOODY – McCoy, Chair; Maddox and Lamberti

As a member of the Board of Corrections:

DONALD TIETZ – Maddox, Chair; Dvorsky and McKean

As a member of the Criminal and Juvenile Justice Planning Advisory Council:

THOMAS FERGUSON – Redfern, Chair; Hansen and Angelo

As members of the Narcotics Enforcement Advisory Council:

GARY MULHOLLAND – Tinsman, Chair; Hammond and Miller

KELLY RASMUSSEN – Lamberti, Chair; Maddox and McCoy

As a member of the Board of Parole:

ROGERS KIRK – Tinsman, Chair; Maddox and Angelo

As State Public Defender:

THOMAS G. BECKER – Maddox, Chair; Fraise and McKibben

### **LOCAL GOVERNMENT**

As members of the County Finance Committee:

DENISE DOLAN – McCoy, Chair; McKibben and Gaskill

RICHARD HEIDLOFF – Zieman, Chair; McKean and McCoy

### **NATURAL RESOURCES AND ENVIRONMENT**

As a member of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board:

CATHY ADDINGTON – Kibbie, Chair; Rife and Rehberg



As members of the Renewable Fuels and Coproducts Advisory Committee:

ELDON BOSWELL – Bartz, Chair; Rife and Bolkcom  
LUCY NORTON – Rehberg, Chair; Dearden and Kibbie  
ERIC SEUREN – Bartz, Chair; Johnson and Kibbie

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

As members of the Small Business Advisory Council:

JAMES DAVIS – Soukup, Chair; Judge and Veenstra  
DENISE ESSMAN – Soukup, Chair; Judge and Sexton

### **STATE GOVERNMENT**

As the State of Iowa Adjutant General:

GILBERT "RON" DARDIS – Maddox, Chair; Kibbie and Drake

As Administrator of the Alcoholic Beverages Division:

LYNN M. WALDING – Dearden, Chair; Lamberti and Drake

As a member of the Architectural Examining Board:

ANN DIEHL – Fink, Chair; King and Schuerer

As a member of the Board of Barber Examiners:

BILLIE HOUCK – Dearden, Chair; Lamberti and Maddox

As a member of the Board of Chiropractic Examiners:

PATSY HASTINGS – King, Chair; Fink and Lundby

As a member of the Board of Cosmetology Arts and Sciences Examiners:

DEAN BANOWETZ – Rittmer, Chair; Deluhery and King

As members of the Board of Dental Examiners:

ALAN HATHAWAY – Deluhery, Chair; Drake and Schuerer  
LISETTE SELL – Dearden, Chair; Maddox and Sexton  
SUZAN STEWART – King, Chair; Dearden and Schuerer

As a member of the Board of Dietetic Examiners:

MARCY ROLENC – Szymoniak, Chair; Lundby and Drake

As members of the Engineering and Land Surveying Examining Board:

SUSAN ALBRIGHT – Maddox, Chair; Dearden and Lamberti

RANDALL BEAVERS – Szymoniak, Chair; Lamberti and Maddox

As members of the Landscape Architectural Examining Board:

LAURA HAWKS – Connolly, Chair; Sexton and Drake

LILLIE PERRY – Deluhery, Chair; Schuerer and King

As Administrator of the Division of Latino Affairs:

ELIZABETH SALINAS NEWBY – Szymoniak, Chair; Drake and Maddox

As a member of the Lottery Board:

MARY JUNGE – Lundby, Chair; Connolly and Sexton

As members of the Board of Medical Examiners:

BRUCE HUGHES – Dearden, Chair; Lundby and Sexton

CURTIS REYNOLDS – Lundby, Chair; Szymoniak and King

As a member of the Board of Mortuary Science Examiners:

KAREN THOMSEN – McLaren, Chair; Fink and King

As members of the Board of Nursing Examiners:

ROBERT CAMPBELL – Lundby, Chair; Connolly and Drake

PAULINE TAYLOR – Lundby, Chair; Connolly and Maddox

As a member of the State Board of Examiners for Nursing Home Administrators:

TIM MOE – Deluhery, Chair; Drake and Sexton

As a member of the Board of Optometry Examiners:

MARILYN SPINA – Dearden, Chair; Lamberti and Schuerer

As members of the Board of Physical and Occupational Therapy Examiners:

PHYLLIS CACCIATORE – Rittmer, Chair; Dearden and Lamberti

THEODORE PETERSON – Lundby, Chair; Kibbie and Deluhery

HENRIETTA SCHOLTEN – King, Chair; Kibbie and Drake

As a member of the Board of Podiatry Examiners:

ROBERT YOHO – Maddox, Chair; Szymoniak and McLaren

As Administrator of Professional Licensing and Regulation:

KATHLEEN H. CHAPMAN – Lundby, Chair; Kibbie and Schuerer

As a member of the Board of Psychology Examiners:

RUTH DAGGETT – Lamberti, Chair; Dearden and Maddox

As a member of the Real Estate Appraiser Examining Board:

LUTHER GAMMON – McLaren, Chair; Fink and Sexton

As members of the State Board for Respiratory Care:

GREGORY HICKLIN – Szymoniak, Chair; Maddox and Lamberti

AMY LOVE – King, Chair; Kibbie and Lundby

As a member of the Board of Social Work Examiners:

MONSIGNOR W. ROBERT SCHMIDT – Deluhery, Chair; Drake and Lundby

As a member of the Board of Speech Pathology and Audiology Examiners:

MARIANNE MICKELSON – Kibbie, Chair; Schuerer and Dearden

As members of the Commission of Veterans Affairs:

MILDRED DAWSON – Kibbie, Chair; Drake and Lundby

JESSE RODRIGUEZ – Drake, Chair; Kibbie and Sexton

As members of the Iowa Board of Veterinary Medicine:

SARAH GARST – Kibbie, Chair; Sexton and Schuerer

PAUL WILLIS – Kibbie, Chair; McLaren and Sexton

## **TRANSPORTATION**

As a member of the Iowa Law Enforcement Academy Council:

JOSEPH FRISBIE – Zieman, Chair; Jensen and McCoy

As Director of Transportation:

MARK F. WANDRO – Drake, Chair; Sexton and Judge

## **WAYS AND MEANS**

As a member of the Iowa Finance Authority:

STEVEN ADAMS – McLaren, Chair; Lamberti and Flynn

## REPORTS OF COMMITTEE MEETINGS

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** February 1, 2000, 10:13 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Black, Ranking Member; Fink and Gaskill.

**Members Absent:** None.

**Committee Business:** Presentation by the DNR.

**Adjourned:** 11:10 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** February 1, 2000, 9:56 a.m.

**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Soukup, Ranking Member; Judge and Lamberti.

**Members Absent:** None.

**Committee Business:** Presentation on small business programs.

**Adjourned:** 12:04 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 1, 2000, 10:00 a.m.

**Members Present:** Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

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

**Committee Business:** Board of Regents discussed their budget.

**Adjourned:** 11:45 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** February 1, 2000, 10:05 a.m.

**Members Present:** Rife, Chair; Zieman, Vice Chair; and McKibben.

**Members Absent:** Bolcom, Ranking Member; and Dearden (both excused).

**Committee Business:** Presentations by Dept. for the Blind, Civil Rights Commission, and Governor's Alliance on Substance Abuse.

**Adjourned:** 11:18 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 1, 2000, 10:05 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller and Szymoniak.

**Members Absent:** None.

**Committee Business:** Presentations by empowerment facilitator area representative and long-term care provider representative.

**Adjourned:** 11:57 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 1, 2000, 10:03 a.m.

**Members Present:** Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise and McKean.

**Members Absent:** None.

**Committee Business:** Presentations by the Board of Parole and the Dept. of Public Safety.

**Adjourned:** 11:40 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** February 1, 2000, 10:15 a.m.

**Members Present:** King, Chair; Deluhery, Ranking Member; Harper and Rittmer.

**Members Absent:** Lundby, Vice Chair.

**Committee Business:** Discussion on Iowa Access Financial Model.

**Adjourned:** 11:15 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 1, 2000, 10:00 a.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair; Connolly, Ranking Member; and Johnson.

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

**Committee Business:** Presentations by the Dept. of Corrections and the Dept. of Human Services.

**Adjourned:** 11:22 a.m.

## **JUDICIARY**

**Convened:** February 1, 2000, 4:02 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Dvorsky, Fraise, Hammond, Horn, Maddox, McKibben, Miller, and Redfern.

**Members Absent:** Boettger, McCoy, and Tinsman.

**Committee Business:** Subcommittee assignments. Passed SF 2015 and SF 2031. Approved SSB 3023. Subcommittee assignments for Governor's appointments.

**Adjourned:** 4:23 p.m.

## **STATE GOVERNMENT**

**Convened:** February 1, 2000, 3:02 p.m.

**Members Present:** Rittmer, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Schuerer, Sexton, and Szymoniak.

**Members Absent:** Maddox and McLaren (both excused).

**Committee Business:** Approved subcommittee assignments for Governor's appointees. Passed HF 686, as amended, and HF 475, as amended.

**Adjourned:** 3:18 p.m.

## **INTRODUCTION OF BILLS**

**Senate File 2069**, by Hammond, a bill for an act providing for standing referrals made by a primary care physician.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 2070**, by Veenstra, Rehberg, Behn, Zieman, Hedge, Boettger, King, Kibbie, Flynn, Schuerer, and Angelo, a bill for an act relating to the tuition tax credit under the individual income tax and including a retroactive applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

#### STUDY BILLS RECEIVED

**SSB 3038      State Government**

Relating to the licensing of individuals engaged in the healing art of message therapy.

**SSB 3039      Local Government**

Relating to procedures for discontinuance of a city.

**SSB 3040      Commerce**

Relating to the assessment and collection of delinquency charges associated with certain consumer credit transactions.

**SSB 3041      Commerce**

Relating to a consumer's right to refinance a balloon payment associated with certain consumer loans secured by an interest in a motor vehicle or vessel.

**SSB 3042      Commerce**

Providing for recovery of remedies by persons directly or indirectly injured by certain anticompetitive acts prohibited by law.

**SSB 3043      Commerce**

Relating to the regulation of health organizations for purposes of solvency and establishing a measure for the risk-based capital of a health organization.

**SSB 3044      Commerce**

Relating to the regulation of the sale of viatical settlements.

**SSB 3045 Commerce**

Creating a county and state mutual insurance guaranty association and providing penalties.

**SSB 3046 Ways and Means**

Relating to the inclusion of territory in urban renewal areas.

**SSB 3047 Judiciary**

Relating to jurisdictional changes to small claims court cases.

**SSB 3048 Judiciary**

Relating to the prohibition of shipping or importing into the state, or the offering for sale, selling, transporting, distributing, or possessing within the state of cigarettes and tobacco products which were previously exported from or which are manufactured for use outside the United States, and making penalties applicable.

**SSB 3049 Judiciary**

Relating to certain providers of consumer services by eliminating the registration requirement for physical exercise clubs, making social referral service providers subject to provisions relating to door-to-door sales, and making penalties applicable.

**SSB 3050 Judiciary**

Relating to the concurrent jurisdiction of the juvenile court and the district court relating to modification of child custody and support orders.

**SSB 3051 State Government**

Relating to the department of public defense by changing the number and qualifications of general officers in the Iowa national guard and increasing the membership of the emergency response commission and providing an effective date.



**SSB 3052      Judiciary**

Concerning the duties of the department of public safety by providing for an increase in fees collected by the department from private investigative agencies and agents, for certain activities involving the state fire marshal, for certain weapons permits, and for sex offender registration, by appropriating fees for use by the department, and by providing additional training and other requirements for weapons permits.

**SSB 3053      Commerce**

Relating to the limitation on deposits which may be held by a depository institution or holding company and establishment of a procedure for determining compliance with such limitation, providing for the Act's applicability, and providing an effective date.

**SSB 3054      Education**

Relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2044**

AGRICULTURE: Hedge, Chair; Kibbie and Veenstra

**Senate File 2062**

STATE GOVERNMENT: Lamberti, Chair; Fink and Schuerer

**Senate File 2063**

STATE GOVERNMENT: Rittmer, Chair; Kibbie and Lundby

**Senate File 2064**

STATE GOVERNMENT: Rittmer, Chair; Drake and Kibbie

**Senate File 2067**

EDUCATION: Boettger, Chair; Angelo and Connolly

**Senate File 2068**

WAYS AND MEANS: Johnson, Chair; Bolkcom and McKibben

**SSB 3038**

STATE GOVERNMENT: Szymoniak, Chair; Lundby and Sexton

**SSB 3039**

LOCAL GOVERNMENT: Miller, Chair; Bolkcom and McKibben

**SSB 3040**

COMMERCE: King, Chair; Johnson and McCoy

**SSB 3041**

COMMERCE: King, Chair; McCoy and Redwine

**SSB 3042**

COMMERCE: Redfern, Chair; Bolkcom and Lamberti

**SSB 3043**

COMMERCE: Lundby, Chair; Hansen and Johnson

**SSB 3044**

COMMERCE: Gronstal, Chair; King and Lundby

**SSB 3045**

COMMERCE: Schuerer, Chair; Gronstal and Redfern

**SSB 3046**

WAYS AND MEANS: Maddox, Chair; Johnson and Soukup

**SSB 3047**

JUDICIARY: Maddox, Chair; McCoy and McKibben

**SSB 3048**

JUDICIARY: McKean, Chair; Boettger and Hammond

**SSB 3049**

JUDICIARY: Miller, Chair; Dvorsky and Redfern

**SSB 3050**

JUDICIARY: Boettger, Chair; Hammond and Miller

**SSB 3051**

STATE GOVERNMENT: Kibbie, Chair; Drake and Sexton

**SSB 3052**

JUDICIARY: Maddox, Chair; Dvorsky and McKean

**SSB 3053**

COMMERCE: Jensen, Chair; Flynn and Redfern

**SSB 3054**

EDUCATION: Redfern, Chair; Connolly and Rehberg

**COMMITTEE REPORT****COMMERCE**

**Final Bill Action:** \*SENATE RESOLUTION 102, a resolution requesting that Congress grant states the authority to regulate automatic teller machine or satellite terminal charges assessed by financial institutions.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5003.

**Final Vote:** Ayes, 12: Jensen, Maddox, Deluhery, Bolkcom, Gronstal, Hansen, Johnson, King, Lamberti, Redfern, Redwine, and Schuerer. Nays, none. Absent or not voting, 3: Flynn, Lundby, and McCoy.

**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 Commerce Committee on Senate Resolution 102, and they were attached to the committee report.

**AMENDMENT FILED**

S-5003      S.R.      102      Commerce

**ADJOURNMENT**

On motion of Senator Iverson, the Senate adjourned at 1:29 p.m., until 9:00 a.m., Wednesday, February 2, 2000.

# JOURNAL OF THE SENATE

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TWENTY-FOURTH CALENDAR DAY  
FIFTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 2, 2000

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

Prayer was offered by the Reverend Stephan Anenson of the Immanuel Lutheran Church of Story City, Iowa, guest of Senator McKibben.

The Journal of Tuesday, February 1, 2000, was approved.

## 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:

February 1, 2000

#### GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

Iowa's Application to the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program FY 2000.

#### DEPARTMENT OF PUBLIC HEALTH

Organized Delivery Systems in Iowa: A Report to the General Assembly — February 1, 2000, as pursuant to 1993 Iowa Acts, chapter 158.

#### TREASURER OF STATE

1999 Linked Investments for Tomorrow Annual Report.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** February 1, 2000, 10:05 a.m.

**Members Present:** Redwine, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Flynn, and Sexton.

**Members Absent:** None.

**Committee Business:** Presentation by the Office of the Treasurer of State. Discussion of real estate issues.

**Adjourned:** 11:30 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** February 2, 2000, 10:15 a.m.

**Members Present:** Behn, Chair; and Gaskill.

**Members Absent:** Hedge, Vice Chair; Black, Ranking Member; and Fink (all excused).

**Committee Business:** Presentations by State Veterinarian and ISU Vet. Med.

**Adjourned:** 10:50 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** February 2, 2000, 9:39 a.m.

**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Soukup, Ranking Member; Judge and Lamberti.

**Members Absent:** None.

**Committee Business:** Presentation of immigration issues.

**Adjourned:** 11:44 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** February 2, 2000, 10:06 a.m.

**Members Present:** Rife, Chair; Zieman, Vice Chair; Bolkom, Ranking Member; Dearden and McKibben.

**Members Absent:** None.

**Committee Business:** Budget presentation by Dept. of Elder Affairs. Discussion of Long-Term Care Fund.

**Adjourned:** 11:40 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 2, 2000, 10:15 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller and Szymoniak.

**Members Absent:** None.

**Committee Business:** Presentations on pregnancy prevention providers, grants, personal assistance, and DHS responses.

**Adjourned:** 12:15 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 2, 2000, 10:10 a.m.

**Members Present:** Maddox, Chair; Dvorsky, Ranking Member; and Fraise.

**Members Absent:** Angelo, Vice Chair; and McKean (both excused).

**Committee Business:** Presentations by the Office of the Attorney General.

**Adjourned:** 10:50 a.m.

## **APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Conven ed:** February 2, 2000, 10:15 a.m.

**Members Present:** King, Chair; Lundby, Vice Chair; Deluhery, Ranking Member; and Harper.

**Members Absent:** Rittmer.

**Committee Business:** Discussion of Iowa Access Funding Model.

**Adjourned:** 11:00 a.m.

## **AGRICULTURE**

**Conven ed:** February 2, 2000, 8:02 a.m.

**Members Present:** Gaskill, Chair; Miller, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Soukup, Veenstra, and Zieman.

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

**Committee Business:** Presentations by Iowa Dept. of Agriculture for Land Stewardship (IDALS) and Iowa Pork Producers.

**Adjourned:** 8:59 a.m.

## **EDUCATION**

**Convened:** February 2, 2000, 1:02 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:** Approved SSB 3054. Subcommittee assignments. Approved subcommittee assignments for Governor's appointees.

**Adjourned:** 1:56 p.m.

**HUMAN RESOURCES**

**Convened:** February 2, 2000, 2:07 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Behn, Dvorsky, Hammond, Harper, Miller, Shearer, Tinsman, and Veenstra.

**Members Absent:** Bartz and Schuerer (both excused).

**Committee Business:** Szymoniak spoke about Fatherhood Initiatives and introduced additional presenters.

**Adjourned:** 2:53 p.m.

**TRANSPORTATION**

**Convened:** February 2, 2000, 2:08 p.m.

**Members Present:** Drake, Chair; Sexton, Vice Chair; McCoy, Ranking Member; Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Zieman.

**Members Absent:** None.

**Committee Business:** Passed HF 620 and SF 2042. Approved SSB 3012. Subcommittee assignment.

**Adjourned:** 2:52 p.m.

**CERTIFICATES OF RECOGNITION**

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

Helen Shriver, Independence – For celebrating your 100th birthday on February 1, 2000. Senator Rehberg (02/02/00).

Gladys Stealy, Dunkerton – For celebrating your 101st birthday on January 22, 2000. Senator Rehberg (02/02/00).

Elycse Bartmus, Centerville – For being a first place winner in the 1999 Iowa Children's Water Festival Poster Contest. Senator Kramer (02/02/00).

Ethan Crow, Marshalltown – For being a third place winner in the 1999 Iowa Children's Water Festival Poster Contest. Senator Kramer (02/02/00).

Logan Dunbar, Gilmore City – For being a winner in the 1999 Iowa Children's Water Festival Essay Contest. Senator Kramer (02/02/00).

Austin Haywood, Eldora – For being a second place winner in the 1999 Iowa Children's Water Festival Essay Contest. Senator Kramer (02/02/00).



Ashlee Holdgrafer, Alleman – For being a first place winner in the 1999 Iowa Children's Water Festival Essay Contest. Senator Kramer (02/02/00).

Sarah Oswalt, Monroe – For being a second place winner in the 1999 Iowa Children's Water Festival Poster Contest. Senator Kramer (02/02/00).

Timmy Rogers, Ankeny – For being a third place winner in the 1999 Iowa Children's Water Festival Essay Contest. Senator Kramer (02/02/00).

Brittany Stamper, Gilmore City – For being a winner in the 1999 Iowa Children's Water Festival Poster Contest. Senator Kramer (02/02/00).

## INTRODUCTION OF RESOLUTION

**Senate Resolution 103**, by Freeman, a resolution honoring native Iowan and St. Louis Rams offensive lineman Adam Timmerman.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILLS

**Senate File 2071**, by Sexton, a bill for an act relating to certain state and municipal agencies by making changes relating to the provision of and training for fire protection service and emergency medical service, by amending the powers and duties of townships and township officers, and by providing for the nonpartisan election of township officers.

Read first time under Rule 28 and referred to committee on **Local Government**.

**Senate File 2072**, by Connolly, Black, Bolkcom, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2073**, by Fink, a bill for an act relating to the duties of the state board of education by striking the requirement that the state board adopt rules relating to the incorporation of accountability for student achievement into the education standards and accreditation process and making related changes.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2074**, by Lamberti, a bill for an act authorizing disclosure of certain information to the legal guardian of an individual receiving assistance or services from the department of human services.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 2075**, by Veenstra, Boettger, Behn, Redfern, King, Redwine, Angelo, Hedge, Lamberti, McKean, and Bartz, a bill for an act establishing covenant marriages and providing an effective date.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2076**, by Szymoniak, a bill for an act relating to the use of marijuana for therapeutic purposes and establishing a marijuana therapeutic research program.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 2077**, by Flynn and Fraise, a bill for an act creating a merchant marine bonus fund and making an appropriation.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2078**, by Maddox, a bill for an act relating to the definition of theft.

Read first time under Rule 28 and referred to committee on **Judiciary.**

**Senate File 2079**, by committee on Judiciary, a bill for an act relating to the prohibition of shipping or importing into the state, or the offering for sale, selling, transporting, distributing, or possessing within the state, of cigarettes and tobacco products which were previously exported from or which are manufactured for use outside the United States, and making penalties applicable.

Read first time under Rule 28 and placed on **calendar.**

**Senate File 2080**, by Harper, Bolkcom, Connolly, Dearden, Deluhery, Fink, Flynn, Fraise, Hammond, Kibbie, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act relating to the individual income tax by eliminating the deduction for federal income taxes paid, decreasing the tax rates, increasing the amount of the net income exclusion for single individuals, and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

**Senate File 2081**, by Lamberti, a bill for an act relating to minors' school driver's licenses.

Read first time under Rule 28 and referred to committee on **Transportation.**

**Senate File 2082**, by committee on Education, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

Read first time under Rule 28 and placed on **calendar.**

**Senate File 2083**, by committee on Transportation, a bill for an act prohibiting motor vehicle manufacturers, distributors, wholesalers, and importers from being licensed as, owning an interest in, operating, or controlling a motor vehicle dealer, providing exceptions, and making a penalty applicable.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2084**, by committee on Transportation, a bill for an act relating to the issuance of special support family farming motor vehicle registration plates, establishing fees, and making an appropriation.

Read first time under Rule 28 and placed on **calendar**.

### STUDY BILLS RECEIVED

#### **SSB 3030.1     Transportation**

Relating to motor vehicles, including motor vehicle enforcement, titling, and registration, the renewal of certain licenses related to selling vehicles, and motor carrier regulation, making penalties applicable, and providing effective dates.

#### **SSB 3055     Judiciary**

Relating to a criminal sentence subject to the maximum accumulation of good time credits of fifteen percent of the total sentence of confinement.

#### **SSB 3056     Transportation**

Relating to violations of the maximum gross weight limitations for vehicles operated on the highways of this state.

#### **SSB 3057     Judiciary**

Relating to the consolidation of certain criminal offenses concerning computer access, damage, or theft, video rental theft, election bribery, and voting duress.

#### **SSB 3058     Judiciary**

Relating to the accumulation of credit upon an inmate's sentence for Iowa inmates incarcerated in another jurisdiction.

#### **SSB 3059     State Government**

Relating to the authorization to practice physical therapy and physiotherapy.

**SSB 3060      State Government**

Relating to the confidentiality of internet protocol numbers associated with public information requests.

**SSB 3061      State Government**

Relating to regulatory duties of the department of inspections and appeals related to games of skill or chance and raffles and appropriating certain fees to the department.

**SSB 3062      State Government**

Relating to the duties of divisions within the department of inspections and appeals and codifying the establishment and duties of the existing health facilities division.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2053**

EDUCATION: Rehberg, Chair; Boettger and Connolly

**Senate File 2057**

HUMAN RESOURCES: Boettger, Chair; Harper and Tinsman

**Senate File 2065**

NATURAL RESOURCES AND ENVIRONMENT: Rehberg, Chair; Black and King

**Senate File 2070**

WAYS AND MEANS: Johnson, Chair; Flynn and Hedge

**Senate File 2071**

LOCAL GOVERNMENT: Bartz, Chair; Hammond and Rife

**Senate File 2075**

JUDICIARY: Angelo, Chair; Fraise and Lamberti

**Senate File 2078**

JUDICIARY: Maddox, Chair; Lamberti and McCoy

**SSB 3030.1**

TRANSPORTATION: Sexton, Chair; Drake and McCoy

**SSB 3055**

JUDICIARY: McKean, Chair; Hammond and Maddox

**SSB 3056**

TRANSPORTATION: Drake, Chair; Jensen and McCoy

**SSB 3057**

JUDICIARY: McKean, Chair; Hammond and Maddox

**SSB 3058**

JUDICIARY: McKean, Chair; Hammond and Maddox

**SSB 3059**

STATE GOVERNMENT: Rittmer, Chair; King and Szymoniak

**SSB 3060**

STATE GOVERNMENT: King, Chair; Deluhery and Lundby

**SSB 3061**

STATE GOVERNMENT: Sexton, Chair; Fink and McLaren

**SSB 3062**

STATE GOVERNMENT: Deluhery, Chair; Lundby and Schuerer

**COMMITTEE REPORTS****EDUCATION**

**Final Bill Action:** SENATE FILE 2082 (SSB 3054), a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra.

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

## **JUDIUCIARY**

**Final Bill Action:** SENATE FILE 2015, a bill for an act relating to the enhanced criminal penalties associated with sexually predatory offenses and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2031, a bill for an act relating to violations of the sex offender registry requirements and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2079 (SSB 3023), a bill for an act relating to the prohibition of shipping or importing into the state, or the offering for sale, selling, transporting, distributing, or possessing within the state, of cigarettes and tobacco products which were previously exported from or which are manufactured for use outside the United States, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

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

## **STATE GOVERNMENT**

**Final Bill Action:** HOUSE FILE 475, a bill for an act concerning nonsubstantive gender-related provisions in the Code.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5004.

**Final Vote:** Ayes, 13: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 2: Maddox and McLaren.

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

ALSO:

**Final Bill Action:** HOUSE FILE 686, a bill for an act providing registration requirements and establishing a scope of authority for dental assistants, and providing an effective date.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5005.

**Final Vote:** Ayes, 13: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 2: Maddox and McLaren.

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

## TRANSPORTATION

**Final Bill Action:** SENATE FILE 2083 (SSB 3012), a bill for an act prohibiting motor vehicle manufacturers, distributors, wholesalers, and importers from being licensed as, owning an interest in, operating, or controlling a motor vehicle dealer, providing exceptions, and making a penalty applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Drake, Sexton, McCoy, Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Zieman. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2084 (Formerly SF 2042), a bill for an act relating to the issuance of special support family farming motor vehicle registration plates, establishing fees, and making an appropriation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Drake, Sexton, McCoy, Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Zieman. Nays, none. Absent or not voting, none.

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



## AMENDMENTS FILED

S-5004	H.F.	475	State Government
S-5005	H.F.	686	State Government

## GOVERNOR'S WITHDRAWAL OF APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on February 2, 2000:

I submitted the name of Lisette Sell of Polk County to serve on the Board of Dental Examiners. Ms. Sell has recently moved out of state. I withdraw her name from further consideration by the Senate.

Sincerely,  
THOMAS J. VILSACK  
Governor

GOVERNOR'S APPOINTEE PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

**TRANSPORTATION**

Mark F. Wandro – Director of Transportation

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:01 a.m., until 9:00 a.m., Thursday, February 3, 2000.

# JOURNAL OF THE SENATE

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TWENTY-FIFTH CALENDAR DAY  
SIXTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 3, 2000

The Senate met in regular session at 9:05 a.m., Senator Bartz presiding.

Prayer was offered by the Reverend William H. Payne, pastor of the Christ Church of Ottumwa, Iowa, guest of Senator Miller.

The Journal of Wednesday, February 2, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hansen, for the day, on request of Senator Gronstal; Senator Kramer, for the day, on request of Senator Iverson; and Senators Lundby and McLaren, until they arrive, on request of Senator Iverson.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2082.

### **Senate File 2082**

On motion of Senator Redfern, **Senate File 2082**, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2082), the vote was:

Ayes, 44:

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

Nays, 2:

Hedge	Rife
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Absent or not voting, 4:

Hansen	Kramer	Lundby	McLaren
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2082** be **immediately messaged** to the House.

## 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:

February 2, 2000

#### DEPARTMENT OF HUMAN SERVICES

Four-Level Child Care Registration Pilot Report — January 2000, as required by 1999 House File 761.

#### DEPARTMENT OF PUBLIC HEALTH

Midwife Scope of Practice Review Committee Final Report — January 2000, as pursuant to 1999 Acts, chapter 81.

#### IOWA WORKFORCE DEVELOPMENT

Addendum to previously submitted FY '99 Iowa Workforce Development Annual Report, as pursuant to Iowa Code, chapter 7B.3(10).

### REPORTS OF COMMITTEE MEETINGS

#### BUSINESS AND LABOR RELATIONS

**Convened:** February 2, 2000, 1:07 p.m.

**Members Present:** McKibben, Chair; Freeman, Vice Chair; Dearden, Ranking Member; Behn, Fraise, Hedge, Horn, King, Rife, and Schuerer.

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

**Committee Business:** Governor's appointee subcommittees assigned. Presentations by John Deere Des Moines Works, John Deere Team Scholars, UAW Local 450, and DMACC.

**Adjourned:** 1:48 p.m.

#### COMMERCE

**Convened:** February 2, 2000, 3:05 p.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Gronstal, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer.

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

**Committee Business:** Presentation by John Norris from the Governor's office.

**Adjourned:** 3:50 p.m.

## **WAYS AND MEANS**

**Convened:** February 2, 2000, 4:05 p.m.

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

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

**Committee Business:** Approved SSB 3010.

**Adjourned:** 5:25 p.m.

## **APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** February 3, 2000, 10:10 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Black, Ranking Member; Fink and Gaskill.

**Members Absent:** None.

**Committee Business:** Presentations on multiflora rose eradication and human vs. animal e-coli testing.

**Adjourned:** 11:35 a.m.

## **APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** February 3, 2000, 10:08 a.m.

**Members Present:** Schuerer, Chair; Soukup, Ranking Member; Judge and Lamberti.

**Members Absent:** Boettger, Vice Chair (excused).

**Committee Business:** Presentation of Workforce Development programs.

**Adjourned:** 11:23 a.m.

## **APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 3, 2000, 10:15 a.m.

**Members Present:** Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

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

**Committee Business:** Presentation by ISU, concerning their budget.

**Adjourned:** 12:00 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** February 3, 2000, 10:01 a.m.

**Members Present:** Rife, Chair; Zieman, Vice Chair; Bolcom, Ranking Member; and McKibben.

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

**Committee Business:** Presentation by the Dept. of Public Health.

**Adjourned:** 11:21 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 3, 2000, 10:10 a.m.

**Members Present:** Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise and McKean.

**Members Absent:** None.

**Committee Business:** Presentations by the Office of the Attorney General and the Office of the Public Defender.

**Adjourned:** 10:28 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 3, 2000, 10:05 a.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair; Connolly, Ranking Member; Johnson, and Shearer.

**Members Absent:** None.

**Committee Business:** Presentation by Dept. of General Services.

**Adjourned:** 11:40 a.m.

**JUDICIARY**

**Convened:** February 3, 2000, 3:03 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Angelo, Dvorsky, Fraise, Hammond, Maddox, McCoy, Miller, Redfern, and Tinsman.

**Members Absent:** Hansen, Ranking Member; Boettger, Horn, and McKibben (all excused).

**Committee Business:** Subcommittee assignments. Recommended confirmation of Governor's appointees. Approved SSB 3014.

**Adjourned:** 3:25 p.m.

**LOCAL GOVERNMENT**

**Convened:** February 3, 2000, 2:07 p.m.

**Members Present:** Angelo, Chair; Bartz, Vice Chair; Bolkcom, Ranking Member; Fraise, Gaskill, Hammond, Judge, McKean, Miller, Rife, and Zieman.

**Members Absent:** McCoy and McKibben (both excused).

**Committee Business:** Subcommittee assignments. Governor's appointee subcommittees assigned. Approved SSB 3039 and passed SF 2045.

**Adjourned:** 2:27 p.m.

**NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** February 3, 2000, 1:10 p.m.

**Members Present:** Bartz, Chair; King, Vice Chair; Fink, Ranking Member, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Kibbie, Miller, and Rife.

**Members Absent:** Johnson and Rehberg (both excused).

**Committee Business:** Approved SSB 3008.

**Adjourned:** 1:15 p.m.

**STATE GOVERNMENT**

**Convened:** February 3, 2000, 2:10 p.m.

**Members Present:** Rittmer, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, McLaren, Schuerer, Sexton, and Szymoniak.

**Members Absent:** None.

**Committee Business:** Presentation by Dept. of Personnel. Deferred SSB 3059. Recommended Governor's appointees for confirmation.

**Adjourned:** 3:08 p.m.

## INTRODUCTION OF BILLS

**Senate File 2085**, by Judge and Freeman, a bill for an act providing for a rebuttable presumption regarding the percentage apportioned each party for payment of postsecondary education expenses under a postsecondary education subsidy.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2086**, by Judge and Miller, a bill for an act appropriating funds for the acquisition and remodeling of a building for relocation of the Iowa public employees' retirement system headquarters and providing an effective date.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2087**, by Kibbie, Black, Connolly, Deluhery, Fraise, Hansen, Harper, Shearer, Soukup, Judge, and Szymoniak, a bill for an act relating to motor vehicle fuels, by providing for fuel quality standards regulated by the department of agriculture and land stewardship, providing for the transportation, sale, and dispensing of oxygenated fuel, providing for tax revenues, and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

**Senate File 2088**, by Freeman, a bill for an act prohibiting the use of a telephone listing that misrepresents the name and location of a business and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Judiciary**.



**Senate File 2089**, by committee on Ways and Means, a bill for an act relating to collection of the physical plant and equipment property tax levy in certain urban renewal areas and providing an applicability date.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate File 2090**, by committee on Natural Resources and Environment, a bill for an act providing for the registration of environmental auditors.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2091**, by committee on Local Government, a bill for an act relating to procedures for discontinuance of a city.

Read first time under Rule 28 and placed on **calendar**.

#### STUDY BILLS RECEIVED

##### **SSB 3063      State Government**

Relating to regulatory duties of the department of inspections and appeals including those related to hotel inspections and food establishment and food service establishment inspections and licensing fees.

##### **SSB 3064      Commerce**

Relating to the linked investments for tomorrow Act.

##### **SSB 3065      Local Government**

Relating to the definition of factory-built structures, the certification of installers of manufactured homes and providing for a fee, an appropriation, and a civil penalty.

##### **SSB 3066      Judiciary**

Relating to crime victim compensation.

**SSB 3067      Judiciary**

Relating to juvenile court jurisdiction and the prosecution of juveniles in juvenile and district court.

**SSB 3068      Judiciary**

Relating to the national crime prevention and privacy compact.

**SSB 3069      Judiciary**

Relating to domestic violence protective orders.

**SSB 3070      Judiciary**

Concerning the administration of clerk of court offices.

**SSB 3071      Judiciary**

Relating to the maximum accumulation of good conduct time for certain burglary in the first degree offenses.

**SSB 3072      Commerce**

Relating to the determination of fair value of the shares of dissenting shareholders of a bank or bank holding company.

**SSB 3073      Education**

Providing for a one hundred percent budget guarantee for school districts, and providing an effective date.

**SSB 3074      Judiciary**

To provide an additional sentence of parole or work release for certain persons who commit the crime of lascivious acts with a child.

**SSB 3075      Judiciary**

Relating to the crimes of burglary and forgery.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 2066**

AGRICULTURE: Hedge, Chair; Judge and Veenstra

### **Senate File 2072**

EDUCATION: Rehberg, Chair; Angelo and Harper

### **Senate File 2073**

EDUCATION: Redwine, Chair; Fink and Sexton

### **Senate File 2080**

WAYS AND MEANS: Johnson, Chair; Bolkcom and Drake

### **Senate File 2085**

JUDICIARY: Redfern, Chair; Fraise and McKean

### **Senate File 2088**

JUDICIARY: Redfern, Chair; Horn and McKean

### **SSB 3063**

STATE GOVERNMENT: Schuerer, Chair; Fink and Maddox

### **SSB 3064**

COMMERCE: Lundby, Chair; Bolkcom and Schuerer

### **SSB 3065**

LOCAL GOVERNMENT: McKean, Chair; Angelo and Fraise

### **SSB 3066**

JUDICIARY: Lamberti, Chair; Angelo and Dvorsky

### **SSB 3067**

JUDICIARY: Maddox, Chair; Horn and Miller

### **SSB 3068**

JUDICIARY: Hansen, Chair; Lamberti and Maddox

**SSB 3069**

JUDICIARY: Miller, Chair; Hammond and McKibben

**SSB 3070**

JUDICIARY: Dvorsky, Chair; Angelo and Tinsman

**SSB 3071**

JUDICIARY: McKean, Chair; Hammond and Maddox

**SSB 3072**

COMMERCE: King, Chair; McCoy and Redfern

**SSB 3073**

EDUCATION: Angelo, Chair; Boettger and Shearer

**SSB 3074**

JUDICIARY: McKean, Chair; Hammond and Maddox

**SSB 3075**

JUDICIARY: McKean, Chair; Hammond and Maddox

**COMMITTEE REPORTS****LOCAL GOVERNMENT**

**Final Bill Action:** SENATE FILE 2045, a bill for an act allowing cities to adopt ordinances to assess a local public transit surcharge on city parking violations.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Angelo, Bolkcom, Fraise, Gaskill, Hammond, Judge, McKean, Rife, and Zieman. Nays, 2: Bartz and Miller. Absent or not voting, 2: McCoy and McKibben.

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

ALSO:

**Final Bill Action:** SENATE FILE 2091 (SSB 3039), a bill for an act relating to procedures for discontinuance of a city.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Angelo, Bartz, Bolcom, Fraise, Gaskill, Hammond, Judge, McKean, Miller, Rife, and Zieman. Nays, none. Absent or not voting, 2: McCoy and McKibben.

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

## NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** SENATE FILE 2090 (SSB 3008), a bill for an act providing for the registration of environmental auditors.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Bartz, King, Fink, Black, Bolcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Kibbie, Miller, and Rife. Nays, none. Absent or not voting, 2: Johnson and Rehberg.

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

## TRANSPORTATION

**Final Bill Action:** HOUSE FILE 620, a bill for an act relating to persons with disabilities by providing for the use of wheelchair parking cones, providing for persons with disabilities registration plates for trailers, and providing for penalties.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5006.

**Final Vote:** Ayes, 13: Drake, Sexton, McCoy, Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Zieman. Nays, none. Absent or not voting, none.

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

## WAYS AND MEANS

**Final Bill Action:** \*SENATE FILE 2089 (SSB 3010), a bill for an act relating to collection of the physical plant and equipment property tax levy in certain urban renewal areas and providing an applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Johnson, McKibben, Harper, Bartz, Bolcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup. Nays, none. Absent or not voting, none.

**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 Ways and Means Committee on Senate File 2089, and they were attached to the committee report.

## AMENDMENT FILED

S-5006      H.F.      620      Transportation

## EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on February 3, 2000, when the vote was taken on Senate File 2082. Had I been present, I would have voted "Aye."

MARY A. LUNDBY

GOVERNOR'S APPOINTEE PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

**JUDICIARY**

Thomas G. Becker – State Public Defender

GOVERNOR'S APPOINTEES PLACED ON  
EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

**STATE GOVERNMENT**

Gilbert "Ron" Dardis – State of Iowa Adjutant General

Billie Houck – Board of Barber Examiners

Donald Tietz – Board of Corrections

Alan Hathaway – Board of Dental Examiners

Laura Hawks – Landscape Architectural Examining Board

Bruce Hughes – Board of Medical Examiners

Karen Thomsen – Board of Mortuary Science Examiners

Marilyn Spina – Board of Optometry Examiners

Ruth Daggett – Board of Psychology Examiners

Luther Gammon – Real Estate Appraiser Examining Board

Marianne Mickelson – Board of Speech Pathology and Audiology Examiners

Mildred Dawson – Commission of Veterans Affairs

Jesse Rodriguez – Commission of Veterans Affairs

Sarah Garst – Iowa Board of Veterinary Medicine

Paul Willis – Iowa Board of Veterinary Medicine

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:40 a.m., until 1:00 p.m., Monday, February 7, 2000.

# JOURNAL OF THE SENATE

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TWENTY-NINTH CALENDAR DAY  
SEVENTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 7, 2000

The Senate met in regular session at 1:10 p.m., President Kramer presiding.

Prayer was offered by the Reverend Jack Gray, pastor of the Calvary Christian Reformed Church of Orange City, Iowa, guest of Senator Veenstra.

The Journal of Thursday, February 3, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Deluhery, for the day, on request of Senator Black; Senator Drake, for the day and Tuesday, February 8, on request of Senator Jensen; and Senator Flynn, until he arrives, on request of Senator Black.

## INTRODUCTION OF BILLS

**Senate File 2092**, by committee on Judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and providing effective dates.

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



**Senate File 2093**, by Sexton, a bill for an act relating to a requirement that the state department of transportation purchase soydiesel fuel for use in its vehicles.

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

**Senate File 2094**, by Lamberti, a bill for an act relating to interference with lawful hunting, fishing, or fur harvesting and providing a penalty.

Read first time and referred to committee on **Natural Resources and Environment**.

**Senate File 2095**, by Fink, a bill for an act making an appropriation to provide advance funding to school districts with an unusual need to provide a program or other special assistance to non-English speaking pupils because of the district's location.

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

**Senate File 2096**, by Schuerer, a bill for an act relating to the appropriation to cities and counties of state franchise tax revenues received from financial institutions.

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

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2031.

#### **Senate File 2031**

On motion of Senator Angelo, **Senate File 2031**, a bill for an act relating to violations of the sex offender registry requirements and providing an effective date, with report of committee recommending passage, 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?" (S.F. 2031), the vote was:

Ayes, 46:

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

Nays, none.

Absent or not voting, 4:

Deluhery	Drake	Flynn	McKean
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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 **Senate File 2031** 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 February 3, 2000, passed the following bill in which the **concurrence** of the **House** was asked:

**Senate File 2082**, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

## APPENDIX

### COMMUNICATION RECEIVED

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

February 4, 2000

#### DEPARTMENT OF HUMAN RIGHTS

1999–2000 Iowa Juvenile Crime Prevention Community Grant Fund Report.

### CERTIFICATES OF RECOGNITION

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

Adam Forsyth, Estherville – For achieving the rank of Eagle Scout. Senator Kibbie (02/07/00).

Jim Peavey, Davenport – For your service in World War II and the Korean Conflict. Senator Deluhery (02/07/00).

Grant Sutphin, Iowa City – For achieving the rank of Eagle Scout. Senator Dvorsky (02/07/00).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

**Convened:** February 3, 2000, 10:10 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller, and Szymoniak.

**Members Absent:** None.

**Committee Business:** Discussed juvenile issues and school liaison program.

**Adjourned:** 11:55 a.m.

#### BUSINESS AND LABOR RELATIONS

**Convened:** February 7, 2000, 2:29 p.m.

**Members Present:** McKibben, Chair; Freeman, Vice Chair; Behn, Fraise, Hansen, Horn, and Rife.

**Members Absent:** Dearden, Ranking Member; Hedge, King, and Schuerer (all excused).

**Committee Business:** Recommended confirmation of Governor's appointee.

**Adjourned:** 2:32 p.m.

## **EDUCATION**

**Convened:** February 7, 2000, 2:25 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:** Subcommittee assignments and approved SSB 3073.

**Adjourned:** 2:35 p.m.

## **STUDY BILLS RECEIVED**

### **SSB 3076      State Government**

Relating to regulation and inspection of health care facilities including the establishment of a quality-based inspections system.

### **SSB 3077      State Government**

Relating to the granting of a franchise by a city.

### **SSB 3078      State Government**

Relating to ethics and campaign disclosure board procedures and to conflicts of interest of public officers and employees.

### **SSB 3079      Natural Resources and Environment**

Relating to the taking of fish and game by increasing fees for hunting, fishing, harvesting, and related licenses, authorizing the natural resource commission to adjust future license fees, providing for other properly related matters, and providing effective and applicability dates.

**SSB 3080      Natural Resources and Environment**

Relating to land restoration requirements for interstate natural gas pipeline construction projects.

**SSB 3081      Natural Resources and Environment**

Relating to motor vehicle fuels, by providing for fuel quality standards regulated by the department of agriculture and land stewardship, providing for the transportation, sale, and dispensing of oxygenated fuel, providing for tax revenues, and making penalties applicable.

**SSB 3082      Appropriations**

Urging that the Iowa Agricultural Industry Finance Corporation immediately begin implementing the Iowa Agricultural Industry Finance Act in a manner that encourages local agricultural producer-led ventures to expand production and processing of high value agricultural products, including agricultural processed products.

**SSB 3083      Natural Resources and Environment**

Including transfer stations under the siting requirements for sanitary landfill and infectious waste incinerator.

**SSB 3084      Natural Resources and Environment**

Relating to funding for purposes of waste tire management and collection of other hazardous materials.

**SSB 3085      Natural Resources and Environment**

Extending a partial suspension of permitting requirements of facilities that deal with hazardous waste.

**SSB 3086      Natural Resources and Environment**

Relating to hunting by allocating nonresident turkey and deer hunting licenses, providing for deer management plans, and other properly related matters.

**SSB 3087 Commerce**

Relating to the disclosure requirements associated with a change in terms of an open-end credit account.

**SSB 3088 Commerce**

Relating to the mandatory certification of real estate appraisers and providing exceptions.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2069**

HUMAN RESOURCES: Redwine, Chair; Hammond and Veenstra

**Senate File 2074**

HUMAN RESOURCES: Miller, Chair; Bartz and Harper

**Senate File 2076**

HUMAN RESOURCES: Redwine, Chair; Boettger and Szymoniak

**Senate File 2077**

STATE GOVERNMENT: Drake, Chair; Kibbie and Sexton

**Senate File 2086**

STATE GOVERNMENT: Kibbie, Chair; Maddox and Rittmer

**Senate File 2087**

NATURAL RESOURCES AND ENVIRONMENT: Kibbie, Chair; Johnson and Rehberg

**SSB 3076**

STATE GOVERNMENT: Szymoniak, Chair; Fink and Lamberti

**SSB 3077**

STATE GOVERNMENT: Dearden, Chair; McLaren and Sexton

**SSB 3078**

STATE GOVERNMENT: Lamberti, Chair; Kibbie and King

**SSB 3079**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Black and King

**SSB 3080**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Kibbie and Rehberg

**SSB 3081**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Gaskill and Kibbie

**SSB 3082**

APPROPRIATIONS: Rehberg, Chair; McLaren and Soukup

**SSB 3083**

NATURAL RESOURCES AND ENVIRONMENT: Deluhery, Chair; Bolkcom and Fink

**SSB 3084**

NATURAL RESOURCES AND ENVIRONMENT: Rife, Chair; Bolkcom and Freeman

**SSB 3085**

NATURAL RESOURCES AND ENVIRONMENT: Gaskill, Chair; Dearden and Miller

**SSB 3086**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Black and King

**SSB 3087**

COMMERCE: Redwine, Chair; McCoy and Schuerer

**SSB 3088**

COMMERCE: Lundby, Chair; Hansen and Lamberti

**GOVERNOR'S APPOINTEE PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation with recommendation for confirmation:

**BUSINESS AND LABOR RELATIONS**

Richard V. Running – Director of Workforce Development

## BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 7th day of February, 2000:

Senate File 2082.

MICHAEL E. MARSHALL  
Secretary of the Senate

## COMMITTEE REPORT

## JUDICIARY

**Final Bill Action:** SENATE FILE 2092 (SSB 3014), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

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

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:58 p.m., until 9:00 a.m., Tuesday, February 8, 2000.



# JOURNAL OF THE SENATE

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THIRTIETH CALENDAR DAY  
EIGHTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 8, 2000

The Senate met in regular session at 9:05 a.m., President Kramer presiding.

Prayer was offered by the Reverend James Louk, pastor of the United Methodist Church of Osceola, Iowa, guest of Senator Judge.

The Journal of Monday, February 7, 2000, 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 February 7, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2099**, a bill for an act affecting eligibility for the beginning farmer loan program, and providing an effective date.

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

**House File 2105**, a bill for an act adopting the nurse licensure compact.

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

**House File 2106**, a bill for an act prohibiting motor vehicle manufacturers, distributors, wholesalers, and importers from being licensed as, owning an interest in, operating, or controlling a motor vehicle dealer, providing exceptions, and making a penalty applicable.

Read first time and attached to **companion Senate File 2083.**

### INTRODUCTION OF BILLS

**Senate File 2097**, by Sexton, a bill for an act providing supplementary weighting for determining enrollment in school districts involved in district-to-district or district-to-community college sharing programs, alternative high school programs, and providing an effective date.

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

**Senate File 2098**, by Freeman, a bill for an act relating to disposing and recycling waste oil filters and establishing a fee.

Read first time and referred to committee on **Natural Resources and Environment.**

**Senate File 2099**, by Lamberti, a bill for an act relating to forcible entry and detainer actions in small claims court following a default on a contract for deed.

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

**Senate File 2100**, by McKibben, a bill for an act relating to the state list of endangered and threatened fish, plants, and wildlife.

Read first time and referred to committee on **Natural Resources and Environment.**

### INTRODUCTION OF RESOLUTIONS

**Senate Resolution 104**, by Iverson Angelo, Bartz, Behn, Boettger, Drake, Freeman, Gaskill, Hedge, Jensen, Johnson, King, Kramer, Lamberti, Lundby, Maddox, McKean, McKibben, McLaren, Miller, Redfern, Redwine, Rehberg, Rife, Rittmer, Schuerer, Sexton, Tinsman, Veenstra, and Zieman, a resolution honoring Kayne Robinson, Chairman of the Republican Party of Iowa, and the Republican Party of Iowa for outstanding achievements in bringing about nationwide recognition for the year 2000 presidential precinct caucuses.

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

**Senate Resolution 105**, by Gronstal, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hammond, Hansen, Harper, Horn, Judge, Kibbie, McCoy, Shearer, Soukup, and Szymoniak, a resolution honoring Rob Tully, Chairman of the Iowa Democratic Party, and the Iowa Democratic Party for outstanding achievements in bringing about nationwide recognition for the year 2000 presidential precinct caucuses.

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

## COMMITTEE REPORTS

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 104, a resolution honoring Kayne Robinson, Chairman of the Republican Party of Iowa, and the Republican Party of Iowa for outstanding achievements in bringing about nationwide recognition for the year 2000 presidential precinct caucuses.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Iverson, Kramer, Gronstal, Fink, Harper, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, 3: Dvorsky, Jensen, and Lundby.

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

ALSO:

**Final Bill Action:** SENATE RESOLUTION 105, a resolution honoring Rob Tully, Chairman of the Iowa Democratic Party, and the Iowa Democratic Party for outstanding achievements in bringing about nationwide recognition for the year 2000 presidential precinct caucuses.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Iverson, Kramer, Gronstal, Fink, Harper, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, 3: Dvorsky, Jensen, and Lundby.

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

CONSIDERATION OF RESOLUTIONS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 104.

**Senate Resolution 104**

On motion of Senator Iverson, **Senate Resolution 104**, a resolution honoring Kayne Robinson, Chairman of the Republican Party of Iowa, and the Republican Party of Iowa for outstanding achievements in bringing about nationwide recognition for the year 2000 presidential precinct caucuses, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 104, which motion prevailed by a voice vote.

Mr. Robinson addressed the Senate with brief remarks.

Senator Gronstal asked and received unanimous consent to take up for immediate consideration Senate Resolution 105.

**Senate Resolution 105**

On motion of Senator Gronstal, **Senate Resolution 105**, a resolution honoring Rob Tully, Chairman of the Iowa Democratic Party, and the Iowa Democratic Party for outstanding achievements in bringing about nationwide recognition for the year 2000 presidential precinct caucuses, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Resolution 105, which motion prevailed by a voice vote.

Mr. Tully addressed the Senate with brief remarks.

## 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 February 8, 2000, passed the following bill in which the **concurrence** of the **House** was asked:

**Senate Concurrent Resolution 101**, a concurrent resolution to request a United States Corps of Engineers' study of the lower Des Moines River.

ALSO: That the House has on February 8, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2090**, a bill for an act changing the name of the forests and forestry division of the department of natural resources to the forests and prairies division and expanding its responsibilities.

Read first time and attached to **similar Senate File 2035**.

## APPENDIX

### PRESENTATION OF VISITORS

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

High school students from Odebolt-Arthur Community Schools, accompanied by teachers and parents. Senator King.

### COMPANION BILL RECEIVED

On February 8, 2000, **House File 2106** was received and attached to companion **Senate File 2083** on the calendar.

### SIMILAR BILL RECEIVED

On February 8, 2000, **House File 2090** was received and attached to similar **Senate File 2035** on the calendar.

### EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on February 7, 2000, when the vote was taken on Senate File 2031. Had I been present, I would have voted "Aye."

TOM FLYNN

### PETITION

The following petition was presented and placed on file:

From residents of Johnson County, favoring legislation earmarking monetary help for schools throughout the state to be used to hire new teachers and improve the condition of the buildings. Senator Dvorsky.

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** February 7, 2000, 4:25 p.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Bolkom, Gronstal, Hansen, Johnson, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer.

**Members Absent:** Deluhery, Ranking Member; Flynn and King (all excused).

**Committee Business:** Presentation by Allan Thoms, Iowa Utility Board.

**Adjourned:** 5:30 p.m.

## **HUMAN RESOURCES**

**Convened:** February 7, 2000, 3:22 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra.

**Members Absent:** None.

**Committee Business:** Report by the Director of Human Services, Jessie Rasmussen.

**Adjourned:** 4:24 p.m.

## **APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** February 8, 2000, 9:40 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Black, Ranking Member; Fink and Gaskill.

**Members Absent:** None.

**Committee Business:** Presentation by Dr. Steven Gleason, Dept. of Public Health.

**Adjourned:** 10:30 a.m.

## **APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** February 8, 2000, 9:45 a.m.

**Members Present:** Boettger, Vice Chair; Soukup, Ranking Member; Judge, and Lamberti.

**Members Absent:** Schuerer, Chair (excused).

**Committee Business:** Reports given by the Dept. of Economic Development.

**Adjourned:** 10:56 a.m.

## **APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 8, 2000, 9:50 a.m.

**Members Present:** Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

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

**Committee Business:** UNI discussed their budget.

**Adjourned:** 11:40 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 8, 2000, 9:55 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller and Szymoniak.

**Members Absent:** None.

**Committee Business:** Presentations by state hospital schools, parents of children at those schools, state juvenile institutions, and ARC of Iowa.

**Adjourned:** 11:58 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 8, 2000, 9:45 a.m.

**Members Present:** Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; and Fraise.

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

**Committee Business:** Presentations by Dept. of Public Defense and Iowa Law Enforcement Academy.

**Adjourned:** 11:25 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 8, 2000, 9:45 a.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair; Connolly, Ranking Member; Johnson, and Shearer.

**Members Absent:** None.

**Committee Business:** Presentations by Dept. of General Services and the Governor's Vertical Infrastructure Advisory Committee.

**Adjourned:** 11:05 a.m.



**JUDICIARY**

**Convened:** February 8, 2000, 3:02 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, Miller, and Tinsman.

**Members Absent:** McCoy, McKibben, and Redfern (all excused).

**Committee Business:** Recommended confirmation of Governor's appointee. Approved SSB 3020 and passed SF 2007, as amended. Subcommittee assignments.

**Adjourned:** 3:13 p.m.

**NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** February 8, 2000, 1:10 p.m.

**Members Present:** Bartz, Chair; King, Vice Chair; Fink, Ranking Member, Black, Bolkcom, Dearden, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife.

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

**Committee Business:** Approved SSB 3080. Recommended confirmation of Governor's appointees. Presentations by DNR and State Police Officers Council.

**Adjourned:** 2:08 p.m.

**RULES AND ADMINISTRATION**

**Convened:** February 8, 2000, 9:20 a.m.

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

**Members Absent:** Dvorsky, Jensen, and Lundby (all excused).

**Committee Business:** Passed SR 104 and SR 105.

**Adjourned:** 9:21 a.m.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** February 8, 2000, 1:02 p.m.

**Members Present:** Lundby, Chair; Behn, Vice Chair; Shearer, Ranking Member; Boettger, Flynn, Hansen, Judge, Rittmer, Sexton, Soukup, Tinsman, Veenstra, and Ziemann.

**Members Absent:** None.

**Committee Business:** Presentation by Dept. of Cultural Affairs. Recommended confirmation of Governor's appointees.

**Adjourned:** 2:00 p.m.

## STATE GOVERNMENT

**Convened:** February 8, 2000, 2:15 p.m.

**Members Present:** Rittmer, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak.

**Members Absent:** Deluhery and McLaren (both excused).

**Committee Business:** Approved SSB 3038. Subcommittee assignments. Recommended confirmation of Governor's appointees. Presentation on 100 Day Report.

**Adjourned:** 2:48 p.m.

## INTRODUCTION OF BILLS

**Senate File 2101**, by Rehberg, a bill for an act relating to the exemption from the sales and use taxes of horticultural purchases to be used or planted on land in the federal conservation reserve program and including an effective date.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 2102**, by Fraise, a bill for an act providing for the application of a member of the municipal fire and police retirement system for an ordinary disability retirement benefit.

Read first time under Rule 28 and referred to committee on **Local Government**.

**Senate File 2103**, by Fink, a bill for an act establishing a minimum criminal penalty for simple misdemeanor theft of motor vehicle fuel from a retail dealer.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2104**, by Flynn, a bill for an act relating to the exclusion from tax of an amount of net income under the individual income tax and including a retroactive applicability date.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 2105**, by Judge, Black, Bolkom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Hammond, Kibbie, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act appropriating funds to the department of elder affairs for an additional long-term care ombudsman position.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2106**, by Gronstal, a bill for an act relating to the residency requirements for city civil service employees.

Read first time under Rule 28 and referred to committee on **Local Government**.

**Senate File 2107**, by McKean, a bill for an act to prohibit the operation of slot machines using themes associated with persons under twenty-one years of age.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2108**, by Johnson, a bill for an act providing for establishment of a statewide organ donor registry and making an appropriation.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 2109**, by Miller, a bill for an act relating to the value of property or services secured by fraudulent use of a credit card and providing penalties.

Read first time under Rule 28 and referred to committee on **Judiciary.**

**Senate File 2110**, by Tinsman and Rittmer, a bill for an act providing for the qualifications of interpreters for the deaf and hard-of-hearing.

Read first time under Rule 28 and referred to committee on **Human Resources.**

**Senate File 2111**, by committee on Education, a bill for an act providing for a one hundred percent budget guarantee for school districts, and providing an effective date.

Read first time under Rule 28 and placed on **calendar.**

#### STUDY BILLS RECEIVED

##### **SSB 3089      Education**

Providing for additional local funding authority under the instructional support levy for school districts.

##### **SSB 3090      Natural Resources and Environment**

Relating to the creation of a water quality district, providing for the levy of a tax, and providing for other properly related matters.

##### **SSB 3091      Human Resources**

Relating to the establishment of a domestic abuse death review team and providing a penalty.

##### **SSB 3092      Human Resources**

Providing for review of deaths of children under the age of eighteen by the child death review team.

**SSB 3093      Human Resources**

Relating to child and family services administered by the department of human services.

**SSB 3094      Human Resources**

Relating to child support including medical support and payment of costs to financial institutions for data matching and automation program development.

**SSB 3095      Human Resources**

Relating to medical assistance, including eligibility categories and transfer of assets.

**SSB 3096      Human Resources**

Relating to family investment program requirements regarding the time period allowed for supported postsecondary education assistance and including an applicability provision.

**SSB 3097      Human Resources**

Relating to electronic benefits transfer program requirements administered by the department of human services.

**SSB 3098      Human Resources**

Relating to the healthy and well kids in Iowa program.

**SSB 3099      Human Resources**

Relating to juvenile crime prevention programs and youth development grant fund requirements and providing an effective date.

**SSB 3100      Human Resources**

Relating to juvenile crime prevention and youth development grant fund requirements and providing an effective date.

**SSB 3101      Human Resources**

Relating to the regulation of controlled substances and precursors to controlled substances.

**SSB 3102      Human Resources**

Relating to programs and public health issues under the purview of the Iowa department of public health and the appropriation of certain fees to the department.

**SSB 3103      Human Resources**

Relating to communicable and infectious diseases and providing penalties.

**SSB 3104      Human Resources**

Relating to the family investment program and associated provisions.

**SSB 3105      Human Resources**

Relating to the authority of the department of human services involving state institutions and employee and volunteer background checks.

**SSB 3106      Natural Resources and Environment**

Relating to tonnage fees paid by sanitary landfills and transfer stations.

**SSB 3107      Natural Resources and Environment**

Relating to a state agency purchasing preference for bio-based hydraulic fluids, greases, and other industrial lubricants.

**SSB 3108      Local Government**

Relating to landlord-tenant law, by allowing for notice of and a surcharge for rent paid with a check returned for insufficient funds,

and making certain changes related to forcible entry and detainer actions.

**SSB 3109      Ways and Means**

Expanding the number of counties that may designate unincorporated areas containing private lakes as rural improvement zones.

**SSB 3110      Education**

Relating to the authority of the board of educational examiners over certification and licensing of para-educators and practitioners.

**SSB 3111      Education**

Providing for the utilization of budget enrollment in determining gifted and talented program funding, and providing an effective date.

**SSB 3112      Judiciary**

Concerning local fire officials by eliminating a criminal penalty for the failure or refusal of a local fire official to report and investigate certain fires and providing an effective date.

**SSB 3113      Judiciary**

Relating to agreements by physicians to restrict the practice of medicine, and providing an effective date and retroactive applicability provisions.

**SSB 3114      Ways and Means**

Relating to the administration and enforcement of the replacement tax imposed on the generation, transmission, and delivery, consumption, and use of electricity and natural gas, providing for the Act's retroactive applicability, and providing an effective date.

**SSB 3115      Transportation**

Relating to the use of blue lights on authorized emergency vehicles.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2094**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Black and Freeman

**Senate File 2095**

EDUCATION: Veenstra, Chair; Boettger and Fink

**Senate File 2099**

JUDICIARY: Lamberti, Chair; Dvorsky and Miller

**Senate File 2101**

WAYS AND MEANS: Hedge, Chair; Connolly and Johnson

**Senate File 2102**

LOCAL GOVERNMENT: Angelo, Chair; Bartz and Bolkcom

**Senate File 2103**

JUDICIARY: Redfern, Chair; Horn and McKean

**Senate File 2104**

WAYS AND MEANS: McLaren, Chair; Flynn and Johnson

**Senate File 2106**

LOCAL GOVERNMENT: Angelo, Chair; Bartz and Bolkcom

**SSB 3089**

EDUCATION: Tinsman, Chair; Redwine and Szymoniak

**SSB 3090**

NATURAL RESOURCES AND ENVIRONMENT: Freeman, Chair; Bolkcom and Rehberg



**SSB 3091**

HUMAN RESOURCES: Miller, Chair; Harper and Veenstra

**SSB 3092**

HUMAN RESOURCES: Miller, Chair; Harper and Veenstra

**SSB 3093**

HUMAN RESOURCES: Bartz, Chair; Hammond and Veenstra

**SSB 3094**

HUMAN RESOURCES: Veenstra, Chair; Miller and Shearer

**SSB 3095**

HUMAN RESOURCES: Miller, Chair; Hammond and Tinsman

**SSB 3096**

HUMAN RESOURCES: Tinsman, Chair; Hammond and Veenstra

**SSB 3097**

HUMAN RESOURCES: Schuerer, Chair; Harper and Miller

**SSB 3098**

HUMAN RESOURCES: Behn, Chair; Bartz and Hammond

**SSB 3099**

HUMAN RESOURCES: Szymoniak, Chair; Tinsman and Veenstra

**SSB 3100**

HUMAN RESOURCES: Szymoniak, Chair; Tinsman and Veenstra

**SSB 3101**

HUMAN RESOURCES: Dvorsky, Chair; Bartz and Behn

**SSB 3102**

HUMAN RESOURCES: Redwine, Chair; Boettger and Shearer

**SSB 3103**

HUMAN RESOURCES: Redwine, Chair; Boettger and Shearer

**SSB 3104**

HUMAN RESOURCES: Tinsman, Chair; Harper and Veenstra

**SSB 3105**

HUMAN RESOURCES: Tinsman, Chair; Harper and Schuerer

**SSB 3106**

NATURAL RESOURCES AND ENVIRONMENT: Drake, Chair; Black and Johnson

**SSB 3107**

NATURAL RESOURCES AND ENVIRONMENT: Gaskill, Chair; Kibbie and Rife

**SSB 3108**

LOCAL GOVERNMENT: Gaskill, Chair; Fraise and McKean

**SSB 3109**

WAYS AND MEANS: Lamberti, Chair; Flynn and McKibben

**SSB 3110**

EDUCATION: Sexton, Chair; Harper and Veenstra

**SSB 3111**

EDUCATION: Redwine, Chair; Dvorsky and Gaskill

**SSB 3112**

JUDICIARY: McKean, Chair; Hammond and Maddox

**SSB 3113**

JUDICIARY: McKibben, Chair; Hansen and Maddox

**SSB 3114**

WAYS AND MEANS: Maddox, Chair; Deluhery and McKibben

**SSB 3115**

TRANSPORTATION: Drake, Chair; Jensen and Judge

## COMMITTEE REPORT

### EDUCATION

**Final Bill Action:** SENATE FILE 2111 (SSB 3073), a bill for an act providing for a one hundred percent budget guarantee for school districts, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

### AMENDMENT FILED

S-5007      S.F.    2092      Judiciary

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

#### JUDICIARY

Kelly Rasmussen – Narcotics Enforcement Advisory Council

#### NATURAL RESOURCES AND ENVIRONMENT

Cathy Addington – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Eldon Boswell – Renewable Fuels and Coproducts Advisory Committee

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:37 a.m., until 9:00 a.m., Wednesday, February 9, 2000.

# JOURNAL OF THE SENATE

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THIRTY-FIRST CALENDAR DAY  
NINETEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 9, 2000

The Senate met in regular session at 9:09 a.m., President Kramer presiding.

Prayer was offered by the Reverend Penny Johnson, pastor of the Rowley Presbyterian Church of Rowley, Iowa, guest of Senator Rehberg.

The Journal of Tuesday, February 8, 2000, was approved.

Senator Hedge took the chair at 9:38 a.m.

President Kramer took the chair at 9:48 a.m.

## 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 February 9, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2135**, a bill for an act relating to the designated date of withholding of support by payors of income and providing an effective date.

Read first time and referred to committee on **Human Resources**.

**House File 2145**, a bill for an act providing for the utilization of budget enrollment in determining gifted and talented program funding, and providing an effective date.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 9:59 a.m., until 1:00 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

**Convened:** February 8, 2000, 9:50 a.m.

**Members Present:** King, Chair; Lundby, Vice Chair; Harper and Rittmer.

**Members Absent:** Deluhery, Ranking Member (excused).

**Committee Business:** Discussion of Governor's proposed FY 2001 budget with Thomas Miller, Attorney General, and Richard Johnson, Auditor of State.

**Adjourned:** 11:45 a.m.

#### APPROPRIATIONS

**Convened:** February 8, 2000, 4:17 p.m.

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

**Members Absent:** Kramer, Vice Chair; Connolly, and Deluhery (all excused).

**Committee Business:** Approved SSB 3082.

**Adjourned:** 4:42 p.m.

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 104**, by committee on Appropriations, a concurrent resolution urging that the Iowa Agricultural Industry Finance Corporation immediately begin implementing the Iowa Agricultural Industry Finance Act in a manner that encourages local agricultural producer-led ventures to expand production and processing of high value agricultural products, including agricultural processed products.

Read first time under Rule 28 and placed on **Appropriations calendar**.

## INTRODUCTION OF BILLS

**Senate File 2112**, by committee on Judiciary, a bill for an act relating to the criminal jurisdiction of the state regarding the crimes of escape and absence from custody.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2113**, by committee on State Government, a bill for an act relating to the licensing of individuals engaged in the healing art of massage therapy.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2114**, by committee on Natural Resources and Environment, bill for an act relating to land restoration requirements for interstate natural gas pipeline construction projects.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2115**, by Kibbie, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hammond, Harper, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act providing for the appointment of the director of the department of commerce.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2116**, by Administrative Rules Review Committee, a bill for an act providing for the waiver or variance of administrative rules by state agencies.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2117**, by Bolkcom, Dvorsky, Harper, and Szymoniak, a bill for an act prohibiting discrimination based upon a person's sexual orientation under the Iowa civil rights act.

Read first time under Rule 28 and referred to committee on **State Government**.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 2096**

APPROPRIATIONS: Johnson, Chair; Bolkcom and Jensen

### **Senate File 2098**

NATURAL RESOURCES AND ENVIRONMENT: Freeman, Chair; Deluhery and Rife

### **Senate File 2100**

NATURAL RESOURCES AND ENVIRONMENT: King, Chair; Kibbie and Miller

### **Senate File 2108**

HUMAN RESOURCES: Boettger, Chair; Bartz and Harper

### **Senate File 2110**

HUMAN RESOURCES: Tinsman, Chair; Szymoniak and Veenstra

## COMMITTEE REPORTS

### **APPROPRIATIONS**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 104 (SSB 3082), a concurrent resolution urging that the Iowa Agricultural Industry Finance Corporation immediately begin implementing the Iowa Agricultural Industry Finance Act in a manner that encourages local agricultural producer-led ventures to expand production and processing of high value agricultural products, including agricultural processed products.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 21: McLaren, Flynn, Behn, Black, Bolkcom, Freeman, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, 1: Dvorsky. Absent or not voting, 3: Kramer, Connolly, and Deluhery.

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

### **JUDICIARY**

**Final Bill Action:** SENATE FILE 2112 (SSB 3020), a bill for an act relating to the criminal jurisdiction of the state regarding the crimes of escape and absence from custody.

**Recommendation:** APPROVED COMMITTEE BILL.



**Final Vote:** Ayes, 10: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, and Miller. Nays, none. Absent or not voting, 5: Maddox, McCoy, McKibben, Redfern, and Tinsman.

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

## **NATURAL RESOURCES AND ENVIRONMENT**

**Final Bill Action:** SENATE FILE 2114 (SSB 3080), a bill for an act relating to land restoration requirements for interstate natural gas pipeline construction projects.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Bartz, King, Fink, Black, Bolkcom, Dearden, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife. Nays, none. Absent or not voting, 1: Deluhery.

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

## **STATE GOVERNMENT**

**Final Bill Action:** SENATE FILE 2113 (SSB 3038), a bill for an act relating to the licensing of individuals engaged in the healing art of massage therapy.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Rittmer, Kibbie, Connolly, Dearden, Drake, Fink, King, Lundby, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 4: Lamberti, Deluhery, Maddox, and McLaren.

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

## **AFTERNOON SESSION**

The Senate reconvened at 1:12 p.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.

### **LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Senator McKibben, until he arrives, on request of Senator Miller.

## APPENDIX

### PETITION

The following petition was presented and place on file:

From 109 residents of Johnson County, opposing legislation to allow dove hunting in Iowa. Senator Dvorsky.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** February 9, 2000, 10:20 a.m.

**Members Present:** Redwine, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Flynn, and Sexton.

**Members Absent:** None.

**Committee Business:** Presentations by Dept. of Revenue and Finance and Dept. of Treasury.

**Adjourned:** 11:30 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** February 9, 2000, 10:05 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Black, Ranking Member; Fink and Gaskill.

**Members Absent:** None.

**Committee Business:** Representatives from DNR and Dept. of Agriculture and Land Stewardship discussed the Iowa Water Quality Initiative.

**Adjourned:** 11:17 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 9, 2000, 10:15 a.m.

**Members Present:** Schuerer, Chair; Soukup, Ranking Member; and Judge.

**Members Absent:** Boettger, Vice Chair; and Lamberti (both excused).

**Committee Business:** Joint meeting with Education appropriations subcommittee. Enterprise Team presentation by Dept. of Education, IDED, and Iowa Workforce Development.

**Adjourned:** 11:40 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 9, 2000, 10:15 a.m.

**Members Present:** Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

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

**Committee Business:** Joint meeting with Economic Development appropriations subcommittee. Enterprise Team presentation by Dept. of Education, IDED, and Iowa Workforce Development.

**Adjourned:** 11:40 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** February 9, 2000, 10:00 a.m.

**Members Present:** Rife, Chair; Zieman, Vice Chair; Bolkom, Ranking Member; and McKibben.

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

**Committee Business:** Presentation by Attorney General Tom Miller and Director of the Dept. of Public Health regarding tobacco settlement funds and smoking prevention programs.

**Adjourned:** 11:30 a.m.

#### **APPROPRIATIONS SUB COMMITTEE ON HUMAN SERVICES**

**Convened:** February 9, 2000, 10:10 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller and Szymoniak.

**Members Absent:** None.

**Committee Business:** Presentations by the Office of the Attorney General, Mental Health Institute superintendents, and Central Point of Coordination representative.

**Adjourned:** 12:07 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 9, 2000, 10:15 a.m.

**Members Present:** Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise, and McKean.

**Members Absent:** None.

**Committee Business:** Dept. of Corrections FY 2000 budget presentation.

**Adjourned:** 11:30 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** February 9, 2000, 10:10 a.m.

**Members Present:** King, Chair; and Harper.

**Members Absent:** Lundby, Vice Chair; Deluhery, Ranking Member; and Rittmer (all excused).

**Committee Business:** Discussion regarding the Information Technology Dept.

**Adjourned:** 11:05 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 9, 2000, 10:05 a.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair; Connolly, Ranking Member; Johnson, and Shearer.

**Members Absent:** None.

**Committee Business:** Presentation by the Dept. of Agriculture and Land Stewardship and the DNR.

**Adjourned:** 11:17 a.m.

**AGRICULTURE**

**Convened:** February 9, 2000, 8:05 a.m.

**Members Present:** Gaskill, Chair; Miller, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman.

**Members Absent:** None.

**Committee Business:** Joint House and Senate Agriculture and Natural Resources and Environment committee meeting to discuss water quality initiatives, with presentations by the IDALS and DNR.

**Adjourned:** 8:59 a.m.

## EDUCATION

**Convened:** February 9, 2000, 2:45 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:** Recommended confirmation of Governor's appointees. Subcommittee assignments. Approved SSB 3089.

**Adjourned:** 3:25 p.m.

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 105**, by Drake and Kibbie, a concurrent resolution requesting the Congress of the United States to appropriate sufficient funding to the United States Naval Fleet and the United States Flag Merchant Marine Fleet.

Read first time under Rule 28 and referred to committee on **State Government**.

## INTRODUCTION OF BILLS

**Senate File 2118**, by Bolkcom and Fink, a bill for an act establishing a center for community development planning and providing for fees, and an appropriation.

Read first time under Rule 28 and referred to committee on **Small Business, Economic Development, and Tourism**.

**Senate File 2119**, by Gronstal, a bill for an act relating to contributions and assets of retirement plans that are exempt from execution for payment of one's debts and including an effective and retroactive applicability date provision.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2120**, by Bolkcom, a bill for an act relating to the establishment of a comprehensive tobacco use education and prevention program and making appropriations.

Read first time under Rule 28 and referred to committee on **Appropriations**.

#### STUDY BILLS RECEIVED

##### **SSB 3116      State Government**

Concerning paid time off for certain peace officer members of the department of public safety injured in the course of duty.

##### **SSB 3117      Ways and Means**

Relating to certification of property taxes by townships and providing an effective date.

##### **SSB 3118      Natural Resources and Environment**

Providing rebates for the purchase of gasoline blended with ethanol, providing an appropriation, affecting tax revenues, and providing penalties and effective dates.

##### **SSB 3119      State Government**

Relating to the regulation of the practice of accounting, establishing fees, providing penalties, and providing an effective date.

##### **SSB 3120      Ways and Means**

Exempting the providing of environmental laboratory services from the state sales and use taxes.

#### SUBCOMMITTEE ASSIGNMENTS

##### **Senate File 2107**

STATE GOVERNMENT: Rittmer, Chair; Dearden and King

**House File 2099**

AGRICULTURE: Behn, Chair; Fraise and Gaskill

**House File 2105**

STATE GOVERNMENT: Lundby, Chair; Lamberti and Szymoniak

**SSB 3116**

STATE GOVERNMENT: Connolly, Chair; Lamberti and Schuerer

**SSB 3117**

WAYS AND MEANS: Maddox, Chair; Deluhery and McKibben

**SSB 3118**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Johnson and Kibbie

**SSB 3119**

STATE GOVERNMENT: Lamberti, Chair; Connolly and Schuerer

**SSB 3120**

WAYS AND MEANS: Drake, Chair; Flynn and McKibben

**COMMITTEE REPORT****JUDICIARY**

**Final Bill Action:** SENATE FILE 2007, a bill for an act relating to responsibilities of a guardian in procuring professional services for a ward with a physical or mental disability which do not require prior court approval.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5008.

**Final Vote:** Ayes, 12: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, Miller, and Tinsman. Nays, none. Absent or not voting, 3: McCoy, McKibben, and Redfern.

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

**AMENDMENT FILED**

S-5008      S.F.    2007      Judiciary

**COMMUNICATION RECEIVED**

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

February 9, 2000

**AGENCY ICN REPORT****DEPARTMENT OF EDUCATION**

FY 1999 Iowa Communications Network Usage Report.

**GOVERNOR'S APPOINTEE PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

**EDUCATION**

Douglas W. Larche – Director of the Department of Cultural Affairs

**GOVERNOR'S APPOINTEE PLACED ON  
EN BLOC CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

**EDUCATION**

Frederick Stilwill – Director of the Department of Education

**BILL SIGNED BY THE GOVERNOR**

A communication was received announcing that on February 9, 2000, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2082 – Relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.



ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:17 p.m., until 9:00 a.m., Thursday, February 10, 2000.

# JOURNAL OF THE SENATE

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THIRTY-SECOND CALENDAR DAY  
TWENTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 10, 2000

The Senate met in regular session at 9:18 a.m., President Kramer presiding.

Prayer was offered by the Reverend Julie Wehner, pastor of the United Methodist Church of Fremont, Iowa, guest of Senator Hedge.

The Journal of Wednesday, February 9, 2000, was approved.

## SPECIAL GUESTS

Senator Black welcomed Stephen S. F. Chen, Ambassador to the United States; Sheng Sung Yang, Director General of the Taipei Economic and Cultural Office in Chicago; and Hank Liu, Aide to Director General Yang.

Ambassador Chen addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 103.

### **Senate Concurrent Resolution 103**

On motion of Senator Kibbie, **Senate Concurrent Resolution 103**, a concurrent resolution relating to the observation of the decade of the bone and joint, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie moved the adoption of Senate Concurrent Resolution 103, which motion prevailed by a voice vote.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Flynn, Deluhery, and Gronstal, until they arrive, on request of Senator Fraise; and Senator Black, until he returns, on request of Senator Fraise.

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

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2089.

#### **Senate File 2089**

On motion of Senator Johnson, **Senate File 2089**, a bill for an act relating to collection of the physical plant and equipment property tax levy in certain urban renewal areas and providing an applicability date, 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. 2089), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	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
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, 3:

Black

Deluhery

Flynn

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 Concurrent Resolution 103** and **Senate File 2089** be **immediately messaged** to the House.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Gilbert "Ron" Dardis, State of Iowa Adjutant General

Billie Houck, Board of Barber Examiners

Donald Tietz, Board of Corrections

Alan Hathaway, Board of Dental Examiners

Laura Hawks, Landscape Architectural Examining Board

Bruce Hughes, Board of Medical Examiners

Karen Thomsen, Board of Mortuary Science Examiners

Kelly Rasmussen, Narcotics Enforcement Advisory Council

Marilyn Spina, Board of Optometry Examiners

Cathy Addington, Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Ruth Daggett, Board of Psychology Examiners

Luther Gammon, Real Estate Appraiser Examining Board

Eldon Boswell, Renewable Fuels and Coproducts Advisory Committee

Marianne Mickelson, Board of Speech Pathology and Audiology Examiners

Mildred Dawson, Commission of Veterans Affairs  
Jesse Rodriguez, Commission of Veterans Affairs

Sarah Garst, Iowa Board of Veterinary Medicine  
Paul Willis, Iowa Board of Veterinary Medicine

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 47:

Angelo	Bartz	Behn	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
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, 3:

Black	Deluhery	Flynn
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The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

### CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Mark F. Wandro, as Director of Transportation, placed on the Individual Confirmation

Calendar on February 2, 2000, and found on page 175 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Angelo	Bartz	Behn	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
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, 3:

Black	Deluhery	Flynn
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The appointee, having received a two-thirds vote, was declared to have been confirmed by 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 February 10, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House Concurrent Resolution 105**, a concurrent resolution demanding the Iowa Housing Corporation return state moneys to the Iowa Finance Authority and requesting the Iowa Finance Authority to honor contractual obligations with the Iowa Housing Corporation.

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

**House File 2153**, a bill for an act relating to drug policy coordination, including establishment of a drug policy coordinator, the governor's office of drug control policy, and a drug policy advisory council.

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

**House File 2169**, a bill for an act relating to the appointment of emergency management coordinators.

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

**House File 2170**, a bill for an act regarding application of the margin of error for chemical test evidence used in operating while intoxicated prosecutions.

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

## APPENDIX

### COMMUNICATION RECEIVED

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

February 10, 2000

#### DEPARTMENT OF MANAGEMENT

Standing Appropriations Report for the fiscal years ending June 30, 1998 and 1999, as required by Iowa Code, section 8.6, subsection 2.

### CERTIFICATES OF RECOGNITION

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

Sarah Harper, Iowa Falls – For receiving a bronze distinguished finalist medallion for the Prudential Spirit of Community Awards. Senator Iverson (02/10/00).

Clay Kramer, Waukon – For achieving the rank of Eagle Scout. Senator Zieman (02/10/00).

Jeffrey Vittenbogaard, Sheldon – For receiving a bronze distinguished finalist medallion for the Prudential Spirit of Community Awards. Senator Veenstra (02/10/00).

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** February 9, 2000, 3:40 p.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Bolcom, Flynn, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer.

**Members Absent:** Deluhery, Ranking Member (excused).

**Committee Business:** Recommended confirmation of Governor's appointees. Approved SSB 3053.

**Adjourned:** 4:02 p.m.



**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** February 10, 2000, 10:15 a.m.

**Members Present:** Redwine, Chair; and Sexton.

**Members Absent:** Bartz, Vice Chair; McCoy, Ranking Member; and Flynn (all excused).

**Committee Business:** Presentation regarding Iowa Uniform State Laws Commission.

**Adjourned:** 10:35 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** February 10, 2000, 10:05 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; and Fink.

**Members Absent:** Black, Ranking Member; and Gaskill (both excused).

**Committee Business:** Presentations by DNR and Dept. of Management.

**Adjourned:** 10:50 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 10, 2000, 10:10 a.m.

**Members Present:** Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

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

**Committee Business:** Discussed budgets for State Library and community colleges.

**Adjourned:** 11:45 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** February 10, 2000, 10:03 a.m.

**Members Present:** Rife, Chair; Zieman, Vice Chair; Bolkcom, Ranking Member; and McKibben.

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

**Committee Business:** Presentation on Healthy Iowans 2010 agenda. Budget presentations for the Commission on Veterans Affairs and the Iowa Veterans Home.

**Adjourned:** 11:26 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 10, 2000, 10:15 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller, and Szymoniak.

**Members Absent:** None.

**Committee Business:** Presentations by Dept. of Human Services, Governor's Child Care Task Force, Rockwell ChildCare, and HAWK-I.

**Adjourned:** 12:16 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 10, 2000, 10:13 a.m.

**Members Present:** Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; and Fraise.

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

**Committee Business:** Dept. of Corrections FY 2000 budget presentation.

**Adjourned:** 11:20 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 10, 2000, 10:12 a.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair; Johnson, and Shearer.

**Members Absent:** Connolly, Ranking Member (excused).

**Committee Business:** Presentations by DOT, Lewis and Clark Rural Water System, and Southern Iowa Conservation Authority.

**Adjourned:** 11:23 p.m.

#### **HUMAN RESOURCES**

**Convened:** February 10, 2000, 1:10 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Tinsman, and Veenstra.

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

**Committee Business:** Discussed SSB 3121.

**Adjourned:** 2:05 p.m.

## JUDICIARY

**Convened:** February 10, 2000, 3:01 p.m.

**Members Present:** McKean; Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McKibben, Miller, Redfern, and Tinsman.

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

**Committee Business:** Subcommittee assignments. Approved SSBs 3021, as amended, 3066, and 3068.

**Adjourned:** 3:16 p.m.

## STATE GOVERNMENT

**Convened:** February 10, 2000, 2:17 p.m.

**Members Present:** Rittmer, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Dearden, Drake, Fink, Lundby, Maddox, Schuerer, Sexton, and Szymoniak.

**Members Absent:** Connolly, Deluhery, King, and McLaren (all excused).

**Committee Business:** Subcommittee assignments. Recommended confirmation of Governor's appointees. Approved SSB 3076. Passed SF 2062, as amended, and SF 2077.

**Adjourned:** 2:43 p.m.

## TRANSPORTATION

**Convened:** February 10, 2000, 1:05 p.m.

**Members Present:** Drake, Chair; Sexton, Vice Chair; McCoy, Ranking Member; Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Ziemann.

**Members Absent:** None.

**Committee Business:** Recommended confirmation of Governor's appointee. Approved SSBs 3030.1 and 3115.

**Adjourned:** 2:40 p.m.

## INTRODUCTION OF BILLS

**Senate File 2121**, by committee on Education, a bill for an act providing for additional local funding authority under the instructional support levy for school districts.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2122**, by Schuerer, a bill for an act relating to the criminal penalties for a person under legal age who purchases, attempts to purchase, or possesses an alcoholic beverage.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2123**, by Hammond, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, and Gronstal, a bill for an act relating to and making an appropriation from the tobacco settlement fund to the department of human services for reimbursement of providers under the medical assistance program and providing an effective date and providing for retroactive applicability.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 2124**, by Schuerer, a bill for an act establishing family investment program eligibility requirements involving participation in drug testing and compliance with a treatment plan.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 2125**, by Kibbie, a bill for an act relating to mandatory reporters of dependent adult abuse.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 2126**, by Johnson, Boettger, Rehberg, Szymoniak, McKibben, Lundby, Soukup, Harper, McCoy, Bolkcom, Tinsman,

Shearer, Dvorsky, Hammond, Dearden, Gronstal, and Maddox, a bill for an act relating to third-party payment of health care coverage costs for prescription contraceptive drugs, devices, and services.

Read first time under Rule 28 and referred to committee on **Commerce.**

**Senate File 2127**, by Rehberg, a bill for an act relating to a school district's transportation of children participating in open enrollment.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 2128**, by Dvorsky, Black, Bolkcom, Connolly, Dearden, Deluhery, Fink, Flynn, Fraise, Gronstal, Harper, Judge, Kibbie, McCoy, Shearer, Soukup, and Szymoniak, a bill for an act relating to and making appropriations from the tobacco settlement fund to the Iowa department of public health for the development of an environmental epidemiology program, and providing an effective date and providing for retroactive applicability.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2129**, by Bolkcom, Black, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act relating to and making appropriations from the tobacco settlement fund to the Iowa department of public health for a poison control center, and providing an effective date and providing for retroactive applicability.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2130**, by McCoy, a bill for an act providing a tax credit for volunteer firefighters and emergency medical services personnel under the individual income tax and providing effective and retroactive applicability dates.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

**Senate File 2131**, by Bolkcom, Szymoniak, Shearer, Judge, Flynn, Fink, Connolly, Black, Kibbie, Fraise, Hansen, Dvorsky, Hammond, Harper, Soukup, Dearden, McCoy, Gronstal, Deluhery, and Horn, a bill for an act establishing a pharmaceutical assistance program for the elderly, providing a penalty, and providing an appropriation.

Read first time under Rule 28 and referred to committee on **Human Resources.**

**Senate File 2132**, by Bolkcom, Black, Connolly, Dearden, Deluhery, Fink, Fraise, Hammond, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, and Szymoniak, a bill for an act relating to adoption of rules by state agencies pertaining to development, acquisition, or disposal of land.

Read first time under Rule 28 and referred to committee on **State Government.**

**Senate File 2133**, by Lundby, a bill for an act relating to registration information of leased vehicles and making a penalty applicable.

Read first time under Rule 28 and referred to committee on **Transportation.**

**Senate File 2134**, by McCoy, a bill for an act providing special service members of the Iowa public employees' retirement system with disability retirement benefits.

Read first time under Rule 28 and referred to committee on **State Government.**

**Senate File 2135**, by Gronstal, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hammond, Hansen, Harper, Judge, Kibbie, McCoy, Shearer, Soukup, and Szymoniak, a bill for an act relating to and making an appropriation from the tobacco settlement fund to the department of human

services to provide presumptive eligibility for children under the medical assistance program, and providing an effective date and providing for retroactive applicability.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2136**, by Gronstal, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hammond, Hansen, Harper, Horn, Judge, Kibbie, McCoy, Shearer, Soukup, and Szymoniak, a bill for an act relating to and making an appropriation from the tobacco settlement fund to the department of human services to provide for twelve-month continuous eligibility for children under the medical assistance program, and providing an effective date and providing for retroactive applicability.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2137**, by Gronstal, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hammond, Hansen, Harper, Horn, Kibbie, McCoy, Shearer, Soukup, and Szymoniak, a bill for an act relating to and making appropriations from the tobacco settlement fund to the Iowa department of public health and to the department of personnel for smoking cessation programs, and providing an effective date and providing for retroactive applicability.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2138**, by Gronstal, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Hammond, Kibbie, McCoy, Shearer, Soukup, Judge, and Szymoniak, a bill for an act relating to and making appropriations from the tobacco settlement fund to the Iowa department of public health for substance abuse treatment, and providing an effective date and providing for retroactive applicability.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2139**, by Fraise, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act relating to and making an appropriation from the tobacco settlement fund to the Iowa department of public health for cardiovascular disease prevention, and providing an effective date and providing for retroactive applicability.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2140**, by Hammond, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act relating to and making an appropriation from the tobacco settlement fund to the department of inspections and appeals for food safety resources, and providing an effective date and providing for retroactive applicability.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2141**, by committee on State Government, a bill for an act creating a merchant marine bonus fund and making an appropriation.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2142**, by committee on Judiciary, a bill for an act relating to crime victim compensation.

Read first time under Rule 28 and placed on **calendar**.

## STUDY BILLS RECEIVED

### **SSB 3121      Human Resources**

Relating to the establishment of a long-term care program, including the creation of a long-term care trust fund, providing for appropriation of the moneys in the fund, and making appropriations.



**SSB 3122      Natural Resources and Environment**

Increasing certain fees related to the generation, transportation, storage, and disposal of hazardous waste.

**SSB 3123      Natural Resources and Environment**

Relating to the taking of fish and game by establishing residency requirements and methods of taking fish and subjecting violators to an existing penalty.

**SSB 3124      Natural Resources and Environment**

Removing rulemaking requirements for the special waste authorization program.

**SSB 3125      Judiciary**

Relating to the application of earned time credits against a criminal sentence.

**SSB 3126      Commerce**

Providing for the establishment of protected cells by domestic insurers.

**SSB 3127      Local Government**

Relating to adoption of rules by state agencies pertaining to development, acquisition, or disposal of land.

**SSB 3128      Local Government**

Relating to the limitation on property taxes for cities and counties and providing for the Act's applicability.

**SSB 3129      Judiciary**

To prohibit the possession or consumption of alcoholic beverages in undergraduate dormitories and residence halls at postsecondary educational institutions and to provide a civil penalty.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 2081**

TRANSPORTATION: Freeman, Chair; Fink and Rittmer

**Senate File 2093**

TRANSPORTATION: Sexton, Chair; Drake and Kibbie

**Senate File 2097**

EDUCATION: Redfern, Chair; Sexton and Shearer

**Senate File 2105**

APPROPRIATIONS: Hedge, Chair; Black and Lamberti

**Senate File 2109**

JUDICIARY: Maddox, Chair; Hammond and Miller

**Senate File 2122**

JUDICIARY: Redfern, Chair; Hammond and McKean

**Senate File 2127**

EDUCATION: Rehberg, Chair; Harper and Tinsman

**House File 2135**

HUMAN RESOURCES: Miller, Chair; Hammond and Redwine

**House File 2145**

EDUCATION: Redwine, Chair; Dvorsky and Gaskill

**SSB 3121**

HUMAN RESOURCES: Boettger, Chair; Szymoniak, Tinsman, and Veenstra

**SSB 3122**

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Drake and Johnson

**SSB 3123**

NATURAL RESOURCES AND ENVIRONMENT: Rife, Chair; Deluhery and Freeman

**SSB 3124**

NATURAL RESOURCES AND ENVIRONMENT: Freeman, Chair; Deluhery and Rife

**SSB 3125**

JUDICIARY: McKean, Chair; Hammond and Maddox

**SSB 3126**

COMMERCE: Lamberti, Chair; Gronstal and Redfern

**SSB 3127**

LOCAL GOVERNMENT: McKean, Chair; Angelo, Bartz, Bolkcom, and Fraise

**SSB 3128**

LOCAL GOVERNMENT: Angelo, Chair; Bartz and Judge

**SSB 3129**

JUDICIARY: Boettger, Chair; Angelo and McCoy

**COMMITTEE REPORTS****EDUCATION**

**Final Bill Action:** SENATE FILE 2121 (SSB 3089), a bill for an act providing for additional local funding authority under the instructional support levy for school districts.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Redfern, Rehberg, Connolly, Angelo, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Boettger.

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

**JUDICIARY**

**Final Bill Action:** SENATE FILE 2142 (SSB 3066), a bill for an act relating to crime victim compensation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McKibben, Miller, and Redfern. Nays, none. Absent or not voting, 2: McCoy and Tinsman.

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

**STATE GOVERNMENT**

**Final Bill Action:** SENATE FILE 2141 (Formerly SF 2077), a bill for an act creating a merchant marine bonus fund and making an appropriation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Rittmer, Lamberti, Kibbie, Dearden, Drake, Fink, Lundby, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 4: Connolly, Deluhery, King, and McLaren.

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

**GOVERNOR'S APPOINTEES PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendations for confirmation:

**COMMERCE**

Allan Thoms – Chair of Utilities Board

Holmes Foster – Superintendent of Banking

**STATE GOVERNMENT**

Lynn M. Walding – Administrator of the Alcoholic Beverages Division

**GOVERNOR'S APPOINTEES PLACED ON  
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

**STATE GOVERNMENT**

Ann Diehl – Architectural Examining Board

Marcy Rolenc – Board of Dietetic Examiners

Susan Albright – Engineering and Land Surveying Examining Board

Randall Beavers – Engineering and Land Surveying Examining Board

Elizabeth Salinas Newby – Administrator of the Division of Latino Affairs

Tim Moe – State Board of Examiners for Nursing Home Administrators

Phyllis Cacciatore – Board of Physical and Occupational Therapy Examiners

Robert Yoho – Board of Podiatry Examiners

Gregory Hicklin – State Board for Respiratory Care

**TRANSPORTATION**

Joseph Frisbie – Iowa Law Enforcement Academy Council

**AMENDMENT FILED**

S-5009      S.F.    2015      Jeff Angelo

**ADJOURNMENT**

On motion of Senator Iverson, the Senate adjourned at 9:57 a.m., until 1:00 p.m., Monday, February 14, 2000.

# JOURNAL OF THE SENATE

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THIRTY-SIXTH CALENDAR DAY  
TWENTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 14, 2000

The Senate met in regular session at 1:16 p.m., President Kramer presiding.

Prayer was offered by the Reverend Ed Ward, pastor of the St. Stephen Lutheran Church of Urbandale, Iowa, guest of Senator Maddox.

The Journal of Thursday, February 10, 2000, was approved.

## SPECIAL GUESTS

Senator Boettger welcomed the following ten visitors from Cherkassy, Ukraine: Ms. Angelika Olegivna Bobileva, Mr. Alexander Grigorovich Bubbiy, Mr. Dmytro Ilyich Bukhalstov, Ms. Olena Anatoliivna Kostenko, Ms. Julia Volodmyrivna Moroz, Mr. Valentyn Vitaliyovych Nayda, Mr. Arthur Pavlovich Ohanesvan, Ms. Oleksandra Stanislavovna Sorokina, Ms. Oksana Anatoliivna Tsyahanova, and Mr. Boris Pitrovych Zilbermintz. The visitors are part of the Community Connections IV Cherkassy Business Program.

Ms. Bobileva addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

## COMMITTEE APPOINTED

Senator Iverson announced the following committee members appointed to an ad hoc committee on child abuse: Senators Boettger, Hammond, Harper, Kibbie, King, Lundby, Miller, and Szymoniak.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Kibbie and Connolly, until they arrive, on request of Senator Gronstal; and Senators McKean and Rife, until they arrive, on request of Senator Iverson.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 686 and Senate File 2083.

**House File 686**

On motion of Senator Rittmer, **House File 686**, a bill for an act providing registration requirements and establishing a scope of authority for dental assistants, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Rittmer offered amendment S-5005 filed by the committee on State Government on February 2, 2000, to pages 1, 2, and 3 of the bill and moved its adoption.

Amendment S-5005 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 686), the vote was:

Ayes, 45:

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

Soukup  
Zieman

Szymoniak

Tinsman

Veenstra

Nays, 1:

Judge

Absent or not voting, 4:

Connolly

Kibbie

McKean

Rife

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

### **Senate File 2083**

On motion of Senator McKibben, **Senate File 2083**, a bill for an act prohibiting motor vehicle manufacturers, distributors, wholesalers, and importers from being licensed as, owning an interest in, operating, or controlling a motor vehicle dealer, providing exceptions, and making a penalty applicable, was taken up for consideration.

Senator McKibben asked and received unanimous consent that **House File 2106** be **substituted** for **Senate File 2083**.

### **House File 2106**

On motion of Senator McKibben, **House File 2106**, a bill for an act prohibiting motor vehicle manufacturers, distributors, wholesalers, and importers from being licensed as, owning an interest in, operating, or controlling a motor vehicle dealer, providing exceptions, and making a penalty applicable, 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. 2106), the vote was:



Ayes, 47:

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

Nays, none.

Absent or not voting, 3:

Connolly	Kibbie	McKean
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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 686** and **2106** be **immediately messaged** to the House.

#### WITHDRAWN

Senator McKibben asked and received unanimous consent that **Senate File 2083** 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 February 10, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2136**, a bill for an act relating to nonsubstantive Code corrections.

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

ALSO: That the House has on February 14, 2000, passed the following resolutions in which the **concurrence** of the **Senate** is asked:

**House Concurrent Resolution 106**, a concurrent resolution relating to support of the State of Minnesota's lawsuit against the federal government and the United States Secretary of Health and Human Services regarding disparate funding under the federal Medicare program.

Read first time and referred to committee on **Human Resources**.

**House Concurrent Resolution 108**, a concurrent resolution requesting the Congress of the United States to appropriate sufficient funding to the United States Naval Fleet and the United States Flag Merchant Marine Fleet.

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

ALSO: That the House has on February 14, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2146**, a bill for an act relating to the authority of the board of educational examiners over certification and licensing of para-educators and practitioners.

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

**House File 2168**, a bill for an act relating to the exceptions to the requirement of holding a hearing in a dissolution of marriage action.

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

## 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:

February 14, 2000

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

Community Economic Betterment Account (CEBA) Annual Report for FY 1999.

#### GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

Iowa's Drug Control Strategy 2000, as required by Iowa Code chapter 80.E.

#### DEPARTMENT OF MANAGEMENT

Report on Travel Reductions Contained in HF 2039.

### EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on February 14, 2000, when the votes were taken on House Files 686 and 2106. Had I been present, I would have voted "Aye" on both.

JOHN P. KIBBIE

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on February 14, 2000, when the votes were taken on House Files 686 and 2106. Had I been present, I would have voted "Aye" on both.

MICHAEL W. CONNOLLY

### REPORTS OF COMMITTEE MEETINGS

#### BUSINESS AND LABOR RELATIONS

**Convened:** February 14, 2000, 2:49 p.m.

**Members Present:** McKibben, Chair; Freeman, Vice Chair; Dearden, Ranking Member; Behn, Fraise, Hansen, Hedge, Horn, King, Rife, and Schuerer.

**Members Absent:** None.

**Committee Business:** Recommended confirmation of Governor's appointees.

**Adjourned:** 2:53 p.m.

## **EDUCATION**

**Convened:** February 14, 2000, 2:47 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:** Presentation by Dept. of Education. Subcommittee assignments. Approved SSB 3111.

**Adjourned:** 3:33 p.m.

## **HUMAN RESOURCES**

**Convened:** February 14, 2000, 3:42 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra.

**Members Absent:** None.

**Committee Business:** Discussed SSB 3121.

**Adjourned:** 4:38 p.m.

## **TRANSPORTATION**

**Convened:** February 14, 2000, 3:27 p.m.

**Members Present:** Drake, Chair; Sexton, Vice Chair; McCoy, Ranking Member; Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Zieman.

**Members Absent:** None.

**Committee Business:** Passed SF 2001.

**Adjourned:** 3:46 p.m.

## **INTRODUCTION OF BILLS**

**Senate File 2143**, by committee on State Government, a bill for an act relating to the eligibility of certain school organizations to conduct games and raffles.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2144**, by committee on State Government, a bill for an act relating to regulation and inspection of health care facilities including the establishment of a quality-based inspections system.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2145**, by committee on Judiciary, a bill for an act relating to the national crime prevention and privacy compact.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2146**, by committee on Judiciary, a bill for an act relating to the appearance in court and the release from custody of certain criminal defendants.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2147**, by committee on Transportation, a bill for an act relating to motor vehicles, including motor vehicle enforcement, titling, and registration, the renewal of certain licenses related to selling vehicles, and motor carrier regulation, making penalties applicable, and providing effective dates.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2148**, by Rehberg, a bill for an act allowing persons holding interests in family farm limited liability companies, family farm limited partnerships, and family trusts holding agricultural land to file for the homestead tax credit and the family farm tax credit.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 2149**, by Bolkcom, a bill for an act relating to the public identification of discharge points to state waters from national pollutant discharge elimination system permit holders.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

**Senate File 2150**, by Freeman, a bill for an act exempting certain county bridge construction projects and materials from contract bidding procedures.

Read first time under Rule 28 and referred to committee on **Transportation.**

**Senate File 2151**, by Judge, Black, Bolckcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Gronstal, Hammond, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, and Szymoniak, a bill for an act relating to and making appropriations from the tobacco settlement fund to the department of human services for expansion of services for persons with special needs, and providing an effective date and providing for retroactive applicability.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2152**, by Judge, Black, Bolckcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hammond, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act relating to and making appropriations from the tobacco settlement fund to the Iowa department of public health for health care functions including home health care and public health nursing services, and providing an effective date and providing for retroactive applicability.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2153**, by Rehberg, a bill for an act providing a child care tax credit under the individual income tax for certain families and including a retroactive applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

**Senate File 2154**, by Rehberg, a bill for an act relating to harassment via electronic communications and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2155**, by Rehberg, a bill for an act relating to on-site presence of a pipeline company representative during farmland improvements near pipelines.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

**Senate File 2156**, by committee on Transportation, a bill for an act relating to the use of blue lights on authorized emergency vehicles.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2157**, by Judge, a bill for an act relating to the exemption from the use tax of the purchase of truck chassis by a licensed motor vehicle dealer for the purpose of modification and resale.

Read first time under Rule 28 and referred to committee on **Transportation**.

**Senate File 2158**, by committee on Commerce, a bill for an act relating to the limitation on deposits which may be held by a depository institution or holding company and establishment of a procedure for determining compliance with such limitation, providing for the Act's applicability, and providing an effective date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2159**, by Angelo, Rehberg, Boettger, and Tinsman, a bill for an act requiring the board of directors of a school district to adopt a contract with parents as part of a student promotion policy for grade three level students and providing for related matters.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 2160**, by Schuerer and Boettger, a bill for an act relating to the apportionment of local option sales and services tax for school infrastructure election costs, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 2161**, by Soukup, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Gronstal, Hansen, Harper, Kibbie, Judge, McCoy, Shearer, and Szymoniak, a bill for an act relating to and making an appropriation from the tobacco settlement fund to the Iowa department of public health for emergency medical services, and providing an effective date and providing for retroactive applicability.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2162**, by Schuerer, Freeman, King, Miller, and Rehberg, a bill for an act relating to the establishment of a tobacco settlement endowment fund.

Read first time under Rule 28 and referred to committee on **Appropriations.**

#### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 106**, by Dvorsky, Black, Bolkcom, Connolly, Deluhery, Fink, Flynn, Fraise, Harper, Kibbie, McCoy, Shearer, Gronstal, and Szymoniak, a concurrent resolution relating to the state board of regents five-year building program.

Read first time under Rule 28 and referred to committee on **Appropriations.**



**BILLS ASSIGNED TO COMMITTEE**

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

H.C.R.	105	Rules and Administration
H.F.	2153	Judiciary

**STUDY BILLS RECEIVED****SSB 3130      Judiciary**

Relating to reclassifying certain simple misdemeanors as scheduled violations.

**SSB 3131      Natural Resources and Environment**

Relating to the scope of the well contractor certification program.

**SSB 3132      Transportation**

Relating to the vacation of roads and road rights-of-way.

**SSB 3133      Appropriations**

Relating to energy conservation including making appropriations of petroleum overcharge funds.

**SSB 3134      Judiciary**

Relating to the placement in treatment programs of offenders sentenced for operating while intoxicated violations.

**SSB 3135      Judiciary**

Relating to the civil commitment of dangerously violent persons.

**SUBCOMMITTEE ASSIGNMENTS****Senate Concurrent Resolution 105**

STATE GOVERNMENT: Drake, Chair; Dearden and Kibbie

**Senate File 2116**

STATE GOVERNMENT: Rittmer, Chair; Kibbie and King

**Senate File 2117**

STATE GOVERNMENT: Rittmer, Chair; Kibbie and Schuerer

**Senate File 2118**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Lundby, Chair; Sexton and Soukup

**Senate File 2119**

STATE GOVERNMENT: Lamberti, Chair; Fink and Sexton

**Senate File 2120**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

**Senate File 2126**

COMMERCE: Johnson, Chair; Bolkcom and Lundby

**Senate File 2128**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

**Senate File 2129**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

**Senate File 2130**

WAYS AND MEANS: Johnson, Chair; Deluhery and McKibben

**Senate File 2134**

STATE GOVERNMENT: Rittmer, Chair; Drake and Kibbie

**Senate File 2135**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

**Senate File 2136**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

**Senate File 2137**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

**Senate File 2138**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

**Senate File 2139**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

**Senate File 2140**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

**Senate File 2148**

WAYS AND MEANS: Hedge, Chair; Harper and McLaren

**Senate File 2151**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

**Senate File 2152**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

**Senate File 2153**

WAYS AND MEANS: Lamberti, Chair; Connolly and Johnson

**House File 2169**

LOCAL GOVERNMENT: Zieman, Chair; Bolkcom and Gaskill

**SSB 3130**

JUDICIARY: McKean, Chair; Hammond and Maddox

**SSB 3131**

NATURAL RESOURCES AND ENVIRONMENT: King, Chair; Deluhery and Rife

**SSB 3132**

TRANSPORTATION: Jensen, Chair; Judge and McKibben

**SSB 3133**

APPROPRIATIONS: Black, Chair; Behn and Schuerer

**SSB 3134**

JUDICIARY: McKean, Chair; Hammond and Maddox

**SSB 3135**

JUDICIARY: McKean, Chair; Hammond and Maddox

**COMMITTEE REPORTS****COMMERCE**

**Final Bill Action:** \*SENATE FILE 2158 (SSB 3053), a bill for an act relating to the limitation on deposits which may be held by a depository institution or holding company and establishment of a procedure for determining compliance with such limitation, providing for the Act's applicability, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Jensen, Maddox, Bolkcom, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer. Nays, 1: Flynn. Absent or not voting, 1: Deluhery.

**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 Commerce Committee on Senate File 2158, and they were attached to the committee report.

**JUDICIARY**

**Final Bill Action:** SENATE FILE 2145 (SSB 3068), a bill for an act relating to the national crime prevention and privacy compact.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McKibben, Miller, and Redfern. Nays, none. Absent or not voting, 2: McCoy and Tinsman.

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

ALSO:

**Final Bill Action:** SENATE FILE 2146 (SSB 3021), a bill for an act relating to the appearance in court and the release from custody of certain criminal defendants.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: McCoy.

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

**STATE GOVERNMENT**

**Final Bill Action:** \*SENATE FILE 2143 (Formerly SF 2062), a bill for an act relating to the eligibility of certain school organizations to conduct games and raffles.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Rittmer, Lamberti, Kibbie, Dearden, Drake, Fink, Lundby, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 4: Connolly, Deluhery, King, and McLaren.

**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 State Government Committee on Senate File 2143, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2144 (SSB 3076), a bill for an act relating to regulation and inspection of health care facilities including the establishment of a quality-based inspections system.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Rittmer, Lamberti, Kibbie, Dearden, Drake, Fink, Lundby, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 4: Connolly, Deluhery, King, and McLaren.

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

**TRANSPORTATION**

**Final Bill Action:** \*SENATE FILE 2147 (SSB 3030.1), a bill for an act relating to motor vehicles, including motor vehicle enforcement, titling, and registration, the renewal of certain licenses related to selling vehicles, and motor carrier regulation, making penalties applicable, and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Drake, Sexton, McCoy, Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Zieman. Nays, none. Absent or not voting, none.

**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 Transportation Committee on Senate File 2147, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2156 (SSB 3115), a bill for an act relating to the use of blue lights on authorized emergency vehicles.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Drake, Sexton, McCoy, Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Zieman. Nays, none. Absent or not voting, none.

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

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

#### **BUSINESS AND LABOR RELATIONS**

Elizabeth Seiser – Employment Appeal Board

James Riordan – Public Employment Relations Board

#### **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

James Davis – Small Business Advisory Council

Denise Essman – Small Business Advisory Council

#### **ADJOURNMENT**

On motion of Senator Iverson, the Senate adjourned at 2:10 p.m., until 9:00 a.m., Tuesday, February 15, 2000.

# JOURNAL OF THE SENATE

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THIRTY-SEVENTH CALENDAR DAY  
TWENTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 15, 2000

The Senate met in regular session at 9:06 a.m., President Kramer presiding.

Prayer was offered by Father Stephen Page, pastor of St. Mary's Catholic Church of Fairfield, Iowa, guest of Senator Miller.

The Journal of Monday, February 14, 2000, 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 February 14, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2173**, a bill for an act providing for inheritance by great-grandparents, great-aunts and uncles, and second cousins of intestate decedents.

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

## RECESS

On motion of Senator Hedge, the Senate recessed at 9:11 a.m., until 1:00 p.m.

**APPENDIX****REPORTS OF COMMITTEE MEETINGS****COMMERCE**

**Convened:** February 14, 2000, 4:41 p.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer.

**Members Absent:** None.

**Committee Business:** Recommended confirmation of Governor's appointees. Passed SF 2126.

**Adjourned:** 5:10 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** February 15, 2000, 9:40 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Black, Ranking Member; Fink, and Gaskill.

**Members Absent:** None.

**Committee Business:** Presentations by State Veterinarian and DNR.

**Adjourned:** 10:05 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** February 15, 2000, 9:45 a.m.

**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Soukup, Ranking Member; Judge, and Lamberti.

**Members Absent:** None.

**Committee Business:** Presentation by Legislative Fiscal Bureau.

**Adjourned:** 10:55 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 15, 2000, 9:40 a.m.



**Members Present:** Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

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

**Committee Business:** University of Iowa discussed their budget.

**Adjourned:** 11:25 a.m.

### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 15, 2000, 9:40 a.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair; Connolly, Ranking Member; Johnson, and Shearer.

**Members Absent:** None.

**Committee Business:** Presentations by the Dept. of Education and Dept. for the Blind.

**Adjourned:** 10:20 a.m.

### **RULES AND ADMINISTRATION**

**Convened:** February 15, 2000, 9:13 a.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Fink, Harper, Lundby, Rehberg, and Rittmer.

**Members Absent:** Gronstal, Ranking Member; Dvorsky, Jensen, and Redfern (all excused).

**Committee Business:** Passed HCR 108 and SR 106.

**Adjourned:** 9:14 a.m.

### **INTRODUCTION OF RESOLUTION**

**Senate Resolution 106**, by committee on Rules and Administration, a resolution relating to gubernatorial appointments and other appointments requiring Senate confirmation.

Read first time under Rule 28 and placed on **calendar**.

## INTRODUCTION OF BILLS

**Senate File 2163**, by committee on Education, a bill for an act providing for the utilization of budget enrollment in determining gifted and talented program funding, and providing an effective date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2164**, by committee on Transportation, a bill for an act relating to expenditure of primary road fund moneys for dust control on certain municipal streets.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2165**, by Miller, a bill for an act relating to assessment and valuation of property for property tax purposes by removing assessment limitations for all classes of property, providing for a reduction in actual value for certain classes of property, requiring cost replacement valuation for certain residential property, and providing an applicability date.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

## SUBCOMMITTEE ASSIGNMENTS

**House Concurrent Resolution 106**

HUMAN RESOURCES: Tinsman, Chair; Hammond and Veenstra

**Senate File 2123**

HUMAN RESOURCES: Tinsman, Chair; Hammond and Veenstra

**Senate File 2124**

HUMAN RESOURCES: Schuerer, Chair; Hammond and Tinsman

**Senate File 2125**

HUMAN RESOURCES: Harper, Chair; Bartz and Redwine

**Senate File 2131**

HUMAN RESOURCES: Boettger, Chair; Dvorsky and Tinsman

**Senate File 2132**

STATE GOVERNMENT: King, Chair; Connolly and Sexton

**Senate File 2149**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Bolkcom and King

**Senate File 2154**

JUDICIARY: Redfern, Chair; Dvorsky and McKean

**House File 2136**

JUDICIARY: Hansen, Chair; Lamberti and Maddox

**House File 2153**

JUDICIARY: Fraise, Chair; McKibben and Miller

**House File 2168**

JUDICIARY: Lamberti, Chair; Horn and McKibben

**House File 2170**

JUDICIARY: McKibben, Chair; Hammond and McKean

**COMMITTEE REPORTS****COMMERCE**

**Final Bill Action:** SENATE FILE 2126, a bill for an act relating to third-party payment of health care coverage costs for prescription contraceptive drugs, devices, and services.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Jensen, Maddox, Deluhery, Bolkcom, Gronstal, Hansen, Johnson, Lundby, and McCoy. Nays, 6: Flynn, King, Lamberti, Redfern, Redwine, and Schuerer. Absent or not voting, none.

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

**EDUCATION**

**Final Bill Action:** SENATE FILE 2163 (SSB 3111), a bill for an act providing for the utilization of budget enrollment in determining gifted and talented program funding, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Redfern, Rehberg, Connolly, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, none. Absent or not voting, 2: Angelo and Boettger.

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

## **RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE RESOLUTION 106, a resolution relating to gubernatorial appointments and other appointments requiring Senate confirmation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Iverson, Kramer, Fink, Harper, Lundby, Rehberg, and Rittmer. Nays, none. Absent or not voting, 4: Gronstal, Dvorsky, Jensen, and Redfern.

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

ALSO:

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 108, a concurrent resolution requesting the Congress of the United States to appropriate sufficient funding to the United States Naval Fleet and the United States Flag Merchant Marine Fleet.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Iverson, Kramer, Fink, Harper, Lundby, Rehberg, and Rittmer. Nays, none. Absent or not voting, 4: Gronstal, Dvorsky, Jensen, and Redfern.

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

## **TRANSPORTATION**

**Final Bill Action:** SENATE FILE 2164 (Formerly SF 2001), a bill for an act relating to expenditure of primary road fund moneys for dust control on certain municipal streets.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Drake, Sexton, McCoy, Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, KcKibben, Rittmer, and Zieman. Nays, none. Absent or not voting, none.

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

## AFTERNOON SESSION

The Senate reconvened at 1:13 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 37 present, 13 absent, and a quorum present.

CONSIDERATION OF RESOLUTIONS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 106 and House Concurrent Resolution 108.

**Senate Resolution 106**

On motion of Senator Iverson, **Senate Resolution 106**, a resolution relating to gubernatorial appointments and other appointments requiring Senate confirmation, was taken up for consideration.

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

**House Concurrent Resolution 108**

On motion of Senator Drake, **House Concurrent Resolution 108**, a concurrent resolution requesting the Congress of the United States to appropriate sufficient funding to the United States Naval Fleet and the United States Flag Merchant Marine Fleet, with report of committee recommending passage, was taken up for consideration.

Senator Drake moved the adoption of House Concurrent Resolution 108, which motion prevailed by a voice vote.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 108** be **immediately messaged** to the House.

## APPENDIX

## REPORTS OF COMMITTEE MEETINGS

## APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

**Convened:** February 15, 2000, 9:45 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller, and Szymoniak.

**Members Absent:** None.

**Committee Business:** Presentations on Children's Health Insurance Program, certified nurse aides, and long-term care.

**Adjourned:** 11:40 a.m.

## APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** February 15, 2000, 9:50 a.m.

**Members Present:** Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; and Fraise.

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

**Committee Business:** Presentation by Dept. of Corrections and judicial branch.

**Adjourned:** 11:30 a.m.

## APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

**Convened:** February 15, 2000, 9:45 a.m.

**Members Present:** King, Chair; Lundby, Vice Chair; Deluhery, Ranking Member; and Harper.

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

**Committee Business:** Discussion concerning the Information Technology Dept. budget.

**Adjourned:** 10:20 a.m.

## JUDICIARY

**Convened:** February 15, 2000, 3:08 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman.

**Members Absent:** None.

**Committee Business:** Recommended confirmation of Governor's appointee. Subcommittee assignments. Passed SFs 2052 and 2078. Approved SSBs 3067 and 3070, as amended.

**Adjourned:** 3:34 p.m.

## STATE GOVERNMENT

**Convened:** February 15, 2000, 11:38 a.m.

**Members Present:** Rittmer, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, McLaren, Schuerer, Sexton, and Szymoniak.

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

**Committee Business:** Recommended confirmation of Governor's appointees. Approved SSB 3059 (Rule 40). Passed SR 10 (Rule 40).

**Adjourned:** 12:08 p.m.

## INTRODUCTION OF BILLS

**Senate File 2166**, by Schuerer, a bill for an act relating to the classification for property tax purposes of mobile home parks and land-leased manufactured home communities.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 2167**, by Miller, a bill for an act relating to competitive bidding for construction or relocation of state buildings and offices.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2168**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Hammond, Kibbie, McCoy, Shearer, Soukup, Judge, and Szymoniak, a bill for an act relating to juvenile crime prevention programs and youth development grant fund requirements and providing an effective date.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 2169**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Hammond, Kibbie, McCoy, Shearer, Soukup, Judge, Horn, and Gronstal, a bill for an act relating to the establishment of a long-term care program, including the creation of a long-term care trust fund, providing for appropriation of the moneys in the fund, and making appropriations.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 2170**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, and Gronstal, a bill for an act relating to the increase in the pension and retirement income deduction under the individual income tax and including an effective and retroactive applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 2171**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act providing supplementary weighting for determining enrollment in school districts involved in district-to-district or district-to-community college sharing programs, and at-risk programs, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Education**.



**Senate File 2172**, by Deluhery, Harper, Hammond, Bolkcom, Shearer, Kibbie, Gronstal, and Szymoniak, a bill for an act providing for character education through service learning incentive grants for school districts and making an appropriation.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 2173**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Fink, Flynn, Fraise, Gronstal, Hammond, Hansen, Harper, Judge, Kibbie, McCoy, Shearer, Soukup, and Szymoniak, a bill for an act relating to and making an appropriation from the tobacco settlement fund to the department of human services for expansion of supportive employment, and providing an effective date and providing for retroactive applicability.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2174**, by Shearer, a bill for an act removing the exemption for the sale or purchase of goods ordered through a contractual plan or arrangement from regulations relating to prize promotions.

Read first time under Rule 28 and referred to committee on **Judiciary.**

**Senate File 2175**, by Schuerer, a bill for an act providing for the establishment of a bank office in certain unincorporated areas.

Read first time under Rule 28 and referred to committee on **Commerce.**

**Senate File 2176**, by Angelo, a bill for an act providing for the free association of contract producers of agricultural commodities and providing a penalty.

Read first time under Rule 28 and referred to committee on **Agriculture.**

**Senate File 2177**, by Shearer, a bill for an act relating to reports of assault and sexual abuse occurring on community college and university campuses.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2178**, by Gaskill, Behn, Rehberg, Bartz, McKibben, Schuerer, Angelo, and Redwine, a bill for an act relating to sales tax exemptions for equipment and electricity used in certain activities related to agriculture, providing an effective date, and making provisions retroactively applicable.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 2179**, by Lamberti, Schuerer, Behn, and Rife, a bill for an act relating to revocations of driver's licenses for an operating while intoxicated offense.

Read first time under Rule 28 and referred to committee on **Judiciary**.

## STUDY BILLS RECEIVED

### **SSB 3136      Transportation**

Relating to the regulation of certain low-speed vehicles and making a penalty applicable.

### **SSB 3137      Commerce**

Relating to entities and subject matter under the regulatory authority of the insurance division, including motor vehicle service contracts, securities, business opportunities, residential service contracts, retirement care contracts, transfer on death probate provisions; and establishing penalties and making penalties applicable.

**SSB 3138      State Government**

Relating to licensure requirements for physician assistants and providing an effective date.

**SSB 3139      Natural Resources and Environment**

A Senate Concurrent Resolution to request that the Congress of the United States maintain its commitment to clean air and the ethanol industry, by maintaining the oxygenate requirement in the federal Clean Air Act that promotes the use of ethanol in reformulated gasoline, and urging the United States Environmental Protection Agency to resist California's attempt to waive the oxygenate requirement in that state.

**SSB 3140      State Government**

Relating to electronic filing and disclosure of campaign finance disclosure reports, to disclosure and reporting of certain contributor information, and to extension of the campaign finance commission.

**SSB 3141      State Government**

Providing for the appointment of the director of the department of commerce.

**SSB 3142      State Government**

Relating to the terms "registered voter", "eligible elector", and "qualified voter" for purposes of elections, voter registration, statutory petition requirements, absentee voting by armed forces, and drainage district elections.

**SSB 3143      State Government**

Relating to the administration of state government, including state purchasing and capitol complex issues, extending the time period for use of an appropriation, and providing an effective date.

**SSB 3144      State Government**

Relating to campaign finance law and providing penalties.

**SSB 3145      Local Government**

Relating to certain county officers' duties relating to property transfer instruments, records of fees paid to a county, notice of certification of utility liens, and notice of mobile homes departing and entering mobile home parks.

**SSB 3146      Local Government**

Striking a mandatory leave of absence of a civil service officer or employee, or a deputy sheriff who is a candidate for partisan public office, and providing an effective date.

**SSB 3147      Local Government**

Providing for county agricultural extension councils use of moneys in the county agricultural extension education fund.

**SSB 3148      Transportation**

Relating to motor vehicles, including driver licensing, the use of child restraints and safety belts for children, and the designation of vehicles as authorized emergency vehicles, and making a penalty applicable.

**SSB 3149      Judiciary**

Relating to the appointment and dismissal of a marshal or chief of police under a mayor-council form of city government.

**SSB 3150      Judiciary**

Relating to civil actions by limiting the use of evidence regarding the failure to wear a safety belt; providing for offers of settlement; providing for recovery of prejudgment interest in relation to an offer to confess judgment; providing immunity due to misuse, failure to maintain, or alteration of a product; limiting the admissibility of

expert testimony; limiting certain multiple or exemplary awards; and including an applicability provision.

**SSB 3151      Judiciary**

Relating to sales and possession of pistols and revolvers, by requiring a gun-locking device to be provided, related information to be posted in connection with the retail sale of a pistol or revolver, and providing penalties for possession of pistols or revolvers by persons under twenty-one years of age.

**SSB 3152      Judiciary**

Relating to cigarettes and tobacco products and providing penalties.

**SSB 3153      Judiciary**

Relating to collateral security for the purpose of entitlement to a mechanic's lien.

**SSB 3154      Human Resources**

Providing registration requirements for direct entry midwives and establishing a midwifery advisory council.

**SSB 3155      Transportation**

Relating to the motor vehicle lemon law, and making an administrative fine applicable.

**SSB 3156      Commerce**

Relating to the creation of a real estate improvement.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate Concurrent Resolution 106**

APPROPRIATIONS: Hedge, Chair; Bolkcom, Connolly, Jensen, and King

**Senate File 2133**

TRANSPORTATION: Drake, Chair; Judge and Sexton

**Senate File 2150**

TRANSPORTATION: Drake, Chair; Jensen and McCoy

**Senate File 2157**

TRANSPORTATION: Drake, Chair; Jensen and McCoy

**Senate File 2159**

EDUCATION: Angelo, Chair; Rehberg and Shearer

**Senate File 2160**

EDUCATION: Redfern, Chair; Boettger and Harper

**Senate File 2161**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

**Senate File 2162**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

**Senate File 2165**

WAYS AND MEANS: McLaren, Chair; Connolly and Johnson

**House File 2146**

EDUCATION: Sexton, Chair; Harper and Veenstra

**SSB 3136**

TRANSPORTATION: Freeman, Chair; Judge and Sexton

**SSB 3137**

COMMERCE: King, Chair; Gronstal and Schuerer

**SSB 3138**

STATE GOVERNMENT: Maddox, Chair; Kibbie and Rittmer

**SSB 3139**

NATURAL RESOURCES AND ENVIRONMENT: Gaskill, Chair; Kibbie and Rife

**SSB 3140**

STATE GOVERNMENT: Rittmer, Chair; Dearden and Lamberti

**SSB 3141**

STATE GOVERNMENT: Drake, Chair; Connolly and Schuerer

**SSB 3142**

STATE GOVERNMENT: Fink, Chair; Drake and King

**SSB 3143**

STATE GOVERNMENT: Sexton, Chair; Deluhery and Schuerer

**SSB 3144**

STATE GOVERNMENT: Lamberti, Chair; Connolly and King

**SSB 3145**

LOCAL GOVERNMENT: Fraise, Chair; Bartz and Zieman

**SSB 3146**

LOCAL GOVERNMENT: Angelo, Chair; Bartz and Bolkcom

**SSB 3147**

LOCAL GOVERNMENT: Hammond, Chair; Gaskill and Miller

**SSB 3148**

TRANSPORTATION: McKean, Chair; Fraise and McKibben

**SSB 3149**

JUDICIARY: Angelo, Chair; Maddox and McCoy

**SSB 3150**

JUDICIARY: McKibben, Chair; Hansen and Lamberti

**SSB 3151**

JUDICIARY: Boettger, Chair; Hammond and Maddox

**SSB 3152**

JUDICIARY: Boettger, Chair; Hammond and Redfern

**SSB 3153**

JUDICIARY: Lamberti, Chair; Fraise and McKibben

**SSB 3154**

HUMAN RESOURCES: Redwine, Chair; Boettger and Hammond

**SSB 3155**

TRANSPORTATION: Drake, Chair; Jensen and McCoy

**SSB 3156**

COMMERCE: Jensen, Chair; Flynn and Redfern

**COMMITTEE REPORTS****JUDICIARY**

**Final Bill Action:** SENATE FILE 2052, a bill for an act relating to the value of property or services obtained through the criminal offense of fraudulent use of a credit card.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2078, a bill for an act relating to the definition of theft.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEES PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendations for confirmation:



**JUDICIARY**

Corlis S. Moody – Director of the Iowa State Civil Rights Commission

**STATE GOVERNMENT**

Kathleen H. Chapman – Administrator of Professional Licensing and Regulation

**GOVERNOR'S APPOINTEES PLACED ON  
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

**COMMERCE**

Barbara Oliver Hall – Credit Union Review Board

Mitchell Taylor – Title Guaranty Division Board

**STATE GOVERNMENT**

Patsy Hastings – Board of Chiropractic Examiners

Dean Banowetz – Board of Cosmetology Arts and Sciences Examiners

Suzan Stewart – Board of Dental Examiners

Lillie Perry – Landscape Architectural Examining Board

Mary Junge – Lottery Board

Curtis Reynolds – Board of Medical Examiners

Robert Campbell – Board of Nursing Examiners

Pauline Taylor – Board of Nursing Examiners

Theodore Peterson – Board of Physical and Occupational Therapy Examiners

Henrietta Scholten – Board of Physical and Occupational Therapy Examiners

Amy Love – State Board for Respiratory Care

Monsignor W. Robert Schmidt – Board of Social Work Examiners

**AMENDMENT FILED**

S-5010

S.F. 2051

Gene Maddox

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:26 p.m., until 9:00 a.m., Wednesday, February 16, 2000.

# JOURNAL OF THE SENATE

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THIRTY-EIGHTH CALENDAR DAY  
TWENTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 16, 2000

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

Prayer was offered by the Reverend Dick Clark, pastor of St. Timothy's United Methodist Church of Cedar Falls, Iowa, guest of Senator Redfern.

The Journal of Tuesday, February 15, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rittmer, until he arrives, on request of Senator Jensen; and Senator Deluhery, until he arrives, on request of Senator Gronstal.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2158.

### **Senate File 2158**

On motion of Senator Jensen, **Senate File 2158**, a bill for an act relating to the limitation on deposits which may be held by a depository institution or holding company and establishment of a procedure for determining compliance with such limitation, providing for the Act's applicability, and providing an effective date, was taken up for consideration.

Senator Jensen 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. 2158), the vote was:

Ayes, 43:

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

Nays, 5:

Bolkcom	Dvorsky	Flynn	Hansen
Redwine			

Absent or not voting, 2:

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

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2158** be **immediately messaged** to the House.

### SPECIAL GUESTS

Senator Hammond welcomed Aiddy Phomvisay and members of the United Lao Congress for Democracy. The visitors are attending a rally on February 15, 16, and 17, 2000, on behalf of the suffering people in Laos.

## APPENDIX

### CERTIFICATE OF RECOGNITION

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

Ben Seibert, Waukon – For achieving the rank of Eagle Scout. Senator Ziemann (02/16/00).

### EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on February 16, 2000, when the vote was taken on Senate File 2158. Had I been present, I would have voted "Aye."

SHELDON RITTMER

### REPORTS OF COMMITTEE MEETINGS

#### LOCAL GOVERNMENT

**Convened:** February 15, 2000, 4:07 p.m.

**Members Present:** Angelo, Chair; Bolckcom, Ranking Member; Fraise, Gaskill, Hammond, Judge, McKean, McKibben, Miller, and Ziemann.

**Members Absent:** Bartz, Vice Chair; McCoy, and Rife (all excused).

**Committee Business:** Recommended confirmation of Governor's appointee. Subcommittee assignments.

**Adjourned:** 5:02 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** February 16, 2000, 10:10 a.m.

**Members Present:** Redwine, Chair; Bartz, Vice Chair; and Sexton.

**Members Absent:** McCoy, Ranking Member; and Flynn (both excused).

**Committee Business:** Reviewed funding requests from state departments.

**Adjourned:** 11:25 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** February 16, 2000, 10:00 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Fink, and Gaskill.

**Members Absent:** Black, Ranking Member (excused).

**Committee Business:** Presentation on water contamination by ISU.

**Adjourned:** 10:40 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** February 16, 2000, 10:00 a.m.

**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Soukup, Ranking Member; Judge, and Lamberti.

**Members Absent:** None.

**Committee Business:** Presentations on information technology by Dept. of Economic Development and Iowa Workforce Development.

**Adjourned:** 11:45 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 16, 2000, 10:05 a.m.

**Members Present:** Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

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

**Committee Business:** Special schools discussed their budgets.

**Adjourned:** 11:40 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 16, 2000, 10:25 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller, and Szymoniak.

**Members Absent:** None.

**Committee Business:** Presentations on civil commitment unit for sexual offenders and Medicaid pharmaceutical expenditures.

**Adjourned:** 12:07 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 16, 2000, 10:05 a.m.

**Members Present:** Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise, and McKean.

**Members Absent:** None.

**Committee Business:** FY 2001 budget presentation by judicial branch.

**Adjourned:** 11:10 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** February 16, 2000, 10:02 a.m.

**Members Present:** King, Chair; Lundby, Vice Chair; and Harper.

**Members Absent:** Deluhery, Ranking Member; and Rittmer (both excused).

**Committee Business:** Presentations on information technology by Dept. of Economic Development and Iowa Workforce Development.

**Adjourned:** 11:40 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 16, 2000, 10:05 a.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair; Connolly, Ranking Member; Johnson, and Shearer.

**Members Absent:** None.

**Committee Business:** Presentations by Commission of Veterans Affairs and Board of Regents. Proposed transportation appropriations bill failed to pass.

**Adjourned:** 11:40 a.m.

#### **AGRICULTURE**

**Convened:** February 16, 2000, 8:05 a.m.

**Members Present:** Gaskill, Chair; Miller, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman.

**Members Absent:** None.

**Committee Business:** Recommended confirmation of Governor's appointees. Subcommittee assignment. Presentations by Iowa Cattleman's Association and Ozone Solutions.

**Adjourned:** 8:57 a.m.

## EDUCATION

**Convened:** February 16, 2000, 1:02 p.m.

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

**Members Absent:** Shearer and Tinsman (both excused).

**Committee Business:** Presentation by State Fire Marshal. Subcommittee assignments. Passed HFs 2145 and 2146 (Rule 40).

**Adjourned:** 1:37 p.m.

## HUMAN RESOURCES

**Convened:** February 16, 2000, 2:27 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, and Veenstra.

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

**Committee Business:** Approved SSBs 3098 and 3159 (as amended).

**Adjourned:** 3:00 p.m.

## TRANSPORTATION

**Convened:** February 16, 2000, 2:04 p.m.

**Members Present:** Drake, Chair; Sexton, Vice Chair; Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, Rittmer, and Zieman.

**Members Absent:** McCoy, Ranking Member; and McKibben (both excused).

**Committee Business:** Approved SSB 3132.

**Adjourned:** 2:36 p.m.



## INTRODUCTION OF RESOLUTION

**Senate Resolution 107**, by committee on State Government, a resolution supporting the placement of additional federal production work at, and continued utilization of, the Rock Island Arsenal.

Read first time under Rule 28 and placed on **calendar**.

## INTRODUCTION OF BILLS

**Senate File 2180**, by committee on State Government, a bill for an act relating to authorized representations regarding the practice of physical therapy and physiotherapy and providing a penalty.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2181**, by Connolly, Black, Bolkcom, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Hammond, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act establishing a career opportunities and resources for education grant program to be administered by the college student aid commission and making an appropriation.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2182**, by Kibbie, a bill for an act requiring that a person who owns or controls animals under a production contract is liable for civil penalties arising out of violations of the terms and conditions of a manure management plan submitted by the owner of a confinement feeding operation in which the animals are fed.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

**Senate File 2183**, by Bolkcom and Hammond, a bill for an act relating to collecting and disseminating information concerning motor vehicle stops.

Read first time under Rule 28 and referred to committee on **Transportation**.

**Senate File 2184**, by Lundby, a bill for an act relating to the disclosure of certain information by a postsecondary education institution to the parent or guardian of a student.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2185**, by Kibbie, a bill for an act establishing a fund to support actions by the attorney general's office relating to agricultural anticompetitive practices and providing for an appropriation.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2186**, by McKibben and Hammond, a bill for an act providing for limitations on investments by city hospitals.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 2187**, by Gronstal, Harper, Soukup, Hammond, Bolkcom, Dvorsky, Deluhery, Shearer, Kibbie, and Szymoniak, a bill for an act establishing a career opportunities and resources for education grant program to be administered by the college student aid commission and making a standing appropriation.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2188**, by Kibbie, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hammond, Harper, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act relating to programs for at-risk children and making an appropriation.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2189**, by Kibbie, a bill for an act restricting sales charges associated with the genetic modification of seeds and making a penalty applicable.

Read first time under Rule 28 and referred to committee on **Agriculture**.

**Senate File 2190**, by Flynn, Bolckcom, Connolly, Deluhery, Dvorsky, Fink, Fraise, Harper, Kibbie, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act requiring a gun-locking device to be made available and the related information to be posted in connection with the retail sale of a firearm, and providing penalties.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2191**, by Kibbie, a bill for an act relating to an Iowa agricultural industry finance corporation by providing for voting by members.

Read first time under Rule 28 and referred to committee on **Agriculture**.

**Senate File 2192**, by King, a bill for an act relating to the distribution of tax revenues from the local option school infrastructure sales and services tax collected in a county and providing an effective and applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 2193**, by committee on Human Resources, a bill for an act relating to the establishment of a senior living program, including the creation of a senior living trust fund, providing for the development and provision of senior living program information and electronic access, providing for a caregiver support and education program, providing for a senior living insurance policy and incentives study, providing for allocation of the moneys in the senior living trust fund, making appropriations, and providing an effective date, and providing for retroactive applicability.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2194**, by committee on Transportation, a bill for an act relating to the vacation of roads and road rights-of-way.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2195**, by committee on Human Resources, a bill for an act relating to the healthy and well kids in Iowa program.

Read first time under Rule 28 and placed on **calendar**.

#### STUDY BILLS RECEIVED

##### **SSB 3157      Education**

Relating to the college student aid commission's membership, duties, and authority, and related federal employment reports.

##### **SSB 3158      Human Resources**

Relating to communicable and infectious diseases and providing penalties.

##### **SSB 3159      Human Resources**

Relating to the establishment of a senior living program, including the creation of a senior living trust fund, providing for the development and provision of senior living program information and electronic access, providing for a caregiver support and education program, providing for a senior living insurance policy and incentives study, providing for allocation of the moneys in the senior living trust fund, making appropriations, and providing an effective date, and providing for retroactive applicability.

##### **SSB 3160      Human Resources**

Relating to the use of moneys in the anatomical gift public awareness and transplantation fund.

**SSB 3161      Judiciary**

Relating to the crimes of burglary and forgery.

**SSB 3162      Commerce**

Relating to the operation and regulation of insurance companies, mutual insurance association, benevolent associations, health maintenance organization, and other insurance or risk-assuming entities, including the rights and duties of such entities and the powers and authority of the insurance commissioner.

**SSB 3163      Commerce**

Relating to the services provided by a credit union service organization.

**SSB 3164      Education**

Eliminating the future repeal of the school finance formula and providing for periodic legislative review.

**SSB 3165      Education**

Relating to the establishment and funding of data management systems by school districts.

**SSB 3166      Education**

Relating to the use of school improvement technology program and school improvement technology block grant program moneys by school districts and area education agencies to employ or contract with information technology specialists.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2086**  
(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Kibbie and Maddox

**Senate File 2115**

STATE GOVERNMENT: Drake, Chair; Connolly and Schuerer

**Senate File 2166**

WAYS AND MEANS: Johnson, Chair; Harper and McLaren

**Senate File 2168**

HUMAN RESOURCES: Boettger, Chair; Bartz and Szymoniak

**Senate File 2169**

HUMAN RESOURCES: Boettger, Chair; Behn and Szymoniak

**Senate File 2170**

WAYS AND MEANS: McLaren, Chair; Deluhery and Lamberti

**Senate File 2173**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

**Senate File 2175**

COMMERCE: Schuerer, Chair; Flynn and Jensen

**Senate File 2186**

WAYS AND MEANS: McKibben, Chair; Bartz and Soukup

**SSB 3157**

EDUCATION: Veenstra, Chair; Boettger and Szymoniak

**SSB 3158**

HUMAN RESOURCES: Redwine, Chair; Boettger and Shearer

**SSB 3159**

HUMAN RESOURCES: Boettger, Chair; Dvorsky, Szymoniak, Tinsman, and Veenstra

**SSB 3160**

HUMAN RESOURCES: Boettger, Chair; Harper and Redwine

**SSB 3161**

JUDICIARY: McKean, Chair; Hammond and Miller

**SSB 3162**

COMMERCE: Gronstal, Chair; Jensen and Redwine

**SSB 3163**

COMMERCE: Johnson, Chair; Gronstal and Lamberti

**SSB 3164**

EDUCATION: Redfern, Chair; Connolly and Rehberg

**SSB 3165**

EDUCATION: Tinsman, Chair; Harper and Rehberg

**SSB 3166**

EDUCATION: Veenstra, Chair; Boettger and Dvorsky

**COMMITTEE REPORTS****EDUCATION**

**Final Bill Action:** HOUSE FILE 2145, a bill for an act providing for the utilization of budget enrollment in determining gifted and talented program funding, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, and Veenstra. Nays, none. Absent or not voting, 3: Shearer, Szymoniak, and Tinsman.

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

ALSO:

**Final Bill Action:** \*HOUSE FILE 2146, a bill for an act relating to the authority of the board of educational examiners over certification and licensing of para-educators and practitioners.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, and Veenstra. Nays, none. Absent or not voting, 3: Shearer, Szymoniak, and Tinsman.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on House File 2146, and they were attached to the committee report.

## HUMAN RESOURCES

**Final Bill Action:** \*SENATE FILE 2193 (SSB 3159), a bill for an act relating to the establishment of a senior living program, including the creation of a senior living trust fund, providing for the development and provision of senior living program information and electronic access, providing for a caregiver support and education program, providing for a senior living insurance policy and incentives study, providing for allocation of the moneys in the senior living trust fund, making appropriations, and providing an effective date, and providing for retroactive applicability.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, 1: Tinsman.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2193, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2195 (SSB 3098), a bill for an act relating to the healthy and well kids in Iowa program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, 1: Tinsman

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

## STATE GOVERNMENT

**Final Bill Action:** \*SENATE RESOLUTION 107, a resolution supporting the placement of additional federal production work at, and continued utilization of, the Rock Island Arsenal.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Rittmer, Lamberti, Kibbie, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 2: Connolly and McLaren.

**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 State Government Committee on Senate Resolution 107, and they were attached to the committee report.



ALSO:

**Final Bill Action:** \*SENATE FILE 2180 (SSB 3059), a bill for an act relating to authorized representations regarding the practice of physical therapy and physiotherapy and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Rittmer, Lamberti, Kibbie, Dearden, Drake, Fink, King, Lundby, Maddox, and Szymoniak. Nays, 3: Deluhery, Schuerer, and Sexton. Absent or not voting, 2: Connolly and McLaren.

**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 State Government Committee on Senate File 2180, and they were attached to the committee report.

## TRANSPORTATION

**Final Bill Action:** SENATE FILE 2194 (SSB 3132), a bill for an act relating to the vacation of roads and road rights-of-way.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Drake, Sexton, Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, Rittmer, and Zieman. Nays, none. Absent or not voting, 2: McCoy and McKibben.

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

## GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

### LOCAL GOVERNMENT

Richard Heidloff – County Finance Committee

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:52 a.m., until 9:00 a.m., Thursday, February 17, 2000.

# JOURNAL OF THE SENATE

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THIRTY-NINTH CALENDAR DAY  
TWENTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 17, 2000

The Senate met in regular session at 9:20 a.m., President Kramer presiding.

Prayer was offered by the Reverend Beverly Bell, pastor of the United Methodist Churches of Slater and Sheldahl, Iowa, guest of Senator Hammond.

The Journal of Wednesday, February 16, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lamberti, until he arrives, on request of Senator Boettger; Senator Fraise, until he arrives, on request of Senator Gronstal; and Senators Lundby and Rife, until they arrive, on request of Senator Iverson.

## BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2193** be referred from the Regular Calendar to the committee on **Appropriations**.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:31 a.m. for the purpose of an Appropriations committee meeting.

The Senate reconvened at 9:45 a.m., President Kramer presiding.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2147.

**Senate File 2147**

On motion of Senator Sexton, **Senate File 2147**, a bill for an act relating to motor vehicles, including motor vehicle enforcement, titling, and registration, the renewal of certain licenses related to selling vehicles, and motor carrier regulation, making penalties applicable, and providing effective dates, was taken up for consideration.

Senator Sexton offered amendment S-5012, filed by Senators Sexton, et al. from the floor, to pages 9 and 13 of the bill and moved its adoption.

Amendment S-5012 was adopted 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?" (S.F. 2147), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Freeman	Gaskill	Gronstal
Hammond	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, none.

Absent or not voting, 4:

Fraise

Hansen

Lundby

Rife

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

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2147** 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 February 16, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2080**, a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

Read first time and referred to committee on **Human Resources**.

ALSO: That the House has on February 16, 2000, amended and passed the following bill in which the **concurrence** of the **House** was asked:

**Senate File 2031**, a bill for an act relating to violations of the sex offender registry requirements and providing an effective date. (S-5011)

ALSO: That the House has on February 17, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2172**, a bill for an act relating to polygraph examinations of applicants for certain law enforcement or correctional facility positions.

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

**House File 2198**, a bill for an act directing the department of education to conduct a feasibility study of reorganization and sharing incentives for school districts.

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

ALSO: That the House has on February 17, 2000, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 686**, a bill for an act providing registration requirements and establishing a scope of authority for dental assistants, and providing an effective date.

## APPENDIX

### EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on February 7, 2000, when the vote was taken on Senate File 2031. Had I been present, I would have voted "Aye."

PATRICK J. DELUHERY

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** February 16, 2000, 3:10 p.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer.

**Members Absent:** None.

**Committee Business:** Recommended confirmation of Governor's appointees. Approved SSB 3126.

**Adjourned:** 5:10 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** February 17, 2000, 10:25 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Fink, and Gaskill.

**Members Absent:** Black, Ranking Member (excused).

**Committee Business:** Presentation by DNR.

**Adjourned:** 11:40 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 17, 2000, 10:30 a.m.

**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Soukup, Ranking Member; Judge, and Lamberti.

**Members Absent:** None.

**Committee Business:** Presentations by the Iowa Finance Authority, the Title Guarantee Division, and the Iowa Coalition for Housing and the Homeless.

**Adjourned:** 12:00 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 17, 2000, 10:27 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller and Szymoniak.

**Members Absent:** None.

**Committee Business:** Presentations on child abuse by DHS, Prevent Child Abuse Iowa, and the State Ombudsman.

**Adjourned:** 12:00 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** February 17, 2000, 10:30 a.m.

**Members Present:** King, Chair; Deluhery, Ranking Member; and Harper.

**Members Absent:** Lundby, Vice Chair; and Rittmer (both excused).

**Committee Business:** Discussion of proposed ITD bill.

**Adjourned:** 11:20 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 17, 2000, 10:45 a.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair, Johnson, and Shearer.

**Members Absent:** Connolly, Ranking Member (excused).

**Committee Business:** Presentations by Dept. of Public Safety and Dept. of Public Health. Proposed transportation appropriations bill passed.

**Adjourned:** 11:20 a.m.

#### **APPROPRIATIONS**

**Convened:** February 17, 2000, 9:36 a.m.

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

**Members Absent:** Maddox and Rife (both excused).

**Committee Business:** Passed SF 2193.

**Adjourned:** 9:42 a.m.

## JUDICIARY

**Convened:** February 17, 2000, 11:39 a.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Angelo, Boettger, Dvorsky, Hammond, Horn, Maddox, McKibben, Miller, and Redfern.

**Members Absent:** Hansen, Ranking Member; Fraise, McCoy, and Tinsman (all excused).

**Committee Business:** Subcommittee assignments. Passed HF 723, as amended, and SF 2099.

**Adjourned:** 12:36 p.m.

## LOCAL GOVERNMENT

**Convened:** February 17, 2000, 2:37 p.m.

**Members Present:** Angelo, Chair; Bartz, Vice Chair; Bolkcom, Ranking Member; Fraise, Gaskill, Judge, McCoy, McKibben, and Miller.

**Members Absent:** Hammond, McKean, Rife, and Zieman (all excused).

**Committee Business:** Subcommittee assignment. Approved SSBs 3108 (Rule 40) and 3146.

**Adjourned:** 3:03 p.m.

## NATURAL RESOURCES AND ENVIRONMENT

**Convened:** February 17, 2000, 1:02 p.m.

**Members Present:** Bartz, Chair; King, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Freeman, Gaskill, Johnson, Kibbie, Miller, and Rehberg.

**Members Absent:** Drake and Rife (both excuse d).

**Committee Business:** Recommended confirmation of Governor's appointees. Passed SF 2155, as amended.

**Adjourned:** 2:25 p.m.

## WAYS AND MEANS

**Convened:** February 17, 2000, 8:50 a.m.



**Members Present:** Johnson, Chair; Harper, Ranking Member, Bartz, Drake, Hedge, Maddox, McLaren, Redwine, and Soukup.

**Members Absent:** McKibben, Vice Chair; Bolkcom, Connolly, Deluhery, Flynn, and Lamberti (all excused).

**Committee Business:** Recommended confirmation of Governor's appointee.

**Adjourned:** 8:55 a.m.

## INTRODUCTION OF BILLS

**Senate File 2196**, by Rehberg, a bill for an act requiring school districts that employ individuals to coach cheerleading to employ only those individuals who possess a coaching authorization or endorsement.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2197**, by Gronstal, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Fraise, Hansen, Hammond, Harper, Kibbie, McCoy, Shearer, Soukup, Szymoniak, and Judge, a bill for an act relating to cigarettes and tobacco products and providing penalties.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 2198**, by Kibbie, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Fraise, Hansen, Harper, McCoy, Shearer, Soukup, and Szymoniak, a bill for an act relating to confinement feeding operations, by providing that contractors are liable for civil penalties arising out of violations committed by contract producers.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2199**, by Kibbie, a bill for an act regulating the siting of confinement feeding operations by counties.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2200**, by committee on Commerce, a bill for an act providing for the establishment of protected cells by domestic insurers.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2201**, by Boettger, a bill for an act relating to the distress criteria of the enterprise zone program and providing an effective date.

Read first time under Rule 28 and referred to committee on **Small Business, Economic Development, and Tourism**.

**Senate File 2202**, by Shearer, Fraise, Horn, Soukup, Bolkcom, Judge, and Dvorsky, a bill for an act providing a line of duty death benefit under the municipal fire and police retirement system and including a retroactive applicability provision and effective date.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2203**, by Maddox, Lundby, Redfern, Gronstal, and Johnson, a bill for an act to allow the assignment of benefits under an insurance policy or contract, or health benefit plan to the provider of health care services.

Read first time under Rule 28 and referred to committee on **Commerce**.

**Senate File 2204**, by Tinsman, a bill for an act encouraging school districts to establish volunteer programs that utilize retired teachers and administrators as volunteer mentors and aides.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2205**, by Rehberg, a bill for an act relating to the use of artificial light while hunting and subjecting violators to an existing penalty.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

**Senate File 2206**, by Judge, a bill for an act allowing the state department of transportation to charge reasonable fees to certain persons for copies of photographic records.

Read first time under Rule 28 and referred to committee on **Transportation.**

**Senate File 2207**, by Connolly, a bill for an act creating a Mississippi river bluffslands development and conservation authority and providing for its membership, powers and duties, and funding.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

**Senate File 2208**, by King, a bill for an act relating to the development and use of a distribution formula by the Iowa state university of science and technology in conjunction with the department of revenue and finance for revenues collected from the local sales and services tax for school infrastructure purposes and including an effective date.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 2209**, by Tinsman, a bill for an act relating to the use of automated external defibrillators in connection with the provision of emergency medical care.

Read first time under Rule 28 and referred to committee on **Human Resources.**

**Senate File 2210**, by Szymoniak and Rife, a bill for an act relating to the establishment of an equine medication review committee and providing for its membership, duties, and other properly related matters.

Read first time under Rule 28 and referred to committee on **State Government.**

**Senate File 2211**, by Schuerer, a bill for an act relating to the establishment of Iowa charter schools.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2212**, by committee on Judiciary, a bill for an act concerning the administration of clerk of court offices.

Read first time under Rule 28 and placed on **calendar**.

#### INTRODUCTION OF RESOLUTION

**Senate Resolution 108**, by Kramer and Schuerer, a resolution honoring student volunteers Alison Mostrom of West Des Moines and Matthew Ternus of Vinton for their outstanding community service.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

#### STUDY BILLS RECEIVED

##### **SSB 3168      Agriculture**

Eliminating the regulation of certain dairy trade practices.

##### **SSB 3169      Local Government**

Relating to state and local land management planning and development and providing transition, effective date, and applicability provisions.

##### **SSB 3170      Judiciary**

Relating to the liability for unpaid rates or charges of city utility or enterprise service.

##### **SSB 3171      Judiciary**

Relating to the jurisdiction of the state over the incarceration of criminal law offenders.

**SSB 3172      Business and Labor Relations**

Relating to workers' compensation concerning service of notices on nonresident employers, the calculation of weekly earnings, and the approval of related liens.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2171**

EDUCATION: Redfern, Chair; Connolly and Tinsman

**Senate File 2172**

EDUCATION: Sexton, Chair; Gaskill and Szymoniak

**Senate File 2174**

JUDICIARY: Redfern, Chair; Dvorsky and McKean

**Senate File 2176**

AGRICULTURE: Angelo, Chair; Black and Miller

**Senate File 2177**

EDUCATION: Redfern, Chair; Dvorsky and Shearer

**Senate File 2178**

WAYS AND MEANS: Bartz, Chair; Hedge and Soukup

**Senate File 2179**

JUDICIARY: Lamberti, Chair; Hammond and McKean

**Senate File 2181**

EDUCATION: Redwine, Chair; Sexton and Szymoniak

**Senate File 2182**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Kibbie and Miller

**Senate File 2184**

EDUCATION: Boettger, Chair; Dvorsky and Redfern

**Senate File 2185**

JUDICIARY: McKibben, Chair; McCoy and Miller

**Senate File 2187**

EDUCATION: Veenstra, Chair; Redwine and Shearer

**Senate File 2188**

EDUCATION: Redfern, Chair; Dvorsky and Gaskill

**Senate File 2190**

JUDICIARY: Boettger, Chair; Hammond and Maddox

**Senate File 2192**

WAYS AND MEANS: Johnson, Chair; Flynn and Hedge

**Senate File 2193**

APPROPRIATIONS: Tinsman, Chair; Hammond and Kramer

**Senate File 2196**

EDUCATION: Rehberg, Chair; Boettger and Connolly

**Senate File 2204**

EDUCATION: Tinsman, Chair; Angelo and Shearer

**Senate File 2208**

EDUCATION: Redfern, Chair; Harper and Tinsman

**House File 2173**

JUDICIARY: Redfern, Chair; Horn and McKibben

**House File 2198**

EDUCATION: Gaskill, Chair; Fink and Tinsman

**SSB 3168**

AGRICULTURE: Veenstra, Chair; Miller and Soukup

**SSB 3169**

LOCAL GOVERNMENT: McKean, Chair; Angelo, Bartz, Bolkcom, and Fraise

**SSB 3170**

JUDICIARY: Lamberti, Chair; Fraise and McKibben

**SSB 3171**

JUDICIARY: Angelo, Chair; Lamberti and Maddox

**SSB 3172**

BUSINESS AND LABOR RELATIONS: McKibben, Chair; Dearden and Fraise

**COMMITTEE REPORTS****APPROPRIATIONS**

**Final Bill Action:** SENATE FILE 2193 (SSB 3159), a bill for an act relating to the establishment of a senior living program, including the creation of a senior living trust fund, providing for the development and provision of senior living program information and electronic access, providing for a caregiver support and education program, providing for a senior living insurance policy and incentives study, providing for allocation of the moneys in the senior living trust fund, making appropriations, and providing an effective date, and providing for retroactive applicability.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 23: McLaren, Kramer, Flynn, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, McCoy, Redwine, Rehberg, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, 2: Maddox and Rife.

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

**COMMERCE**

**Final Bill Action:** SENATE FILE 2200 (SSB 3126), a bill for an act providing for the establishment of protected cells by domestic insurers.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Jensen, Maddox, Deluhery, Bolkcom, Flynn, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer. Nays, none. Absent or not voting, none.

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

**JUDICIARY**

**Final Bill Action:** \*SENATE FILE 2212 (SSB 3070), a bill for an act concerning the administration of clerk of court offices.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

**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 Judiciary Committee on Senate File 2212, and they were attached to the committee report.

### GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar without recommendation for confirmation:

#### NATURAL RESOURCES AND ENVIRONMENT

Eric Seuren – Renewable Fuels and Coproducts Advisory Committee

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

#### AGRICULTURE

Donna Winburn – Iowa Grain Indemnity Fund Board

Muffy Harmon – State Soil Conservation Committee

Gerald Johnson – State Soil Conservation Committee

Charles Manson – State Soil Conservation Committee

John Sellers, Jr. – State Soil Conservation Committee

#### COMMERCE

Surasee Rodari – Title Guaranty Division Board

Diane C. Munns – Utilities Board

#### NATURAL RESOURCES AND ENVIRONMENT

Lucy Norton – Renewable Fuels and Coproducts Advisory Committee



**WAYS AND MEANS**

Steven Adams – Iowa Finance Authority

**AMENDMENTS FILED**

S-5011	S.F.	2031	House
S-5012	S.F.	2147	Mike Sexton
			Richard F. Drake
			Merlin E. Bartz
			E. Thurman Gaskill
			Matt McCoy

**ADJOURNMENT**

On motion of Senator Iverson, the Senate adjourned at 9:57 a.m., until 10 a.m., Monday, February 21, 2000.

# JOURNAL OF THE SENATE

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FORTY-THIRD CALENDAR DAY  
TWENTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 21, 2000

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

Prayer was offered by the Reverend Tim Nappe, pastor of the First Lutheran Church of Milford, Iowa, guest of Senator Kibbie.

The Journal of Thursday, February 17, 2000, was approved.

Senator Bartz took the chair at 10:25 a.m.

## **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:

February 21, 2000

#### **DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP**

Iowa Watershed Protection Program Interim Report, as required by 1999 Iowa Acts, chapter 204, sections 1 and 27.

#### **WORKFORCE DEVELOPMENT DEPARTMENT**

Addendum to the Inmate Worker Safety Report filed on January 3, 2000, by the Department of Corrections.

### **PRESENTATION OF VISITORS**

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

Fifty second grade students from Beaver Creek Elementary School, Johnston, Iowa, accompanied by their teachers, Mrs. Hamilton and Mrs. Helmers. Senators Kramer and Maddox.

### **CERTIFICATE OF RECOGNITION**

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

Andrew Olson, Waukon – For achieving the rank of Eagle Scout. Senator Zieman (02/21/00).

### **PETITIONS**

The following petitions were presented and placed on file:

From 21 residents of Polk County, Iowa, favoring legislation to support the passage of House File 2066 and permit licensed

substance abuse treatment agencies to teach the OWI classes independent of the community colleges. Senator Angelo.

From 3,000 Iowan residents favoring legislation making first offense animal cruelty a felony. Senator Iverson.

## REPORTS OF COMMITTEE MEETINGS

### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** February 17, 2000, 10:25 a.m.

**Members Present:** Redwine, Chair; Bartz, Vice Chair; Flynn, and Sexton.

**Members Absent:** McCoy, Ranking Member (excused).

**Committee Business:** Discussed funding requests and projected salary adjustments.

**Adjourned:** 11:25 a.m.

### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** February 17, 2000, 10:30 a.m.

**Members Present:** Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

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

**Committee Business:** Iowa National Guard discussed their budget.

**Adjourned:** 12:02 p.m.

### EDUCATION

**Convened:** February 21, 2000, 2:17 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:** Approved SSBs 3157, 3164, and 3166. Passed SFs 2053 (Rule 40), 2059 (Rule 40), and 2159 (Rule 40).

**Adjourned:** 3:42 p.m.

## JUDICIARY

**Convened:** February 21, 2000, 1:06 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman.

**Members Absent:** Hansen, Ranking Member (excused).

**Committee Business:** Approved SSBs 3055 (as amended), 3057, 3058, 3074 (as amended), 3125 (as amended), 3130, 3134, 3135, and 3161 (as amended).

**Adjourned:** 2:15 p.m.

## LOCAL GOVERNMENT

**Convened:** February 21, 2000, 11:50 a.m.

**Members Present:** Angelo, Chair; Bolkcom, Ranking Member; Fraise, Hammond, Judge, McKean, McKibben, Miller, and Ziemann.

**Members Absent:** Bartz, Vice Chair; Gaskill, McCoy, and Rife (all excused).

**Committee Business:** Subcommittee assignments. Approved SSBs 3065, 3145 (as amended), and 3147.

**Adjourned:** 12:05 p.m.

## NATURAL RESOURCES AND ENVIRONMENT

**Convened:** February 21, 2000, 10:40 a.m.

**Members Present:** Bartz, Chair; King, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, and Rehberg.

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

**Committee Business:** Approved SSBs 3090, 3107, and 3131.

**Adjourned:** 11:45 a.m.

## STATE GOVERNMENT

**Convened:** February 21, 2000, 11:50 a.m.

**Members Present:** Rittmer, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, McLaren, Schuerer, Sexton, and Szymoniak.

**Members Absent:** None.

**Committee Business:** Approved SSBs 3051, 3060, 3116, and 3142. Passed SF 31. Subcommittee assignments.

**Adjourned:** 12:35 p.m.

## TRANSPORTATION

**Convened:** February 21, 2000, 3:03 p.m.

**Members Present:** Drake, Chair; Sexton, Vice Chair; McCoy, Ranking Member; Fraise, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Zieman.

**Members Absent:** Fink and Freeman (both excused).

**Committee Business:** Approved SSB 3148, as amended. Passed SF 2093, as amended.

**Adjourned:** 3:26 p.m.

## INTRODUCTION OF BILLS

**Senate File 2213**, by committee on Natural Resources and Environment, a bill for an act relating to on-site presence of a pipeline company representative during farmland improvements near pipelines.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2214**, by committee on Local Government, a bill for an act relating to residential landlord-tenant law, by allowing for notice of and a surcharge for rent paid with a check returned for insufficient funds, and making certain changes related to forcible entry and detainer actions.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2215**, by committee on Local Government, a bill for an act striking a mandatory leave of absence for a civil service officer or employee, or a deputy sheriff who is a candidate for partisan public office, and providing an effective date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2216**, by Miller, a bill for an act relating to substance abuse by pregnant women by providing for civil commitment of certain chronic substance abusers.

Read first time under Rule 28 and referred to committee on **Human Resources.**

**Senate File 2217**, by Schuerer, a bill for an act relating to the annual tax on mobile homes and manufactured homes located within a mobile home park and including effective and applicability dates.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

**Senate File 2218**, by Redfern, a bill for an act relating to the estimated cost of certain public improvements requiring public bidding procedures.

Read first time under Rule 28 and referred to committee on **Local Government.**

**Senate File 2219**, by Szymoniak, a bill for an act relating to the sales and use taxes on limousine services.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

**Senate File 2220**, by committee on Judiciary, a bill for an act relating to forcible entry and detainer actions in small claims court following a default on a contract for deed.

Read first time under Rule 28 and placed on **calendar.**

**Senate File 2221**, by committee on Judiciary, a bill for an act relating to juvenile court jurisdiction and the prosecution of juveniles in juvenile and district court.

Read first time under Rule 28 and placed on **calendar.**

**Senate File 2222**, by Angelo, a bill for an act relating to the recovery of costs incurred by a law enforcement agency investigating methamphetamine-related offenses.

Read first time under Rule 28 and referred to committee on **Judiciary.**

**Senate File 2223**, by Hammond, a bill for an act permitting the court to suspend the sentence of a defendant who has been convicted of a felony other than a class "A" felony.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2224**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Fink, Fraise, Hammond, Harper, Kibbie, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act relating to campaign finance law, including electronic filing by candidates for statewide office, disclosures in relation to certain political telephone calls, filing requirements in relation to certain political advertisements and penalties for false advertisement, and to public financing of campaigns for governor and lieutenant governor, making certain appropriations, providing penalties, and providing for the Act's applicability.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2225**, by Angelo, a bill for an act applying to certain methamphetamine offenses a maximum accumulation of good conduct time of fifteen percent of the total sentence of confinement.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2226**, by Bolkcom, a bill for an act providing for a person's continued participation in a multiemployer retirement plan while participating in the Iowa public employees' retirement system and providing an implementation provision.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2227**, by Connolly, Harper, Soukup, Deluhery, Hammond, Bolkcom, Dvorsky, Shearer, and Gronstal, a bill for an act providing for the establishment and funding of a prekindergarten instruction program, and providing an effective date.



Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2228**, by Szymoniak and Dearden, a bill for an act to permit certain gifts associated with a legislative group event and to raise the maximum value of nonmonetary items that may be received by a member of the general assembly and by public officials, public employees, and candidates, or by members of the immediate family of public officials, public employees, or candidates.

Read first time under Rule 28 and referred to committee on **State Government**.

#### STUDY BILLS RECEIVED

##### **SSB 3173      State Government**

Relating to the filing of reports with the secretary of state by corporate entities.

##### **SSB 3174      State Government**

Relating to the fees to be charged for access to public information and providing an effective date.

##### **SSB 3175      Local Government**

Relating to certain procedures for the purchase or condemnation of interest in private property by a utility subject to the jurisdiction of the Iowa utilities board.

##### **SSB 3176      Transportation**

Relating to alternate methods of providing proof of motor vehicle financial responsibility and providing an effective date.

##### **SSB 3177      Human Resources**

Relating to the sharing of juvenile court social records or child abuse records pursuant to an interagency agreement.

**SSB 3178      Local Government**

Relating to state and local land management planning and development and providing transition, effective date, and applicability provisions.

**SSB 3179      Education**

Relating to phase III of the educational excellence program.

**SSB 3180      Education**

Providing for a school investment partnership pilot program.

**SSB 3181      Education**

Abolishing the exemptions to the physical education participation requirement for secondary school students.

**SSB 3182      Education**

Providing additional funding for at-risk programs and providing an effective date.

**SSB 3183      Education**

Directing the state board of regents to permit approved practitioner preparation program faculty at its institutions of higher learning to assign students to an accredited nonpublic school for student teaching experience.

**SSB 3184      Education**

Establishing a fire safety fund as a revolving loan fund for school districts and making an appropriation.

**SSB 3185      State Government**

Relating to authorization to provide emergency and nonemergency medical care services.

**SSB 3186      Human Resources**

Relating to the information collected through termination of pregnancy reporting.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 397**

HUMAN RESOURCES: Boettger, Chair; Behn and Szymoniak

**Senate File 2167**

STATE GOVERNMENT: Rittmer, Chair; Kibbie and Maddox

**Senate File 2189**

AGRICULTURE: Hedge, Chair; Shearer and Veenstra

**Senate File 2191**

AGRICULTURE: Miller, Chair; Angelo and Soukup

**Senate File 2198**

STATE GOVERNMENT: McLaren, Chair; Kibbie and Rittmer

**Senate File 2199**

STATE GOVERNMENT: McLaren, Chair; Kibbie and Rittmer

**Senate File 2201**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Boettger, Chair; Judge and Tinsman

**Senate File 2202**

STATE GOVERNMENT: Rittmer, Chair; Kibbie and Lundby

**Senate File 2206**

TRANSPORTATION: Judge, Chair; Jensen and McCoy

**Senate File 2209**

HUMAN RESOURCES: Tinsman, Chair; Harper and Veenstra

**Senate File 2210**

STATE GOVERNMENT: Szymoniak, Chair; Maddox and McLaren

**Senate File 2211**

EDUCATION: Boettger, Chair; Angelo and Shearer

**Senate File 2217**

WAYS AND MEANS: McKibben, Chair; Johnson and Soukup

**Senate File 2218**

LOCAL GOVERNMENT: McCoy, Chair; Angelo and Bartz

**Senate File 2219**

WAYS AND MEANS: McLaren, Chair; Flynn and Johnson

**SSB 3173**

STATE GOVERNMENT: Lamberti, Chair; Deluhery and King

**SSB 3174**

STATE GOVERNMENT: King, Chair; Deluhery and Lundby

**SSB 3175**

LOCAL GOVERNMENT: Angelo, Chair; Bartz and Bolkcom

**SSB 3176**

TRANSPORTATION: Drake, Chair; Jensen and McCoy

**SSB 3177**

HUMAN RESOURCES: Miller, Chair; Boettger and Harper

**SSB 3178**

LOCAL GOVERNMENT: McKean, Chair; Angelo, Bartz, Bolkcom, and Fraise

**SSB 3179**

EDUCATION: Redfern, Chair; Connolly and Rehberg

**SSB 3180**

EDUCATION: Sexton, Chair; Harper and Tinsman

**SSB 3181**

EDUCATION: Gaskill, Chair; Sexton and Szymoniak

**SSB 3182**

EDUCATION: Redfern, Chair; Connolly and Rehberg

**SSB 3183**

EDUCATION: Connolly, Chair; Boettger and Rehberg

**SSB 3184**

EDUCATION: Redfern, Chair; Dvorsky and Gaskill

**SSB 3185**

STATE GOVERNMENT: Drake, Chair; Dearden and Sexton

**SSB 3186**

HUMAN RESOURCES: Redwine, Chair; Boettger and Harper

**COMMITTEE REPORTS****JUDICIARY**

**Final Bill Action:** SENATE FILE 2220 (Formerly SF 2099), a bill for an act relating to forcible entry and detainer actions in small claims court following a default on a contract for deed.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: McKean, Lamberti, Angelo, Boettger, Dvorsky, Hammond, Horn, Maddox, McKibben, Miller, and Redfern. Nays, none. Absent or not voting, 4: Hansen, Fraise, McCoy, and Tinsman.

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

ALSO:

**Final Bill Action:** SENATE FILE 2221 (SSB 3067), a bill for an act relating to juvenile court jurisdiction and the prosecution of juveniles in juvenile and district court.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 723, a bill for an act prohibiting the mistreatment of persons and animals and providing for penalties.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5013.

**Final Vote:** Ayes, 11: McKean, Lamberti, Angelo, Boettger, Dvorsky, Hammond, Horn, Maddox, McKibben, Miller, and Redfern. Nays, none. Absent or not voting, 4: Hansen, Fraise, McCoy, and Tinsman.

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

## LOCAL GOVERNMENT

**Final Bill Action:** \*SENATE FILE 2214 (SSB 3108), a bill for an act relating to residential landlord-tenant law, by allowing for notice of and a surcharge for rent paid with a check returned for insufficient funds, and making certain changes related to forcible entry and detainer actions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Angelo, Bartz, Bolkcom, Fraise, Gaskill, Judge, McCoy, McKibben, and Miller. Nays, none. Absent or not voting, 4: Hammond, McKean, Rife, and Zieman.

**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 Local Government Committee on Senate File 2214, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2215 (SSB 3146), a bill for an act striking a mandatory leave of absence for a civil service officer or employee, or a deputy sheriff who is a candidate for partisan public office, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Angelo, Bartz, Bolkcom, Fraise, Gaskill, Judge, McCoy, McKibben, and Miller. Nays, none. Absent or not voting, 4: Hammond, McKean, Rife, and Zieman.

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

**NATURAL RESOURCES AND ENVIRONMENT**

**Final Bill Action:** \*SENATE FILE 2213 (Formerly SF 2155), a bill for an act relating to on-site presence of a pipeline company representative during farmland improvements near pipelines.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Freeman, Gaskill, Johnson, Kibbie, Miller, and Rehberg. Nays, none. Absent or not voting, 2: Drake and Rife.

**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 Natural Resources and Environment Committee on Senate File 2213, and they were attached to the committee report.

**STATE GOVERNMENT**

**Final Bill Action:** SENATE FILE 31, a bill for an act establishing an age ceiling for hiring fire fighters and peace officers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Rittmer, Kibbie, Connolly, Dearden, Deluhery, Fink, King, Lundby, Maddox, and Szymoniak. Nays, 4: Lamberti, Drake, Schuerer, and Sexton. Absent or not voting, 1: McLaren.

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

**AMENDMENTS FILED**

S-5013	H.F.	723	Judiciary
S-5014	S.F.	2193	David Miller
S-5015	S.F.	2188	John P. Kibbie
S-5016	H.F.	620	Matt McCoy
			Richard F. Drake

**ADJOURNMENT**

On motion of Senator Hedge, the Senate adjourned at 10:42 a.m., until 9:00 a.m., Tuesday, February 22, 2000.

# JOURNAL OF THE SENATE

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FORTY-FOURTH CALENDAR DAY  
TWENTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 22, 2000

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

Prayer was offered by the Reverend Williams, pastor of the First United Methodist Church of Nevada, Iowa, guest of Senator McKibben.

The Journal of Monday, February 21, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Flynn and McCoy, until they arrive, on request of Senator Gronstal.

## CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2113, 2195, and 2052.

### **Senate File 2113**

On motion of Senator Szymoniak, **Senate File 2113**, a bill for an act relating to the licensing of individuals engaged in the healing art of massage therapy, was taken up for consideration.

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



On the question "Shall the bill pass?" (S.F. 2113), 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	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Flynn                      McCoy

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

Senator Hedge took the chair at 9:25 a.m.

### **Senate File 2195**

On motion of Senator Behn, **Senate File 2195**, a bill for an act relating to the healthy and well kids in Iowa program, was taken up for consideration.

Senator Kramer offered amendment S-5018 filed her from the floor to page 4 of the bill and moved its adoption.

Senator Gronstal asked and received unanimous consent that action on amendment S-5018 and **Senate File 2195** be **deferred**.

President Kramer took the chair at 9:29 a.m.

## Senate File 2052

On motion of Senator Maddox, **Senate File 2052**, a bill for an act relating to the value of property or services obtained through the criminal offense of fraudulent use of a credit card, with report of committee recommending passage, 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?" (S.F. 2052), the vote was:

Ayes, 49:

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	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Flynn

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 February 21, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2218**, a bill for an act creating a county and state mutual insurance guaranty association and providing penalties.

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

**House File 2220**, a bill for an act relating to the confidentiality of internet protocol numbers associated with public information requests.

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

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2113** and **2052** be **immediately messaged** to the House.

#### RECESS

On motion of Senator Iverson, the Senate recessed at 9:36 a.m., until 4:00 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### BUSINESS AND LABOR RELATIONS

**Convened:** February 21, 2000, 2:22 p.m.

**Members Present:** McKibben, Chair; Dearden, Ranking Member; Behn, Fraise, Hedge, King, Rife, and Schuerer.

**Members Absent:** Freeman, Vice Chair; Hansen, and Horn.

**Committee Business:** Subcommittee assignment.

**Adjourned:** 2:25 p.m.

#### COMMERCE

**Convened:** February 21, 2000, 4:05 p.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Gronstal, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer.

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

**Committee Business:** Passed SF 2034. Approved SSB 3026. Presentations by representatives from the International Brotherhood of Electrical Workers and by Consumer Advocate, Gary Stewart.

**Adjourned:** 5:46 p.m.

#### HUMAN RESOURCES

**Convened:** February 21, 2000, 3:42 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra.

**Members Absent:** None.

**Committee Business:** Approved SSBs 3094, 3100, 3101, 3102, and 3160. Passed SF 2074.

**Adjourned:** 4:42 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** February 22, 2000, 9:53 a.m.

**Members Present:** Redwine, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Flynn and Sexton.

**Members Absent:** None.

**Committee Business:** Presentation by Secretary of State Chet Culver on ISPAC program.

**Adjourned:** 10:37 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** February 22, 2000, 9:53 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Black, Ranking Member; Fink and Gaskill.

**Members Absent:** None.

**Committee Business:** Discussed FY 2001 departmental budget requests and Governor's recommendations.

**Adjourned:** 10:55 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 22, 2000, 10:07 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller, and Szymoniak.

**Members Absent:** None.

**Committee Business:** Discussion on provider rates.

**Adjourned:** 12:09 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 22, 2000, 9:45 a.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair; Connolly, Ranking Member; Johnson, and Shearer.

**Members Absent:** None.

**Committee Business:** Presentations by the Iowa State Fair Blue Ribbon Foundation, the Dept. of Economic Development, and the judicial branch.

**Adjourned:** 11:10 a.m.

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** February 22, 2000, 1:10 p.m.

**Members Present:** Lundby, Chair; Behn, Vice Chair; Boettger, Hansen, Judge, Rittmer, Sexton, Soukup, Tinsman, Veenstra, and Ziemann.

**Members Absent:** Shearer, Ranking Member; and Flynn.

**Committee Business:** Approved SSBs 3017, as amended, 3032, and 3033. Passed SF 2201.

**Adjourned:** 1:30 p.m.

### **INTRODUCTION OF BILLS**

**Senate File 2229**, by Kibbie, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act relating to public retirement systems and providing for effective, retroactive applicability, and implementation dates.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2230**, by Rehberg, King, and McKibben, a bill for an act providing that bonds issued for school infrastructure purposes shall be exempt from state income tax.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 2231**, by McCoy, a bill for an act relating to the sales of beer kegs by requiring an identification number on each keg of beer, by recording the purchase of beer by the keg, and providing a penalty.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2232**, by Deluhery, Black, Bolkom, Connolly, Dearden, Fraise, Harper, Kibbie, Soukup, Gronstal, and Szymoniak, a bill for an act providing authority to participating agencies to establish pilot projects for the refund of processing fees associated with certain licenses, permits, and filings, and providing an effective date.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2233**, by McCoy, a bill for an act establishing certain disclosure requirements associated with telephone solicitations and providing a penalty.

Read first time under Rule 28 and referred to committee on **Commerce**.

**Senate File 2234**, by Szymoniak, a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services and increasing the lifetime maximum benefit.

Read first time under Rule 28 and referred to committee on **Commerce**.

**Senate File 2235**, by Behn, a bill for an act relating to payment of bonded indebtedness and lease obligations for joint property of a city and county.

Read first time under Rule 28 and referred to committee on **Local Government**.

**Senate File 2236**, by Redfern, a bill for an act relating to the availability of a temporary restricted license for certain habitual offenders.

Read first time under Rule 28 and referred to committee on **Transportation**.

**Senate File 2237**, by committee on Commerce, a bill for an act relating to the provision under a group health insurance policy or

health maintenance organization contract for compensation of podiatrists.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2238**, by committee on Education, a bill for an act relating to the use of school improvement technology program and school improvement technology block grant program moneys by school districts and area education agencies to employ or contract with information technology specialists.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2239**, by committee on Local Government, a bill for an act relating to the definition of factory-built structures, the certification of installers of manufactured homes and providing for a fee, an appropriation, and a civil penalty.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2240**, by committee on Natural Resources and Environment, a bill for an act relating to the creation of a water quality district, providing for the levy of a tax, and providing for other properly related matters.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2241**, by committee on Judiciary, a bill for an act relating to the consolidation of certain criminal offenses concerning computer access, damage, or theft, video rental theft, election bribery, and voting duress.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2242**, by committee on State Government, a bill for an act concerning paid time off for certain peace officer members of the department of public safety injured in the course of duty.

Read first time under Rule 28 and placed on **calendar**.



**Senate File 2243**, by committee on Judiciary, a bill for an act relating to the placement in treatment programs of offenders sentenced for operating while intoxicated violations.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2244**, by committee on Natural Resources and Environment, a bill for an act relating to the scope of the well contractor certification program.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2245**, by committee on Judiciary, a bill for an act relating to reclassifying certain simple misdemeanors as scheduled violations.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2246**, by committee on Judiciary, a bill for an act relating to the accumulation of credit upon an inmate's sentence for Iowa inmates incarcerated in another jurisdiction.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2247**, by committee on State Government, a bill for an act relating to the terms "registered voter", "eligible elector", and "qualified voter" for purposes of elections, voter registration, statutory petition requirements, absentee voting by armed forces, and drainage district elections.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2248**, by committee on Education, a bill for an act relating to the college student aid commission's membership, duties, and authority, and related federal employment reports.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2249**, by committee on Natural Resources and Environment, a bill for an act relating to a state agency purchasing

preference for bio-based hydraulic fluids, greases, and other industrial lubricants.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2250**, by committee on Judiciary, a bill for an act relating to the civil commitment of dangerously violent persons.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2251**, by committee on Local Government, a bill for an act providing for county agricultural extension councils' use of moneys in the county agricultural extension education fund.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2252**, by committee on Education, a bill for an act eliminating the future repeal of the school finance formula and providing for periodic legislative review.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2253**, by committee on Local Government, a bill for an act relating to certain county officers' duties relating to property transfer instruments, records of fees paid to a county, notice of certification of utility liens, and notice of mobile homes departing and entering mobile home parks.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2254**, by committee on Human Resources, a bill for an act relating to child support including medical support and payment of costs to financial institutions for data matching and automation program development.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2255**, by committee on Education, a bill for an act making an appropriation and allocating moneys to school districts to pay for the costs of making technology available to students attending accredited nonpublic schools.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2256**, by committee on Transportation, a bill for an act establishing a pilot project requiring that the state department of transportation purchase soydiesel fuel for use in some of its vehicles, and providing for contingent effectiveness.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2257**, by committee on Human Resources, a bill for an act relating to juvenile crime prevention and youth development grant fund requirements and providing an effective date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2258**, by committee on Human Resources, a bill for an act relating to the regulation of controlled substances and precursors to controlled substances.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2259**, by committee on Human Resources, a bill for an act relating to the use of moneys in the anatomical gift public awareness and transplantation fund.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2260**, by Zieman, Bartz, Angelo, McKean, Behn, Bolkcom, Gaskill, Kibbie, Dearden, Hedge, Jensen, and Rittmer, a bill for an act providing for the production and marketing of industrial hemp, and providing for penalties.

Read first time under Rule 28 and referred to committee on **Agriculture**.

**Senate File 2261**, by Rehberg, a bill for an act relating to condemnation of private property and allowing a deduction from taxable income of certain condemnation awards and providing a retroactive applicability date.

Read first time under Rule 28 and referred to committee on **Local Government**.

**Senate File 2262**, by Shearer, a bill for an act providing for refundable credits under the individual income tax for certain teachers and engineers filling critical jobs in the state and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 2263**, by Fink, a bill for an act relating to reporting of the status of environmental violations by the department of natural resources to the general assembly.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

**Senate File 2264**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Fink, Flynn, Fraise, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act relating to the establishment of an information technology department, providing for an appropriation, and providing an effective date.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2265**, by committee on Judiciary, a bill for an act to provide an additional sentence of parole or work release for certain persons who commit the crime of lascivious acts with a child.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2266**, by committee on State Government, a bill for an act relating to the department of public defense by changing the number and qualifications of general officers in the Iowa national guard and increasing the membership of the emergency response commission and providing an effective date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2267**, by committee on Education, a bill for an act requiring the board of directors of a school district to adopt a contract with parents as part of a student promotion policy for grade three level students and providing for related matters.

Read first time under Rule 28 and placed on **calendar**.

#### STUDY BILLS RECEIVED

#### **SSB 3187      Ways and Means**

Relating to the accelerated career education program, providing a tax credit from withholding, creating an accelerated career education grant program and fund, relating to the transfer of job training withholding to the workforce development fund account, and providing an effective date.

#### **SSB 3188      Judiciary**

Relating to judicial administration by providing for benefits applicable to judicial branch employees, the allocation of magistrates, and the manner of making certain noncourt and administrative appointments.

#### **SSB 3189      Judiciary**

Relating to the department of corrections by providing for the establishment of reserve peace officers by judicial district departments of correctional services, for the transfer of patients to the Iowa medical and classification center and for the liability of counties for their costs of treatment, for the transcription and recording of testimony for certain investigations conducted by the department of corrections, for the submission of presentence investigation reports to the department, for the release of certain family and personal history, for lease agreements between the department and employers to provide work for inmates, for the authority to establish and distribute moneys from interest-bearing accounts for inmates, and for the repeal of the sixth judicial district pilot project concerning probation revocation hearings, and providing an effective date.

**SSB 3190      Natural Resources and Environment**

Raising the maximum civil penalty for violations of certain environmental laws relating to air quality, water quality and animal feeding operations, solid waste, underground storage tanks, water allocation and use and floodplain control, and the disposal of hazardous waste.

**SSB 3191      Business and Labor Relations**

Relating to public and workplace safety and wage collection laws administered by the labor commissioner, including changes in the regulation of boilers in places of public assembly and of elevator installers, and of employers under the wage payment collection law.

**SSB 3192      Transportation**

Increasing the fine for certain motor vehicle violations relating to railroad crossings.

**SSB 3193      Agriculture**

Relating to pseudorabies control, making penalties applicable, and providing an effective date.

**SSB 3194      State Government**

Relating to establishing an electronic repository for mandated agency reports and providing for access to electronic copies of such reports.

**SSB 3195      Natural Resources and Environment**

Relating to siting of proposed facilities in relation to any federal, state, or county parks, preserves, recreational areas, or facilities, any protected water areas, or any public use areas.

**SSB 3196      Education**

Relating to the operation of motor vehicles by minors pursuant to a school license.

**SSB 3197      State Government**

Relating to the creation of an information technology department and making related changes.

**SSB 3198      Human Resources**

Providing for access to certain confidential information by the governor and the general assembly and their designees, making penalties and remedies applicable, and including an effective date and applicability provision.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2203**

COMMERCE: King, Chair; Flynn and Redwine

**Senate File 2205**

NATURAL RESOURCES AND ENVIRONMENT: Rehberg, Chair; Drake and Kibbie

**Senate File 2207**

NATURAL RESOURCES AND ENVIRONMENT: Rife, Chair; Drake and Rehberg

**Senate File 2216**

HUMAN RESOURCES: Miller, Chair; Harper and Redwine

**Senate File 2222**

JUDICIARY: Maddox, Chair; Angelo and Dvorsky

**Senate File 2223**

JUDICIARY: McKean, Chair; Hammond and Maddox

**Senate File 2224**

STATE GOVERNMENT: Lamberti, Chair; Kibbie and King

**Senate File 2225**

JUDICIARY: McKean, Chair; Hammond and Maddox

**Senate File 2226**

STATE GOVERNMENT: Rittmer, Chair; Drake and Kibbie

**Senate File 2228**

STATE GOVERNMENT: Dearden, Chair; Rittmer and Szymoniak

**Senate File 2229**

STATE GOVERNMENT: Rittmer, Chair; Connolly and Drake

**Senate File 2230**

WAYS AND MEANS: McKibben, Chair; Flynn and Johnson

**Senate File 2231**

JUDICIARY: Boettger, Chair; McCoy and McKean

**Senate File 2232**

STATE GOVERNMENT: Drake, Chair; Deluhery and Sexton

**Senate File 2233**

COMMERCE: McCoy, Chair; Jensen and Lundby

**Senate File 2234**

COMMERCE: Maddox, Chair; Gronstal and Jensen

**House File 2080**

HUMAN RESOURCES: Boettger, Chair; Redwine and Szymoniak

**House File 2172**

JUDICIARY: Fraise, Chair; Angelo and Maddox

**SSB 3187**

WAYS AND MEANS: McKibben, Chair; Harper and Lamberti

**SSB 3188**

JUDICIARY: Maddox, Chair; Angelo and Fraise

**SSB 3189**

JUDICIARY: Angelo, Chair; Fraise and Maddox

**SSB 3190**

NATURAL RESOURCES AND ENVIRONMENT: Drake, Chair; Deluhery and King



**SSB 3191**

BUSINESS AND LABOR RELATIONS: Dearden, Chair; Hedge and McKibben

**SSB 3192**

TRANSPORTATION: Drake, Chair; Jensen and Judge

**SSB 3193**

AGRICULTURE: Hedge, Chair; Gaskill and Kibbie

**SSB 3194**

STATE GOVERNMENT: King, Chair; Deluhery and Lundby

**SSB 3195**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Deluhery and Drake

**SSB 3196**

EDUCATION: Boettger, Chair; Rehberg and Shearer

**SSB 3197**

STATE GOVERNMENT: King, Chair; Deluhery and Rittmer

**SSB 3198**

HUMAN RESOURCES: Miller, Chair; Boettger and Hammond

**COMMITTEE REPORTS****COMMERCE**

**Final Bill Action:** SENATE FILE 2237 (SSB 3026), a bill for an act relating to the provision under a group health insurance policy or health maintenance organization contract for compensation of podiatrists.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Jensen, Maddox, Deluhery, Bolkcom, Flynn, Gronstal, Lundby, McCoy, and Redfern. Nays, 3: King, Redwine, and Schuerer. Absent or not voting, 3: Hansen, Johnson, and Lamberti.

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

**EDUCATION**

**Final Bill Action:** SENATE FILE 2238 (SSB 3166), a bill for an act relating to the use of school improvement technology program and school improvement technology

block grant program moneys by school districts and area education agencies to employ or contract with information technology specialists.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2248 (SSB 3157), a bill for an act relating to the college student aid commission's membership, duties, and authority, and related federal employment reports.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2252 (SSB 3164), a bill for an act eliminating the future repeal of the school finance formula and providing for periodic legislative review.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2255 (Formerly SF 2053), a bill for an act making an appropriation and allocating moneys to school districts to pay for the costs of making technology available to students attending accredited nonpublic schools.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Redfern, Rehberg, Connolly, Angelo, Boettger, Gaskill, Redwine, Sexton, Shearer, Szymoniak, and Veenstra. Nays, 4: Dvorsky, Fink, Harper, and Tinsman. Absent or not voting, none.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 2255, and they were attached to the committee report.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2267 (Formerly SF 2159), a bill for an act requiring the board of directors of a school district to adopt a contract with parents as part of a student promotion policy for grade three level students and providing for related matters.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Redfern, Rehberg, Angelo, Boettger, Gaskill, Sexton, Tinsman, and Veenstra. Nays, 7: Connolly, Dvorsky, Fink, Harper, Redwine, Shearer, and Szymoniak. Absent or not voting, none.

**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 Education Committee on Senate File 2267, and they were attached to the committee report.

## HUMAN RESOURCES

**Final Bill Action:** SENATE FILE 2074, a bill for an act authorizing disclosure of certain information to the legal guardian of an individual receiving assistance or services from the department of human services.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Boettger, Redwine, Szymoniak, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Bartz.

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

ALSO:

**Final Bill Action:** SENATE FILE 2254 (SSB 3094), a bill for an act relating to child support including medical support and payment of costs to financial institutions for data matching and automation program development.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2257 (SSB 3100), a bill for an act relating to juvenile crime prevention and youth development grant fund requirements and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2258 (SSB 3101), a bill for an act relating to the regulation of controlled substances and precursors to controlled substances.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2259 (SSB 3160), a bill for an act relating to the use of moneys in the anatomical gift public awareness and transplantation fund.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Boettger, Redwine, Szymoniak, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Bartz.

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

## JUDICIARY

**Final Bill Action:** SENATE FILE 2241 (SSB 3057), a bill for an act relating to the consolidation of certain criminal offenses concerning computer access, damage, or theft, video rental theft, election bribery, and voting duress.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKean, Lamberti, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Hansen.

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

ALSO:

**Final Bill Action:** SENATE FILE 2243 (SSB 3134), a bill for an act relating to the placement in treatment programs of offenders sentenced for operating while intoxicated violations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKean, Lamberti, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Hansen.

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

ALSO:

**Final Bill Action:** SENATE FILE 2245 (SSB 3130), a bill for an act relating to reclassifying certain simple misdemeanors as scheduled violations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKean, Lamberti, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Hansen.

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

ALSO:

**Final Bill Action:** SENATE FILE 2246 (SSB 3058), a bill for an act relating to the accumulation of credit upon an inmate's sentence for Iowa inmates incarcerated in another jurisdiction.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McKean, Lamberti, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 2: Hansen and Maddox.

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

ALSO:

**Final Bill Action:** SENATE FILE 2250 (SSB 3135), a bill for an act relating to the civil commitment of dangerously violent persons.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: McKean, Lamberti, Angelo, Boettger, Fraise, Horn, McCoy, McKibben, Miller, and Tinsman. Nays, 2: Dvorsky and Hammond. Absent or not voting, 3: Hansen, Maddox, and Redfern

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

ALSO:

**Final Bill Action:** SENATE FILE 2265 (SSB 3074), a bill for an act to provide an additional sentence of parole or work release for certain persons who commit the crime of lascivious acts with a child.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKean, Lamberti, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Hansen.

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

#### LOCAL GOVERNMENT

**Final Bill Action:** SENATE FILE 2239 (SSB 3065), a bill for an act relating to the definition of factory-built structures, the certification of installers of manufactured homes and providing for a fee, an appropriation, and a civil penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Angelo, Bolkcom, Fraise, Hammond, Judge, McKean, McKibben, Miller, and Ziemann. Nays, none. Absent or not voting, 4: Bartz, Gaskill, McCoy, and Rife.

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

ALSO:

**Final Bill Action:** SENATE FILE 2251 (SSB 3147), a bill for an act providing for county agricultural extension councils' use of moneys in the county agricultural extension education fund.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Angelo, Bolkcom, Fraise, Hammond, Judge, McKean, McKibben, Miller, and Zieman. Nays, none. Absent or not voting, 4: Bartz, Gaskill, McCoy, and Rife.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2253 (SSB 3145), a bill for an act relating to certain county officers' duties relating to property transfer instruments, records of fees paid to a county, notice of certification of utility liens, and notice of mobile homes departing and entering mobile home parks.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Angelo, Bolkcom, Fraise, Hammond, Judge, McKean, McKibben, Miller, and Zieman. Nays, none. Absent or not voting, 4: Bartz, Gaskill, McCoy, and Rife.

**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 Local Government Committee on Senate File 2253, and they were attached to the committee report.

## NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** SENATE FILE 2240 (SSB 3090), a bill for an act relating to the creation of a water quality district, providing for the levy of a tax, and providing for other properly related matters.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, and Rehberg. Nays, none. Absent or not voting, 1: Rife.

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

ALSO:

**Final Bill Action:** SENATE FILE 2244 (SSB 3131), a bill for an act relating to the scope of the well contractor certification program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, and Rehberg. Nays, none. Absent or not voting, 1: Rife.

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

ALSO:

**Final Bill Action:** SENATE FILE 2249 (SSB 3107), a bill for an act relating to a state agency purchasing preference for bio-based hydraulic fluids, greases, and other industrial lubricants.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, and Rehberg. Nays, none. Absent or not voting, 1: Rife.

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

**STATE GOVERNMENT**

**Final Bill Action:** SENATE FILE 2242 (SSB 3116), a bill for an act concerning paid time off for certain peace officer members of the department of public safety injured in the course of duty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 1: McLaren.

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

ALSO:

**Final Bill Action:** SENATE FILE 2247 (SSB 3142), a bill for an act relating to the terms “registered voter”, “eligible elector”, and “qualified voter” for purposes of elections, voter registration, statutory petition requirements, absentee voting by armed forces, and drainage district elections.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 1: McLaren.

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



**TRANSPORTATION**

**Final Bill Action:** \*SENATE FILE 2256 (Formerly SF 2093), a bill for an act establishing a pilot project requiring that the state department of transportation purchase soydiesel fuel for use in some of its vehicles, and providing for contingent effectiveness.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Drake, Sexton, McCoy, Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Zieman. Nays, none. Absent or not voting, none.

**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 Transportation Committee on Senate File 2256, and they were attached to the committee report.

**AMENDMENTS FILED**

S-5017	S.F.	2156	Richard F. Drake
S-5018	S.F.	2195	Mary E. Kramer
S-5019	S.F.	182	House
S-5020	S.F.	2193	Nancy Boettger

## AFTERNOON SESSION

The Senate reconvened at 4:18 p.m., President Kramer presiding.

## QUORUM CALL

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

The vote revealed 33 present, 17 absent, and a quorum present.

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

The Senate resumed session at 5:04 p.m., President Kramer presiding.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Maddox, for the remainder of the day, on request of Senator Hedge.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2193.

**Senate File 2193**

On motion of Senator Boettger, **Senate File 2193**, a bill for an act relating to the establishment of a senior living program, including the creation of a senior living trust fund, providing for the development and provision of senior living program information and electronic access, providing for a caregiver support and education program, providing for a senior living insurance policy and incentives study, providing for allocation of the moneys in the senior living trust fund, making appropriations, and providing an effective date, and providing for retroactive applicability, placed on the calendar on February 16, 2000, referred to the Appropriations committee on February 17, 2000, and returned to the calendar with report of

committee on Appropriations recommending passage on February 17, 2000, was taken up for consideration.

Senator Miller offered amendment S-5014, filed by him on February 21, 2000, to pages 1, 5, 7-12, 16, 18, and 20 of the bill, and moved its adoption.

Amendment S-5014 lost by a voice vote.

Senator Boettger offered amendment S-5020, filed by her from the floor to pages 10, 16, and 19-21 of the bill, and moved its adoption.

Amendment S-5020 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?" (S.F. 2193), 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	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:

Flynn                      Maddox

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 2193** 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 February 22, 2000, amended and passed the following bill in which the **concurrence** of the **House** was asked:

**Senate File 182**, a bill for an act requiring licensure to practice acupuncture. (S-5019)

ALSO: That the House has on February 22, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2085**, a bill for an act relating to health certificate requirements for breeding bulls and making penalties applicable.

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

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### JUDICIARY

**Convened:** February 22, 2000, 3:43 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman.

**Members Absent:** None.

**Committee Business:** Subcommittee assignments. Recommended confirmation of Governor's appointee. Approved SSB 3019. Passed SFs 422, 2039, and 2179.

**Adjourned:** 4:11 p.m.

#### LOCAL GOVERNMENT

**Convened:** February 22, 2000, 2:15 p.m.

**Members Present:** Angelo, Chair; Bartz, Vice Chair; Bolkcom, Ranking Member; Fraise, Gaskill, Hammond, Judge, McCoy, McKean, McKibben, Miller, and Zieman.

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

**Committee Business:** Subcommittee assignment. Recommended confirmation of Governor's appointee. Approved SSBs 3175 and 3178, as amended. Passed HF 2169.

**Adjourned:** 3:40 p.m.

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** February 22, 2000, 1:12 p.m.

**Members Present:** Bartz, Chair; King, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife.

**Members Absent:** None.

**Committee Business:** Approved SSBs 3084 and 3124. Passed SFs 2065, 2094, and 2100.

**Adjourned:** 2:05 p.m.

#### STATE GOVERNMENT

**Convened:** February 22, 2000, 2:15 p.m.

**Members Present:** Rittmer, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, McLaren, Schuerer, Sexton, and Szymoniak.

**Members Absent:** None.

**Committee Business:** Subcommittee assignments. Approved SSBs 1012, as amended, and 3185. Passed SFs 2210 and 2228.

**Adjourned:** 3:20 p.m.

## INTRODUCTION OF BILLS

**Senate File 2268**, by Harper, Hammond, Bolkcom, Dvorsky, Deluhery, and Kibbie, a bill for an act providing for incentives for school districts involved in reorganization efforts, sharing arrangements, and additional cooperative associations.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2269**, by Shearer, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hammond, Harper, Kibbie, McCoy, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act establishing pilot immigration service centers and making an appropriation.

Read first time under Rule 28 and referred to committee on **Small Business, Economic Development, and Tourism**.

**Senate File 2270**, by Connolly, a bill for an act providing for the inclusion of nonpublic school pupils in the enrollment count for special education support services funding purposes.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2271**, by Johnson, a bill for an act providing licensure requirements for physician assistants and providing an effective date.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2272**, by Johnson, a bill for an act relating to the dispensing of prescription drugs by physicians.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2273**, by Fraise, Black, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Hammond, Harper, Judge, Kibbie, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act providing an appropriation to the department of public safety for additional narcotics enforcement agents.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2274**, by Iverson, a bill for an act declaring null and void gubernatorial executive orders relating to equal opportunity and affirmative action in state employment and uniform procedures for the waiver of administrative rules and providing an effective date.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 2235**

LOCAL GOVERNMENT: Angelo, Chair; Hammond and McKibben

### **Senate File 2261**

LOCAL GOVERNMENT: Angelo, Chair; Bartz and Bolkcom

## COMMITTEE REPORTS

### **LOCAL GOVERNMENT**

**Final Bill Action:** HOUSE FILE 2169, a bill for an act relating to the appointment of emergency management coordinators.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Angelo, Bartz, Bolkcom, Fraise, Hammond, Judge, McKean, McKibben, Miller, and Zieman. Nays, none. Absent and not voting, 3: Gaskill, McCoy, and Rife.

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

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Final Bill Action:** SENATE FILE 2201, a bill for an act relating to the distress criteria of the enterprise zone program and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Lundby, Behn, Boettger, Hansen, Judge, Rittmer, Sexton, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Shearer and Flynn.

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

### **STATE GOVERNMENT**

**Final Bill Action:** SENATE FILE 2266 (SSB 3051), a bill for an act relating to the department of public defense by changing the number and qualifications of general officers in the Iowa national guard and increasing the membership of the emergency response commission and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 1: McLaren.

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

### **GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

#### **HUMAN RESOURCES**

Mary Khowassah – Board of Examiners for Athletic Training

Vilia Sauerberg – Board of Behavioral Science Examiners

Kristyn R. Bell – Community Empowerment Facilitator

Sharon Terry – Commission on the Deaf

Susan MacDonald – Commission on the Deaf

Marilyn Turner – Administrator of the Division of Persons with Disabilities



Joan Koenigs – Health Facilities Council

Susan Poulton – Healthy and Well Kids in Iowa (HAWK-I) Board

Donald Wright – Council on Human Services

Gloria Welte – Board of Physician Assistant Examiners

Bery Engebretsen – Board of Physician Assistant Examiners

### **JUDICIARY**

Thomas Ferguson – Criminal and Juvenile Justice Planning Advisory Council

### **LOCAL GOVERNMENT**

Denise Dolan – County Finance Committee

### **AMENDMENTS FILED**

S-5021	S.F.	2195	Johnie Hammond
S-5022	S.F.	2195	Patrick J. Deluhery
			Johnie Hammond
			Michael E. Gronstal
			Patricia M. Harper
S-5023	S.F.	2195	Johnie Hammond

### **ADJOURNMENT**

On motion of Senator Iverson, the Senate adjourned at 5:37 p.m., until 9:00 a.m., Wednesday, February 23, 2000.

# JOURNAL OF THE SENATE

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FORTY-FIFTH CALENDAR DAY  
TWENTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 23, 2000

The Senate met in regular session at 9:07 a.m., President Kramer presiding.

Prayer was offered by Pastor Steve Hansen, of the First United Methodist Church of Cedar Falls, Iowa, guest of Senator Redfern.

The Journal of Tuesday, February 22, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Fraise and Flynn, for the day, on request of Senator Gronstal.

## BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2141** be referred from the Regular Calendar to the committee on **Appropriations**.

## 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:

February 23, 2000

#### DEPARTMENT OF COMMERCE

Alcoholic Beverages Division 65th Annual Report for July 1, 1998 – June 30, 1999.

#### IOWA FINANCE AUTHORITY

Annual Report for FY 1999, as required by Iowa Code sections 7A.11 and 16.7.

### CERTIFICATES OF RECOGNITION

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

John G. Feekes, Harlan – For achieving the rank of Eagle Scout. Senator Boettger (02/23/00).

Miya Rodolfo-Sioson – For your contribution to the cause of humanity and peace. Senator Hammond (02/23/00).

Ken Sullivan, Swisher – For 36 years of distinguished service at the Cedar Rapids Gazette and for outstanding coverage of the Iowa Legislature since 1978. Senator Dvorsky (02/23/00).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** February 23, 2000, 10:40 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Black, Ranking Member; Fink and Gaskill.

**Members Absent:** None.

**Committee Business:** Discussion of FY 2001 budget.

**Adjourned:** 11:30 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 23, 2000, 10:55 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller and Szymoniak.

**Members Absent:** None.

**Committee Business:** Presentations by Child Welfare Services and Iowa Dental Association.

**Adjourned:** 12:11 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 23, 2000, 10:40 a.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair; Connolly, Ranking Member; Johnson and Shearer.

**Members Absent:** None.

**Committee Business:** Presentations by Dept. of Cultural Affairs and America's Agricultural Heritage Partnership.

**Adjourned:** 11:40 a.m.

**AGRICULTURE**

**Convened:** February 23, 2000, 8:02 a.m.

**Members Present:** Gaskill, Chair; Miller, Vice Chair; Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman.

**Members Absent:** Fraise, Ranking Member (excused).

**Committee Business:** Presentation on vegetable-based hydraulic oils by UNI. Approved SSBs 3168 and 3193. Passed SFs 2176 and 2191.

**Adjourned:** 8:50 a.m.

**BUSINESS AND LABOR RELATIONS**

**Convened:** February 23, 2000, 1:09 p.m.

**Members Present:** McKibben, Chair; Freeman, Vice Chair; Dearden, Ranking Member; Behn, Hansen, Hedge, Horn, King, Rife, and Schuerer.

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

**Committee Business:** Subcommittee assignment. Approved SSBs 3172 (Rule 40) and 3191 (Rule 40). Passed SF 394.

**Adjourned:** 1:50 p.m.

## EDUCATION

**Convened:** February 23, 2000, 1:14 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:** Approved SSBs 3180 (Rule 40), 3182 (Rule 40), 3184 (Rule 40), and 3199. Passed SFs 2037, 2177 (Rule 40), 2204, and 2211.

**Adjourned:** 2:55 p.m.

## JUDICIARY

**Convened:** February 23, 2000, 12:03 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Boettger, Dvorsky, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman.

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

**Committee Business:** Subcommittee assignments. Recommended confirmation of Governor's appointees. Approved SSBs 3049, 3170, 3188, and 3203. Passed SFs 2154 and 2231.

**Adjourned:** 12:48 p.m.

## RULES AND ADMINISTRATION

**Convened:** February 23, 2000, 12:26 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 SF 2274.

**Adjourned:** 12:42 p.m.

## TRANSPORTATION

**Convened:** February 23, 2000, 2:00 p.m.

**Members Present:** Drake, Chair; Sexton, Vice Chair; McCoy, Ranking Member; Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Zieman.

**Members Absent:** None.

**Committee Business:** Approved SSBs 3136, 3155 (as amended), and 3192.

**Adjourned:** 2:27 p.m.

## INTRODUCTION OF BILLS

**Senate File 2275**, by committee on Judiciary, a bill for an act relating to revocations of driver's licenses for an operating while intoxicated offense.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2276**, by committee on Judiciary, a bill for an act relating to the application of earned time credits against a criminal sentence.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2277**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Hammond, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act providing an appropriation to judicial district departments of correctional services for the implementation of drug courts.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2278**, by Gronstal, Hammond, Bolkcom, and Deluhery, a bill for an act relating to a requirement that all school districts and accredited nonpublic schools annually report progress made in attaining student achievement and learning goals.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2279**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Fink, Fraise, Hansen, Hammond, Harper, Kibbie, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act providing an appropriation to judicial district departments of correctional services for additional staff to address workload needs.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2280**, by Kibbie, Harper, Soukup, Hammond, Bolkcom, Dvorsky, and Szymoniak, a bill for an act requiring the board of directors of a school district and the authorities in charge of an accredited nonpublic school to secure the performance of criminal and child and dependent adult abuse record checks on all persons newly employed by the school district or school as instructional or administrative staff.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2281**, by Kibbie, Fraise, Shearer, Soukup, and Flynn, a bill for an act relating to rural initiatives, by providing for and making appropriations, establishing fees, and establishing programs.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2282**, by committee on Judiciary, a bill for an act relating to a criminal sentence subject to the maximum accumulation of good time credits of fifteen percent of the total sentence of confinement.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2283**, by committee on Small Business, Economic Development and Tourism, a bill for an act relating to insurance premium tax credits for the creation of new jobs.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2284**, by McCoy, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Fraise, Harper, Kibbie, Shearer, Gronstal, and Szymoniak, a bill for an act making an appropriation from the rebuild Iowa infrastructure fund to the department of agriculture and land stewardship for a conservation reserve enhanced program.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2285**, by Bolkcom, Black, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act making an appropriation from the rebuild Iowa infrastructure fund to the department of natural resources to identify an effective and efficient method of developing total maximum daily loads that improve water quality.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2286**, by Kibbie, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Harper, McCoy, Judge, Shearer, Gronstal, and Szymoniak, a bill for an act making an appropriation from the rebuild Iowa infrastructure fund for technology initiatives and enhancements.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2287**, by Gronstal, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Horn, and Szymoniak, a bill for an act making an appropriation from the rebuild Iowa infrastructure fund to the department of natural resources to develop a program to support local volunteer efforts in water quality monitoring and watershed improvement.

Read first time under Rule 28 and referred to committee on **Appropriations**.



**Senate File 2288**, by Kibbie, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Hammond, Harper, McCoy, Shearer, Soukup, Horn, Gronstal, and Szymoniak, a bill for an act making an appropriation from the rebuild Iowa infrastructure fund to the department of agriculture and land stewardship to provide financial assistance for the establishment of permanent soil and water conservation practices.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2289**, by Bolkcom, Black, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Horn, Gronstal, and Szymoniak, a bill for an act making an appropriation from the rebuild Iowa infrastructure fund to the department of natural resources for water quality planning.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2290**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act making an appropriation from the rebuild Iowa infrastructure fund to the department of natural resources to increase the number of certain permits.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2291**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Horn, Gronstal, and Szymoniak, a bill for an act making an appropriation from the rebuild Iowa infrastructure fund to the department of agriculture and land stewardship for the Iowa watershed protection program.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2292**, by Fink, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Flynn, Fraise, Hansen, Hammond, Harper, Kibbie, McCoy, Shearer, Soukup, Horn, Gronstal, and Szymoniak, a bill for an act making an appropriation from the rebuild Iowa infrastructure fund to the department of natural resources to continue the establishment and operation of water quality monitoring stations.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2293**, by Dearden, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hammond, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act creating a new employment opportunity program and making an appropriation.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations**.

**Senate File 2294**, by committee on Education, a bill for an act relating to payment of education costs for certain juvenile facilities and providing an effective date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2295**, by committee on Small Business, Economic Development and Tourism, a bill for an act relating to the issuance of closing protection letters by the Iowa finance authority.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2296**, by committee on Agriculture, a bill for an act eliminating the regulation of certain dairy trade practices.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2297**, by committee on State Government, a bill for an act relating to the confidentiality of internet protocol numbers associated with public information requests.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2298**, by committee on State Government, a bill for an act to permit certain gifts associated with a legislative group event and to raise the maximum value of nonmonetary items that may be received by a member of the general assembly and by public officials, public employees, and candidates, or by members of the immediate family of public officials, public employees, or candidates.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2299**, by committee on Natural Resources and Environment, a bill for an act relating to the state list of endangered and threatened fish, plants, and wildlife.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2300**, by committee on Natural Resources and Environment, a bill for an act relating to interference with lawful hunting, fishing, or fur harvesting and providing a penalty.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2301**, by committee on Agriculture, a bill for an act providing for the free association of contract producers of agricultural commodities and providing a penalty.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2302**, by committee on Human Resources, a bill for an act relating to programs and public health issues under the purview of the Iowa department of public health and the appropriation of certain fees to the department.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2303**, by committee on Judiciary, a bill for an act relating to judicial administration by providing for benefits applicable to judicial branch employees, the allocation of magistrates, and the manner of making certain noncourt and administrative appointments.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2304**, by Shearer, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Soukup, Gronstal, and Szymoniak, a bill for an act relating to a needs assessment study of floodplain infrastructures and making an appropriation.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2305**, by Hammond, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Gronstal, Hansen, Harper, Horn, Judge, Kibbie, McCoy, Shearer, Soukup, and Szymoniak, a bill for an act prohibiting discrimination with respect to the issuance and renewal of insurance policies based upon certain genetic information and prohibiting the disclosure and use of certain genetic information with respect to employment and providing a penalty.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 2306**, by Connolly, a bill for an act relating to the liability of a managed care health plan or health maintenance organization to an insured or an enrollee.

Read first time under Rule 28 and referred to committee on **Commerce**.

**Senate File 2307**, by committee on Business and Labor Relations, a bill for an act relating to public and workplace safety and wage collection laws administered by the labor commissioner, including changes in the regulation of boilers in places of public assembly and of elevator installers, and of employers under the wage payment collection law.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2308**, by committee on Judiciary, a bill for an act relating to harassment via electronic communications and making penalties applicable.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2309**, by committee on Judiciary, a bill for an act relating to the sales of beer kegs by requiring an identification number on each keg of beer, by recording the purchase of beer by the keg, and providing a penalty.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2310**, by committee on Agriculture, a bill for an act relating to an Iowa agricultural industry finance corporation by providing for voting by members.

Read first time under Rule 28 and placed on **calendar**.

#### INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 2002**, by Soukup, a joint resolution proposing amendments to the Constitution of the State of Iowa to change the length of term of office for members of the House of Representatives and the Senate, to limit the years of service for members of the House of Representatives and the Senate, and to limit the terms of service for Governor and Lieutenant Governor.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate Resolution 109**, by Rife and Kibbie, a resolution urging the Democratic and Republican parties of Iowa to use presidential preference cards in the presidential caucuses.

Read first time under Rule 28 and referred to committee on **State Government**.

## STUDY BILLS RECEIVED

**SSB 3199      Education**

Relating to the interest a member of the board of directors of a school corporation may have in a contract with the director's school corporation.

**SSB 3200      Human Resources**

Relating to community empowerment areas by revising the Iowa empowerment board membership and establishing a formula for distribution of school ready children grant funding and including related provisions and providing an effective date.

**SSB 3201      Human Resources**

Creating a council on responsible fatherhood.

**SSB 3202      Agriculture**

Relating to the closing of agricultural drainage wells and the construction of alternative drainage systems.

**SSB 3203      Judiciary**

Authorizing employees of the department of corrections to donate sick leave for a catastrophic illness incurred in the line of duty.

**SSB 3204      Education**

Permitting area education agencies to enter into cost-sharing arrangements with shelter and juvenile home facilities for the use of classroom facilities.

**SSB 3205      Human Resources**

Relating to communicable and infectious diseases and providing penalties.

**SSB 3206      Human Resources**

Relating to the purchase, possession, and sale of cigarettes and tobacco products and providing penalties.

**SSB 3207      Human Resources**

Relating to dental services under the medical assistance program and providing an effective date.

**SSB 3208      Natural Resources and Environment**

Relating to the loess hills development and conservation authority by creating a hungry canyons alliance and providing membership guidelines for board of directors of the conservation authority and loess hills alliance.

**SSB 3209      State Government**

Relating to public retirement systems and providing implementation, applicability, and effective dates.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2236**

TRANSPORTATION: Drake, Chair; Jensen and McCoy

**Senate File 2260**

AGRICULTURE: Zieman, Chair; Bartz and Shearer

**Senate File 2262**

WAYS AND MEANS: Johnson, Chair; Bolkcom and Hedge

**Senate File 2263**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Fink and King

**Senate File 2269**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Boettger, Chair; Judge and Veenstra

**Senate File 2293**

BUSINESS AND LABOR RELATIONS: King, Chair; Horn and Rife

**SSB 3199**

EDUCATION: Angelo, Chair; Boettger and Fink

**SSB 3200**

HUMAN RESOURCES: Boettger, Chair; Szymoniak and Tinsman

**SSB 3201**

HUMAN RESOURCES: Szymoniak, Chair; Boettger and Tinsman

**SSB 3202**

AGRICULTURE: Sexton, Chair; Angelo and Soukup

**SSB 3203**

JUDICIARY: McKean, Chair; Angelo and Fraise

**SSB 3204**

EDUCATION: Connolly, Chair; Gaskill and Veenstra

**SSB 3205**

HUMAN RESOURCES: Redwine, Chair; Boettger and Shearer

**SSB 3206**

HUMAN RESOURCES: Boettger, Chair; Hammond and Tinsman

**SSB 3207**

HUMAN RESOURCES: Veenstra, Chair; Hammond and Tinsman

**SSB 3208**

NATURAL RESOURCES AND ENVIRONMENT: King, Chair; Dearden and Freeman

**SSB 3209**

STATE GOVERNMENT: Rittmer, Chair; Connolly, Drake, Kibbie, and Lundby

**COMMITTEE REPORTS****AGRICULTURE**

**Final Bill Action:** SENATE FILE 2296 (SSB 3168), a bill for an act eliminating the regulation of certain dairy trade practices.

**Recommendation:** APPROVED COMMITTEE BILL.



**Final Vote:** Ayes, 14: Gaskill, Miller, Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Fraise.

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

ALSO:

**Final Bill Action:** SENATE FILE 2301 (Formerly SF 2176), a bill for an act providing for the free association of contract producers of agricultural commodities and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Gaskill, Miller, Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Fraise.

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

ALSO:

**Final Bill Action:** SENATE FILE 2310 (Formerly 2191), a bill for an act relating to an Iowa agricultural industry finance corporation by providing for voting by members.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Gaskill, Miller, Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Fraise.

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

## **BUSINESS AND LABOR RELATIONS**

**Final Bill Action:** \*SENATE FILE 2307 (SSB 3191), a bill for an act relating to public and workplace safety and wage collection laws administered by the labor commissioner, including changes in the regulation of boilers in places of public assembly and of elevator installers, and of employers under the wage payment collection law.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: McKibben, Freeman, Dearden, Behn, Hansen, Hedge, Horn, King, Rife, and Schuerer. Nays, none. Absent or not voting, 1: Fraise.

**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 Business and Labor Relations Committee on Senate File 2307, and they were attached to the committee report.

## EDUCATION

**Final Bill Action:** \*SENATE FILE 2294 (Formerly SF 2059), a bill for an act relating to payment of education costs for certain juvenile facilities and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

**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 Education Committee on Senate File 2294, and they were attached to the committee report.

## HUMAN RESOURCES

**Final Bill Action:** \*SENATE FILE 2302 (SSB 3102), a bill for an act relating to programs and public health issues under the purview of the Iowa department of public health and the appropriation of certain fees to the department.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Boettger, Redwine, Szymoniak, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Bartz.

**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 Human Resources Committee on Senate File 2302, and they were attached to the committee report.

## JUDICIARY

**Final Bill Action:** SENATE FILE 2275 (Formerly SF 2179), a bill for an act relating to revocations of driver's licenses for an operating while into xicated offense.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Horn.

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

ALSO:

**Final Bill Action:** SENATE FILE 2276 (SSB 3125), a bill for an act relating to the application of earned time credits against a criminal sentence.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKean, Lamberti, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Hansen.

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

ALSO:

**Final Bill Action:** SENATE FILE 2282 (SSB 3055), a bill for an act relating to a criminal sentence subject to the maximum accumulation of good time credits of fifteen percent of the total sentence of confinement.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McKean, Lamberti, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, 1: Angelo. Absent or not voting, 1: Hansen.

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

ALSO:

**Final Bill Action:** SENATE FILE 2303 (SSB 3188), a bill for an act relating to judicial administration by providing for benefits applicable to judicial branch employees, the allocation of magistrates, and the manner of making certain noncourt and administrative appointments.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Fraise.

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

ALSO:

**Final Bill Action:** SENATE FILE 2308 (Formerly SF 2154), a bill for an act relating to harassment via electronic communications and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Fraise.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2309 (Formerly SF 2231), a bill for an act relating to the sales of beer kegs by requiring an identification number on each keg of beer, by recording the purchase of beer by the keg, and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McKean, Lamberti, Angelo, Boettger, Dvorsky, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, 1: Hansen. Absent or not voting, 1: Fraise.

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

## NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** \*SENATE FILE 2299 (Formerly SF 2100), a bill for an act relating to the state list of endangered and threatened fish, plants, and wildlife.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Bartz, King, Black, Bolkom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife. Nays, 1: Fink. Absent or not voting, none.

**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 Natural Resources and Environment Committee on Senate File 2299, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2300 (Formerly SF 2094), a bill for an act relating to interference with lawful hunting, fishing, or fur harvesting and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Bartz, King, Fink, Black, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife. Nays, 1: Bolkom. Absent or not voting, none.

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

## RULES AND ADMINISTRATION

**Final Bill Action:** SENATE FILE 2274, a bill for an act declaring null and void gubernatorial executive orders relating to equal opportunity and affirmative action in state employment and uniform procedures for the waiver of administrative rules and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 6: Iverson, Kramer, Jensen, Redfern, Rehberg, and Rittmer. Nays, 5: Gronstal, Dvorsky, Fink, Harper, and Lundby. Absent or not voting, none.

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

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Final Bill Action:** SENATE FILE 2283 (SSB 3033), a bill for an act relating to insurance premium tax credits for the creation of new jobs.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Lundby, Behn, Boettger, Hansen, Judge, Rittmer, Sexton, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Shearer and Flynn.

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

ALSO:

**Final Bill Action:** SENATE FILE 2295 (SSB 3032), a bill for an act relating to the issuance of closing protection letters by the Iowa finance authority.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Lundby, Behn, Boettger, Hansen, Judge, Rittmer, Sexton, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Shearer and Flynn.

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

### **STATE GOVERNMENT**

**Final Bill Action:** SENATE FILE 2297 (SSB 3060), a bill for an act relating to the confidentiality of internet protocol numbers associated with public information requests.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 1: McLaren.

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

ALSO:

**Final Bill Action:** SENATE FILE 2298 (Formerly SF 2228), a bill for an act to permit certain gifts associated with a legislative group event and to raise the maximum value of nonmonetary items that may be received by a member of the general assembly and

by public officials, public employees, and candidates, or by members of the immediate family of public officials, public employees, or candidates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Drake, Fink, McLaren, and Szymoniak. Nays, 4: Deluhery, Lundby, Schuerer, and Sexton. Absent or not voting, 2: King and Maddox.

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

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

### HUMAN RESOURCES

Ruth Gaines – State Citizen Foster Care Review Board

### JUDICIARY

Rogers Kirk – Board of Parole

Gary Mulholland – Narcotics Enforcement Advisory Council

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:13 a.m., until 9:00 a.m., Thursday, February 24, 2000.

# JOURNAL OF THE SENATE

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FORTY-SIXTH CALENDAR DAY  
TWENTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 24, 2000

The Senate met in regular session at 9:16 a.m., Senator Boettger presiding.

Prayer was offered by Pastor Doug Helton of the Calvary Baptist Church of St. Charles, Iowa, guest of Senator Johnson.

The Journal of Wednesday, February 23, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Flynn, until he arrives, on request of Senator Gronstal; and Senator Fraise, for the day, on request of Senator Gronstal.

## 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 February 23, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2328**, a bill for an act eliminating the regulation of certain dairy trade practices.

Read first time and attached to **companion Senate File 2296**.

## APPENDIX

### COMPANION BILL RECEIVED

On February 24, 2000, **House File 2328** was received and attached to companion **Senate File 2296** on the Senate calendar.

### EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on February 22, 2000, when the votes were taken on Senate Files 2052, 2113, and 2193. Had I been present, I would have voted "Aye" on all.

TOM FLYNN

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** February 23, 2000, 3:07 p.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Deluhery, Ranking Member; Bolkcom, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer.

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

**Committee Business:** Approved SSBs 3002, 3028, 3029, 3072, 3137, 3156, 3162, and 3163. Passed SFs 2175, 2203, 2233, and 2234.

**Adjourned:** 4:44 p.m.

#### HUMAN RESOURCES

**Convened:** February 23, 2000, 3:05 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra.

**Members Absent:** None.

**Committee Business:** Approved SSBs 3093, 3200, 3201, and 3205. Passed SF 2125.

**Adjourned:** 4:44 p.m.



**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** February 24, 2000, 10:45 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Black, Ranking Member; Fink and Gaskill.

**Members Absent:** None.

**Committee Business:** Update on Brownfields program.

**Adjourned:** 11:00 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** February 24, 2000, 10:51 a.m.

**Members Present:** Rife, Chair; Zieman, Vice Chair; Bolkom, Ranking Member; and McKibben.

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

**Committee Business:** Presentation on community grant funds and community collaboration efforts.

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

**APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 24, 2000, 10:50 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller and Szymoniak.

**Members Absent:** None.

**Committee Business:** Presentations by DHS.

**Adjourned:** 11:59 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 24, 2000, 10:45 a.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair; Connolly, Ranking Member; Johnson and Shearer.

**Members Absent:** None.

**Committee Business:** Presentations by Dept. of General Services, DNR, UNI, and Heritage Park.

**Adjourned:** 11:30 a.m.

## **AGRICULTURE**

**Convened:** February 24, 2000, 8:02 a.m.

**Members Present:** Gaskill, Chair; Miller, Vice Chair; Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman.

**Members Absent:** Fraise, Ranking Member (excused).

**Committee Business:** Approved SSB 3202. Passed SF 2260 and HF 2099. Passed LSBs 6798, 6982, and 7021.

**Adjourned:** 9:13 a.m.

## **LOCAL GOVERNMENT**

**Convened:** February 24, 2000, 2:35 p.m.

**Members Present:** Angelo, Chair; Bartz, Vice Chair; Bolkcom, Ranking Member; Hammond, Judge, McCoy, McKibben, Miller, Rife, and Zieman.

**Members Absent:** Fraise, Gaskill, and McKean (all excused).

**Committee Business:** Passed SFs 2009 and 2106.

**Adjourned:** 2:50 p.m.

## **NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** February 24, 2000, 1:04 p.m.

**Members Present:** Bartz, Chair; King, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife.

**Members Absent:** None.

**Committee Business:** Approved SSB 3208. Passed SFs 438, 2182, and 2205. Passed LSB 6613SC.

**Adjourned:** 2:25 p.m.

## **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** February 24, 2000, 1:08 p.m.

**Members Present:** Lundby, Chair; Behn, Vice Chair; Shearer, Ranking Member; Boettger, Hansen, Judge, Soukup, Veenstra, and Ziemann.

**Members Absent:** Flynn, Rittmer, Sexton, and Tinsman (all excused).

**Committee Business:** Approved SSB 3016.

**Adjourned:** 1:11 p.m.

## INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 2003**, by Flynn, Kibbie, Deluhery, Fraise, and Gronstal, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the power of the people to affirm or reject Acts of the General Assembly relating to the individual income tax or sales or use tax.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate Concurrent Resolution 107**, by Maddox and Harper, a concurrent resolution designating March 2000 as Iowa Women's History Month.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILLS

**Senate File 2311**, by committee on Natural Resources and Environment, a bill for an act removing rulemaking requirements for the special waste authorization program.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2312**, by committee on Agriculture, a bill for an act relating to pseudorabies control, making penalties applicable, and providing an effective date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2313**, by committee on Transportation, a bill for an act relating to motor vehicles, including driver licensing, the use of

child restraints and safety belts for children, and the designation of vehicles as authorized emergency vehicles, making a penalty applicable, and providing an effective date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2314**, by committee on Human Resources, a bill for an act relating to communicable and infectious diseases and providing penalties.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2315**, by committee on Transportation, a bill for an act relating to the motor vehicle lemon law, and making an administrative fine applicable.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2316**, by Judge, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act providing that the department of public safety establish a program to prevent crimes against the elderly.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2317**, by Judge, Gronstal, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Hammond, Kibbie, McCoy, Shearer, Soukup, and Szymoniak, a bill for an act relating to regulation and inspection of health care facilities including the establishment of a quality-based inspections system.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 2318**, by committee on Education, a bill for an act relating to the establishment of Iowa charter schools.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2319**, by Fraise, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act relating to the state fire marshal by providing for the imposition of inspection fees and for the appropriation of the fees collected.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2320**, by Fraise, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fink, Flynn, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Horn, Gronstal, and Szymoniak, a bill for an act making an appropriation from the rebuild Iowa infrastructure fund to the department of natural resources to enhance acceleration conservation buffer efforts.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2321**, by Fraise, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Hammond, Harper, Kibbie, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act making an appropriation from the rebuild Iowa infrastructure fund to the department of agriculture and land stewardship to initiate a statewide farm and livestock management program.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2322**, by Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Fraise, Hansen, Hammond, Harper, Kibbie, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act relating to the establishment of a drug treatment facility for offenders and a drug treatment facility advisory council and providing a contingent effective date.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 2323**, by Deluhery, Harper, Soukup, Hammond, Dvorsky, Shearer, Kibbie, and Gronstal, a bill for an act relating to efforts to improve school safety and making appropriations.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2324**, by committee on Judiciary, a bill for an act relating to DNA profiling.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2325**, by committee on Judiciary, a bill for an act relating to the crimes of burglary and forgery.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2326**, by committee on Natural Resources and Environment, a bill for an act relating to funding of certain household hazardous material collection efforts and events.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2327**, by committee on Local Government, a bill for an act relating to certain procedures for the purchase or condemnation of interest in private property by a utility subject to the jurisdiction of the Iowa utilities board.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2328**, by committee on Education, a bill for an act relating to reports of assault and sexual abuse occurring on community college and university campuses.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2329**, by committee on Transportation, a bill for an act increasing the fine for certain motor vehicle violations relating to railroad crossings.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2330**, by committee on Transportation, a bill for an act relating to the regulation of certain low-speed vehicles and making a penalty applicable.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2331**, by committee on Education, a bill for an act relating to the interest a member of the board of directors of a school corporation may have in a contract with the director's school corporation.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2332**, by committee on Human Resources, a bill for an act creating a council on responsible fatherhood.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2333**, by McCoy, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hammond, Harper, Kibbie, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act providing an appropriation to the department of public safety for additional crime laboratory personnel.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2334**, by McCoy, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Fraise, Hansen, Harper, Kibbie, Shearer, Soukup, Judge, and Szymoniak, a bill for an act relating to the state fire marshal by providing for the certification of installers of manufactured homes, imposing a civil penalty for building code violations, and providing for the appropriation and use of the fees collected.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2335**, by Angelo, a bill for an act relating to confinement feeding operations, by providing for generally accepted agricultural management practices, and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Agriculture**.

**Senate File 2336**, by committee on Commerce, a bill for an act relating to entities and subject matter under the regulatory authority of the insurance division, including motor vehicle service contracts, securities, business opportunities, residential service contracts, retirement care contracts, transfer on death probate provisions; and establishing penalties and making penalties applicable.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2337**, by committee on Commerce, a bill for an act relating to the services provided by a credit union service organization.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2338**, by committee on Education, a bill for an act providing for a school investment partnership pilot program.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2339**, by committee on Education, a bill for an act relating to the authority of the state board of educational examiners to develop a code of professional rights and responsibilities, practices, and ethics for practitioners.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2340**, by committee on Education, a bill for an act encouraging school districts to establish volunteer programs that utilize retired teachers and administrators as volunteer mentors and aides.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2341**, by committee on Human Resources, a bill for an act relating to community empowerment areas by revising the Iowa empowerment board membership and establishing a formula for



distribution of school ready children grant funding and including related provisions and providing an effective date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2342**, by committee on Commerce, a bill for an act relating to the creation of a real estate improvement district.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2343**, by committee on Commerce, a bill for an act establishing certain disclosure requirements associated with telephone solicitations and providing a penalty.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2344**, by committee on Human Resources, a bill for an act relating to child and family services administered by the department of human services.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2345**, by committee on Commerce, a bill for an act relating to the determination of fair value of the shares of dissenting shareholders of a bank or bank holding company.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2346**, by committee on State Government, a bill for an act relating to authorization to provide emergency and nonemergency medical care services.

Read first time under Rule 28 and placed on **calendar**.

#### STUDY BILL RECEIVED

#### **SSB 3210      State Government**

Relating to contracts and agreements entered into by the Iowa lottery board and commissioner of the lottery.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 2141**

APPROPRIATIONS: Rife, Chair; Horn and Jensen

**Senate File 2272**

STATE GOVERNMENT: Maddox, Chair; Connolly and Drake

**Senate File 2273**

APPROPRIATIONS: Maddox, Chair; Dvorsky and Lamberti

**Senate File 2277**

APPROPRIATIONS: Maddox, Chair; Dvorsky and Lamberti

**Senate File 2279**

APPROPRIATIONS: Maddox, Chair; Dvorsky and Lamberti

**Senate File 2281**

APPROPRIATIONS: Rife, Chair; Kramer and Soukup

**Senate File 2284**

APPROPRIATIONS: Freeman, Chair; Connolly and Johnson

**Senate File 2285**

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen

**Senate File 2286**

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen

**Senate File 2287**

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen

**Senate File 2288**

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen

**Senate File 2289**

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen

**Senate File 2290**

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen

**Senate File 2291**

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen

**Senate File 2292**

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen

**Senate File 2304**

APPROPRIATIONS: McLaren, Chair; King and Soukup

**Senate File 2305**

HUMAN RESOURCES: Boettger, Chair; Redwine and Szymoniak

**Senate File 2320**

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen

**Senate File 2321**

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen

**SSB 3210**

STATE GOVERNMENT: Sexton, Chair; Connolly and Fink

**LSB 6613SC**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Fink, Gaskill, Kibbie, and King

**COMMITTEE REPORTS****AGRICULTURE**

**Final Bill Action:** SENATE FILE 2312 (SSB 3193), a bill for an act relating to pseudorabies control, making penalties applicable, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Gaskill, Miller, Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, none. Absent or not voting, 1: Fraise.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2099, a bill for an act affecting eligibility for the beginning farmer loan program, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Gaskill, Miller, Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Fraise.

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

## COMMERCE

**Final Bill Action:** SENATE FILE 2175, a bill for an act providing for the establishment of a bank office in certain unincorporated areas.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Jensen, Maddox, Deluhery, Bolkcom, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer. Nays, none. Absent or not voting, 1: Flynn.

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

ALSO:

**Final Bill Action:** SENATE FILE 2203, a bill for an act to allow the assignment of benefits under an insurance policy or contract, or health benefit plan to the provider of health care services.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Jensen, Maddox, Deluhery, Bolkcom, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer. Nays, none. Absent or not voting, 1: Flynn.

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

ALSO:

**Final Bill Action:** SENATE FILE 2336 (SSB 3137), a bill for an act relating to entities and subject matter under the regulatory authority of the insurance division, including motor vehicle service contracts, securities, business opportunities, residential service contracts, retirement care contracts, transfer on death probate provisions; and establishing penalties and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Jensen, Maddox, Deluhery, Bolkcom, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer. Nays, none. Absent or not voting, 1: Flynn.

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

ALSO:

**Final Bill Action:** SENATE FILE 2337 (SSB 3163), a bill for an act relating to the services provided by a credit union service organization.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Maddox, Deluhery, Bolkcom, Gronstal, Hansen, Johnson, Lamberti, Lundby, McCoy, and Redfern. Nays, 2: Jensen and Schuerer. Absent or not voting, 3: Flynn, King, and Redwine.

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

ALSO:

**Final Bill Action:** SENATE FILE 2342 (SSB 3156), a bill for an act relating to the creation of a real estate improvement district.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Jensen, Maddox, Deluhery, Bolkcom, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer. Nays, none. Absent or not voting, 1: Flynn.

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

ALSO:

**Final Bill Action:** SENATE FILE 2343 (Formerly SF 2233), a bill for an act establishing certain disclosure requirements associated with telephone solicitations and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Jensen, Maddox, Deluhery, Bolkcom, Gronstal, Hansen, Johnson, King, Lamberti, McCoy, Redfern, Redwine, and Schuerer. Nays, 1: Lundby. Absent or not voting, 1: Flynn.

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

ALSO:

**Final Bill Action:** SENATE FILE 2345 (SSB 3072), a bill for an act relating to the determination of fair value of the shares of dissenting shareholders of a bank or bank holding company.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Jensen, Maddox, Deluhery, Bolkcom, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer. Nays, none. Absent or not voting, 1: Flynn.

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

## EDUCATION

**Final Bill Action:** SENATE FILE 2318 (Formerly SF 2211), a bill for an act relating to the establishment of Iowa charter schools.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Redfern, Rehberg, Angelo, Boettger, Gaskill, Redwine, Sexton, Tinsman, and Veenstra. Nays, 6: Connolly, Dvorsky, Fink, Harper, Shearer, and Szymoniak. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2328 (Formerly SF 2177), a bill for an act relating to reports of assault and sexual abuse occurring on community college and university campuses.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2331 (SSB 3199), a bill for an act relating to the interest a member of the board of directors of a school corporation may have in a contract with the director's school corporation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2338 (SSB 3180), a bill for an act providing for a school investment partnership pilot program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Redfern, Rehberg, Angelo, Boettger, Dvorsky, Gaskill, Harper, Redwine, Sexton, Shearer, Tinsman, and Veenstra. Nays, 3: Connolly, Fink, and Szymoniak. Absent or not voting, none.

**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 Education Committee on Senate File 2338, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2339 (Formerly SF 2037), a bill for an act relating to the authority of the state board of educational examiners to develop a code of professional rights and responsibilities, practices, and ethics for practitioners.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Redfern, Rehberg, Angelo, Boettger, Gaskill, Redwine, Sexton, Szymoniak, Tinsman, and Veenstra. Nays, 5: Connolly, Dvorsky, Fink, Harper, and Shearer. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2340 (Formerly SF 2204), a bill for an act encouraging school districts to establish volunteer programs that utilize retired teachers and administrators as volunteer mentors and aides.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

## HUMAN RESOURCES

**Final Bill Action:** SENATE FILE 2125, a bill for an act relating to mandatory reporters of dependent adult abuse.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2314 (SSB 3205), a bill for an act relating to communicable and infectious diseases and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Boettger, Redwine, Behn, Dvorsky, Hammond, Harper, Schuerer, Shearer, and Veenstra. Nays, 4: Szymoniak, Bartz, Miller, and Tinsman. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2332 (SSB 3201), a bill for an act creating a council on responsible fatherhood.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Boettger, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 2: Redwine and Schuerer.

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

ALSO:

**Final Bill Action:** SENATE FILE 2341 (SSB 3200), a bill for an act relating to community empowerment areas by revising the Iowa empowerment board membership and establishing a formula for distribution of school ready children grant funding and including related provisions and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2344 (SSB 3093), a bill for an act relating to child and family services administered by the department of human services.



**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Boettger, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 2: Redwine and Schuerer.

**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 Human Resources Committee on Senate File 2344, and they were attached to the committee report.

**JUDICIARY**

**Final Bill Action:** \*SENATE FILE 2324 (SSB 3019), a bill for an act relating to DNA profiling.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

**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 Judiciary Committee on Senate File 2324, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2325 (SSB 3161), a bill for an act relating to the crimes of burglary and forgery.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: McKean, Lamberti, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, McCoy, McKibben, Miller, and Tinsman. Nays, none. Absent or not voting, 3: Hansen, Maddox, and Redfern.

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

**Final Bill Action:** SENATE FILE 2327 (SSB 3175), a bill for an act relating to certain procedures for the purchase or condemnation of interest in private property by a utility subject to the jurisdiction of the Iowa utilities board.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Angelo, Bartz, Bolkcom, Fraise, Hammond, Judge, McKean, McKibben, Miller, and Zieman. Nays, none. Absent or not voting, 3: Gaskill, McCoy, and Rife.

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

## NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** SENATE FILE 2311 (SSB 3124), a bill for an act removing rulemaking requirements for the special waste authorization program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Kibbie, Miller, Rehberg, and Rife. Nays, 1: Johnson. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2326 (SSB 3084), a bill for an act relating to funding of certain household hazardous material collection efforts and events.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife. Nays, none. Absent or not voting, none.

**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 Natural Resources and Environment Committee on Senate File 2326, and they were attached to the committee report.

## STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 2346 (SSB 3185), a bill for an act relating to authorization to provide emergency and nonemergency medical care services.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 2: Maddox and McLaren.

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

**TRANSPORTATION**

**Final Bill Action:** \*SENATE FILE 2313 (SSB 3148), a bill for an act relating to motor vehicles, including driver licensing, the use of child restraints and safety belts for children, and the designation of vehicles as authorized emergency vehicles, making a penalty applicable, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Drake, Sexton, McCoy, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Ziemann. Nays, none. Absent or not voting, 2: Fink and Fraise.

**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 Transportation Committee on Senate File 2313, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2315 (SSB 3155), a bill for an act relating to the motor vehicle lemon law, and making an administrative fine applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Drake, Sexton, McCoy, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Ziemann. Nays, none. Absent or not voting, 2: Fink and Fraise.

**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 Transportation Committee on Senate File 2315, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2329 (SSB 3192), a bill for an act increasing the fine for certain motor vehicle violations relating to railroad crossings.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Drake, Sexton, McCoy, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Ziemann. Nays, none. Absent or not voting, 2: Fink and Fraise.

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

ALSO:

**Final Bill Action:** SENATE FILE 2330 (SSB 3136), a bill for an act relating to the regulation of certain low-speed vehicles and making a penalty applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Drake, Sexton, McCoy, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Zieman. Nays, none. Absent or not voting, 2: Fink and Fraise.

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

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:34 a.m., until 1:00 p.m., Monday, February 28, 2000.

# JOURNAL OF THE SENATE

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FIFTIETH CALENDAR DAY  
TWENTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 28, 2000

The Senate met in regular session at 1:14 p.m., President Kramer presiding.

Prayer was offered by Pastor A. Pete Petersen, pastor of St. John's Lutheran Church of Craig, Iowa, guest of Senator Redwine.

The Journal of Thursday, February 24, 2000, 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 February 24, 2000, adopted the following resolution in which the **concurrence** of the **House** was asked:

**Senate Concurrent Resolution 103**, a concurrent resolution relating to the observation of the decade of the bone and joint.

ALSO: That the House has on February 24, 2000, passed the following bill in which the **concurrence** of the **House** was asked:

**Senate File 2193**, a bill for an act relating to the establishment of a senior living program, including the creation of a senior living trust fund, providing for the development and provision of senior living program information and electronic access, providing for a caregiver support and education program, providing for a senior living insurance policy and incentives study, providing for allocation of the moneys in the senior living trust fund, making appropriations, and providing an effective date, and providing for retroactive applicability.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gaskill, for the day, on request of Senator Sexton; Senators Boettger and McLaren, for the day, on request of Senator Iverson; and Senator McCoy, until he arrives, on request of Senator Gronstal.

## CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2015, 2156, 2266, 2061, and 2092.

### Senate File 2015

On motion of Senator Angelo, **Senate File 2015**, a bill for an act relating to the enhanced criminal penalties associated with sexually predatory offenses and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Angelo offered amendment S-5009, filed by him on February 10, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5009 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2015), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	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  
Veenstra

Soukup  
Zieman

Szymoniak

Tinsman

Nays, none.

Absent or not voting, 4:

Boettger

Gaskill

McCoy

McLaren

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

### **Senate File 2156**

On motion of Senator Drake, **Senate File 2156**, a bill for an act relating to the use of blue lights on authorized emergency vehicles, was taken up for consideration.

Senator Drake offered amendment S-5017, filed him on February 22, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5017 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2156), the vote was:

Ayes, 46:

Angelo  
Bolkcom  
Drake  
Fraise  
Hansen  
Iverson  
Kibbie  
Lundby  
Miller  
Rife  
Shearer  
Veenstra

Bartz  
Connolly  
Dvorsky  
Freeman  
Harper  
Jensen  
King  
Maddox  
Redfern  
Rittmer  
Soukup  
Zieman

Behn  
Dearden  
Fink  
Gronstal  
Hedge  
Johnson  
Kramer  
McKean  
Redwine  
Schuerer  
Szymoniak

Black  
Deluhery  
Flynn  
Hammond  
Horn  
Judge  
Lamberti  
McKibben  
Rehberg  
Sexton  
Tinsman

Nays, none.

Absent or not voting, 4:

Boettger	Gaskill	McCoy	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.

### **Senate File 2266**

On motion of Senator Kibbie, **Senate File 2266**, a bill for an act relating to the department of public defense by changing the number and qualifications of general officers in the Iowa national guard and increasing the membership of the emergency response commission and providing an effective date, was taken up for consideration.

Senator Hedge took the chair at 1:52 p.m.

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

On the question "Shall the bill pass?" (S.F. 2266), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Deluhery	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	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, 5:

Boettger	Dearden	Gaskill	McCoy
McLaren			

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



**Senate File 2061**

On motion of Senator Drake, **Senate File 2061**, a bill for an act relating to the registration and licensing duties of the county recorder and providing for other properly related matters, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2061), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	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, 4:

Boettger	Gaskill	McCoy	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.

**Senate File 2092**

On motion of Senator Lamberti, **Senate File 2092**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and providing effective dates, was taken up for consideration.

Senator Lamberti offered amendment S-5007, filed by the committee on Judiciary on February 8, 2000, to page 4 of the bill, and moved its adoption.

Amendment S-5007 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?" (S.F. 2092), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	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, 4:

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

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2015, 2156, 2266, 2061, and 2092** be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2164, 2112, 2145, 2248, and 2142.

**Senate File 2164**

On motion of Senator Sexton, **Senate File 2164**, a bill for an act relating to expenditure of primary road fund moneys for dust control on certain municipal streets, 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?" (S.F. 2164), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	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, 4:

Boettger	Gaskill	McCoy	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.

## Senate File 2112

On motion of Senator Lamberti, **Senate File 2112**, a bill for an act relating to the criminal jurisdiction of the state regarding the crimes of escape and absence from custody, 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. 2112), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	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, 4:

Boettger	Gaskill	McCoy	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.

## Senate File 2145

On motion of Senator Hansen, **Senate File 2145**, a bill for an act relating to the national crime prevention and privacy compact, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2145), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	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, 4:

Boettger	Gaskill	McCoy	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.

## Senate File 2248

On motion of Senator Veenstra, **Senate File 2248**, a bill for an act relating to the college student aid commission's membership, duties, and authority, and related federal employment reports, was taken up for consideration.

Senator Veenstra 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. 2248), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	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, 4:

Boettger	Gaskill	McCoy	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.

### **Senate File 2142**

On motion of Senator Lamberti, **Senate File 2142**, a bill for an act relating to crime victim compensation, 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. 2142), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	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, 4:

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

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2164, 2112, 2145, 2248, and 2142** be **immediately messaged** to the House.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2194, 2254, 2143, and 2090.

#### **Senate File 2194**

On motion of Senator Jensen, **Senate File 2194**, a bill for an act relating to the vacation of roads and road rights-of-way, was taken up for consideration.

Senator Jensen 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. 2194), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	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, 4:

Boettger	Gaskill	McCoy	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.

### **Senate File 2254**

On motion of Senator Veenstra, **Senate File 2254**, a bill for an act relating to child support including medical support and payment of costs to financial institutions for data matching and automation program development, was taken up for consideration.

Senator Veenstra 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. 2254), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	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, 4:

Boettger	Gaskill	McCoy	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.



## Senate File 2143

On motion of Senator Lamberti, **Senate File 2143**, a bill for an act relating to the eligibility of certain school organizations to conduct games and raffles, 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. 2143), the vote was:

Ayes, 40:

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

Nays, 5:

Dvorsky	Hammond	Hedge	McKean
Redwine			

Absent or not voting, 5:

Boettger	Gaskill	McCoy	McLaren
Sexton			

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

## MOTION TO RECONSIDER WITHDRAWN

## Senate File 2143

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

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2143 passed the Senate on February 28, 2000.

**Senate File 2090**

On motion of Senator Bartz, **Senate File 2090**, a bill for an act providing for the registration of environmental auditors, 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?" (S.F. 2090), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	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, 4:

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

**IMMEDIATELY MESSAGED**

Senator Iverson asked and received unanimous consent that **Senate Files 2194, 2254, 2143, and 2090** be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2258, 2275, 2294, and 2074.

**Senate File 2258**

On motion of Senator Dvorsky, **Senate File 2258**, a bill for an act relating to the regulation of controlled substances and precursors to controlled substances, 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?" (S.F. 2258), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	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, 4:

Boettger	Gaskill	McCoy	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.

### Senate File 2275

On motion of Senator Lamberti, **Senate File 2275**, a bill for an act relating to revocations of driver's licenses for an operating while intoxicated offense, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 2275** be **deferred**.

### Senate File 2294

On motion of Senator Veenstra, **Senate File 2294**, a bill for an act relating to payment of education costs for certain juvenile facilities and providing an effective date, was taken up for consideration.

Senator Veenstra 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. 2294), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	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, 4:

Boettger	Gaskill	McCoy	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.

## Senate File 2074

On motion of Senator Miller, **Senate File 2074**, a bill for an act authorizing disclosure of certain information to the legal guardian of an individual receiving assistance or services from the department of human services, with report of committee recommending passage, was taken up for consideration.

Senator Lamberti offered amendment S-5025, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5025 was adopted by a voice vote.

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?" (S.F. 2074), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	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, 4:

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

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2294** and **2074** be **immediately messaged** to the House.

## BILLS REFERRED TO COMMITTEE

Senator Iverson announced that **Senate Files 2255** and **2351** be referred from the Regular Calendar to the committee on **Appropriations**.

Senator Iverson announced that **Senate Files 2239** and **2283** be referred from the Regular Calendar to the committee on **Ways and Means**.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### HUMAN RESOURCES

**Convened:** February 24, 2000, 3:07 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra.

**Members Absent:** None.

**Committee Business:** Passed SF 2216. Approved SSBs 3096, 3104 (as amended), 3105, 3177, 3186, 3198 (as amended), 3206, and 3207.

**Adjourned:** 5:17 p.m.

#### STATE GOVERNMENT

**Convened:** February 24, 2000, 2:40 p.m.

**Members Present:** Rittmer, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, McLaren, Schuerer, Sexton, and Szymoniak.

**Members Absent:** None.

**Committee Business:** Subcommittee assignments. Passed SJR 3 and HF 2105. Approved SSBs 3061, 3062, 3119, 3173, 3197, 3209, and 3210.

**Recessed:** 4:35 p.m.

**Reconvened:** 5:14 p.m.

**Adjourned:** 7:10 p.m.

### INTRODUCTION OF BILLS

**Senate File 2347**, by committee on Agriculture, a bill for an act providing for the care, feeding, and disposition of animals in certain animal feeding operations, and providing for the allocation of moneys.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2348**, by committee on Natural Resources and Environment, a bill for an act relating to the loess hills development

and conservation authority by creating a hungry canyons alliance and providing membership guidelines for board of directors of the conservation authority and loess hills alliance.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2349**, by committee on Agriculture, a bill for an act prohibiting a processor from contracting for the care and feeding of swine in this state, making penalties applicable, and providing an effective date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2350**, by committee on Human Resources, a bill for an act relating to dental services under the medical assistance program and providing an effective date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2351**, by committee on Education, a bill for an act establishing a fire safety fund as a revolving loan fund for school districts and making an appropriation.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2352**, by committee on Education, a bill for an act providing additional funding for at-risk programs and providing an effective date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2353**, by committee on Small Business, Economic Development, and Tourism, a bill for an act relating to the refundability of the investment tax credit under the new jobs and income program.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2354**, by committee on Agriculture, a bill for an act relating to the closing of agricultural drainage wells and the construction of alternative drainage systems.



Read first time under Rule 28 and placed on **calendar**.

**Senate File 2355**, by committee on Commerce, a bill for an act relating to the filing of veterinarian liens.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2356**, by committee on Agriculture, a bill for an act prohibiting the use of methyl tertiary butyl ether, eliminating a conflicting provision, making penalties applicable, and providing an effective date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2357**, by committee on Small Business, Economic Development, and Tourism, a bill for an act requesting an interim committee be established to study issues relating to the compensation of members of boards, committees, commissions, and councils of the executive branch.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2358**, by committee on Judiciary, a bill for an act relating to the carrying and transportation of unloaded antique firearms.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2359**, by committee on Business and Labor Relations, a bill for an act providing for employer contribution rates under the unemployment compensation program.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2360**, by committee on Human Resources, a bill for an act relating to the authority of the department of human services involving state institutions and employee and volunteer background checks.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2361**, by committee on Commerce, a bill for an act relating to the restructuring of the electric utility industry by providing for consumer choice for certain competitive electric services, providing penalties, and providing an effective date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2362**, by committee on Natural Resources and Environment, a bill for an act relating to the appointment of law enforcement officers at state parks.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2363**, by committee on Judiciary, a bill for an act authorizing employees of the department of corrections to donate sick leave for a catastrophic illness incurred in the line of duty.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2364**, by committee on Local Government, a bill for an act relating to the residency requirements for city civil service employees.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2365**, by committee on Human Resources, a bill for an act relating to family investment program requirements regarding the time period allowed for supported postsecondary education assistance and including an applicability provision.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2366**, by committee on Human Resources, a bill for an act relating to the purchase, possession, and sale of cigarettes and tobacco products and providing penalties.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2367**, by committee on Human Resources, a bill for an act relating to the information collected through termination of pregnancy reporting.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2368**, by committee on Human Resources, a bill for an act relating to the family investment program and associated provisions.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2369**, by committee on Human Resources, a bill for an act relating to the sharing of juvenile court social records or child abuse records pursuant to an interagency agreement.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2370**, by committee on Local Government, a bill for an act relating to state and local land management planning and development and providing transition, effective date, and applicability provisions.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2371**, by committee on Natural Resources and Environment, a bill for an act relating to the establishment of a water quality initiative program by the department of agriculture and land stewardship and the department of natural resources, defining and providing for the use of credible data for quality control and assurance procedures, and providing for other properly related matters, and providing an applicability date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2372**, by committee on Judiciary, a bill for an act relating to certain providers of consumer services by eliminating the registration requirement for physical exercise clubs, making social referral service providers subject to provisions relating to door-to-door sales, and making penalties applicable.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2373**, by committee on Business and Labor Relations, a bill for an act relating to workers' compensation concerning service

of notices on nonresident employers, the calculation of weekly earnings, and the approval of related liens.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2374**, by committee on Judiciary, a bill for an act relating to the liability for unpaid rates or charges of a city utility or enterprise service.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2375**, by committee on Natural Resources and Environment, a bill for an act relating to the taking of deer within a city, the use of artificial light while hunting, and subjecting violators to an existing penalty.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2376**, by Judge, Black, Bolckcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act appropriating funds from the rebuild Iowa infrastructure fund to the department of natural resources to establish a septic tank revolving loan fund.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2377**, by Dvorsky, Black, Bolckcom, Connolly, Dearden, Deluhery, Fink, Flynn, Fraise, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act relating to the appropriation of moneys to the state board of regents for the school of public health and for the public health initiative at the state university of Iowa.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2378**, by Dvorsky, Black, Bolckcom, Connolly, Deluhery, Fink, Flynn, Fraise, Hammond, Harper, Kibbie, McCoy, Shearer, Judge, Gronstal, and Szymoniak, a bill for an act relating to

the appropriation of moneys for funding the centers for excellence at the state board of regents institutions for higher learning.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2379**, by Fraise, Black, Connolly, Dearden, Deluhery, Dvorsky, Fink, Harper, Kibbie, McCoy, Shearer, Gronstal, and Szymoniak, a bill for an act appropriating funds from the rebuild Iowa infrastructure fund to the department of corrections for construction of a facility at the Iowa state penitentiary.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2380**, by Flynn, Black, Bolkcom, Connolly, Dearden, Deluhery, Fink, Fraise, Harper, Kibbie, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act relating to state and local budgetary matters involving time period requirements and certain standing appropriations, making appropriations, and including an applicability provision.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2381**, by McCoy, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hammond, Harper, Kibbie, Shearer, Judge, Gronstal, and Szymoniak, a bill for an act appropriating funds from the rebuild Iowa infrastructure fund to the department of general services for routine and major maintenance at certain state facilities.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2382**, by McCoy, a bill for an act requiring cities to provide hospitalization and medical attention to members of the municipal fire and police retirement system who retire due to an accidental disability and providing an applicability provision.

Read first time under Rule 28 and referred to committee on **Local Government**.

**Senate File 2383**, by Judge, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Harper, Kibbie, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act appropriating moneys for and relating to fire and health safety grants for eligible school districts.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2384**, by Gronstal, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Flynn, Fraise, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, and Szymoniak, a bill for an act making an appropriation to the department of education for purposes of providing support to statewide school-to-work implementation through professional development, employability skill revalidation, partnership capacity building, connecting the department of workforce development's making connections system, and integration of academic and vocational education.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2385**, by Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act appropriating funds from the rebuild Iowa infrastructure fund to the department of natural resources for recreational grants.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2386**, by Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Hammond, Kibbie, McCoy, Shearer, Soukup, Judge, Horn, Gronstal, and Szymoniak, a bill for an act making an appropriation from the rebuild Iowa infrastructure fund to the Iowa resources enhancement and protection fund.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2387**, by committee on Natural Resources and Environment, a bill for an act requiring that a person who owns or controls animals under a production contract is liable for civil penalties arising out of violations of the terms and conditions of a manure management plan submitted by the owner of a confinement feeding operation in which the animals are fed.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2388**, by committee on State Government, a bill for an act relating to the filing of reports with the secretary of state by corporate entities.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2389**, by committee on State Government, a bill for an act relating to contracts and agreements entered into by the Iowa lottery board and commissioner of the lottery.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2390**, by committee on State Government, a bill for an act relating to the duties of divisions within the department of inspections and appeals and codifying the establishment and duties of the existing health facilities division.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2391**, by committee on State Government, a bill for an act relating to regulatory duties of the department of inspections and appeals related to games of skill or chance and raffles.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2392**, by Dvorsky, Black, Bolkcom, Connolly, Dearden, Deluhery, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for

an act making an appropriation to the department of education for pilot regional academies.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2393**, by Gronstal, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, and Szymoniak, a bill for an act making an appropriation to the department of education for the beginning teacher induction program.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2394**, by committee on State Government, a bill for an act relating to the establishment of the Iowa propane education and research council, providing for the development of propane-related programs and projects, providing for the levy of an assessment on odorized propane, and providing penalties.

Read first time under Rule 28 and placed on **calendar.**

**Senate File 2395**, by committee on State Government, a bill for an act relating to the creation of an information technology department and making related changes.

Read first time under Rule 28 and placed on **calendar.**

**Senate File 2396**, by Connolly, Black, Bolkcom, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hammond, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act making an appropriation to the department of education for allocation to the division of libraries and information services for purposes of the enrich Iowa pilot program.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2397**, by Connolly, Black, Bolkcom, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie,



McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act making an appropriation to the department of education for the issuance of national board certification awards.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2398**, by Connolly, Black, Bolkcom, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Hammond, Kibbie, McCoy, Shearer, Soukup, Gronstal, and Szymoniak, a bill for an act making an appropriation to the department of education for innovation project grants in cooperation with the council for continuous improvement.

Read first time under Rule 28 and referred to committee on **Appropriations.**

#### INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 2004**, by committee on State Government, a joint resolution proposing an amendment to the Constitution of the State of Iowa to limit the years of service for Governor and Lieutenant Governor.

Read first time under Rule 28 and placed on **calendar.**

**Senate Resolution 110**, Horn, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Gronstal, Hammond, Hansen, Harper, Judge, Kibbie, McCoy, Shearer, Soukup, Szymoniak, 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, and Zieman, a resolution to honor Cedar Rapids Gazette Statehouse reporter and senior editor Ken Sullivan.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

## SUBCOMMITTEE ASSIGNMENTS

**Senate Joint Resolution 2003**

WAYS AND MEANS: McKibben, Chair; Flynn and Johnson

**Senate File 2316**

JUDICIARY: Maddox, Chair; Hammond and Miller

## COMMITTEE REPORTS

**AGRICULTURE**

**Final Bill Action:** SENATE FILE 2347 (LSB 6798SC), a bill for an act providing for the care, feeding, and disposition of animals in certain animal feeding operations, and providing for the allocation of moneys.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 14: Gaskill, Miller, Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Fraise.

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

ALSO:

**Final Bill Action:** SENATE FILE 2349 (LSB 7021XC), a bill for an act prohibiting a processor from contracting for the care and feeding of swine in this state, making penalties applicable, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Gaskill, Miller, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Angelo and Fraise.

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

ALSO:

**Final Bill Action:** SENATE FILE 2354 (SSB 3202), a bill for an act relating to the closing of agricultural drainage wells and the construction of alternative drainage systems.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Gaskill, Miller, Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Fraise.

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

ALSO:

**Final Bill Action:** SENATE FILE 2356 (LSB 6982XC), a bill for an act prohibiting the use of methyl tertiary butyl ether, eliminating a conflicting provision, making penalties applicable, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Gaskill, Miller, Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, none. Absent or not voting, 1: Fraiese.

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

## **BUSINESS AND LABOR RELATIONS**

**Final Bill Action:** SENATE FILE 2359 (Formerly SF 394), a bill for an act providing for employer contribution rates under the unemployment compensation program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: McKibben, Freeman, Dearden, Behn, Hansen, Hedge, Horn, King, Rife, and Schuerer. Nays, none. Absent or not voting, 1: Fraiese.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2373 (SSB 3172), a bill for an act relating to workers' compensation concerning service of notices on nonresident employers, the calculation of weekly earnings, and the approval of related liens.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: McKibben, Freeman, Dearden, Behn, Hansen, Hedge, Horn, King, Rife, and Schuerer. Nays, none. Absent or not voting, 1: Fraiese.

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

## **COMMERCE**

**Final Bill Action:** SENATE FILE 2355 (SSB 3028), a bill for an act relating to the filing of veterinarian liens.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Jensen, Maddox, Deluhery, Bolckcom, Gronstal, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer. Nays, 1: Hansen. Absent or not voting, 1: Flynn.

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

ALSO:

**Final Bill Action:** SENATE FILE 2361 (SSB 3002), a bill for an act relating to the restructuring of the electric utility industry by providing for consumer choice for certain competitive electric services, providing penalties, and providing an effective date.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 14: Jensen, Maddox, Deluhery, Bolkcom, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer. Nays, none. Absent or not voting, 1: Flynn.

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

## EDUCATION

**Final Bill Action:** \*SENATE FILE 2351 (SSB 3184), a bill for an act establishing a fire safety fund as a revolving loan fund for school districts and making an appropriation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

**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 Education Committee on Senate File 2351, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2352 (SSB 3182), a bill for an act providing additional funding for at-risk programs and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

**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 Education Committee on Senate File 2352, and they were attached to the committee report.

**HUMAN RESOURCES**

**Final Bill Action:** SENATE FILE 2216, a bill for an act relating to substance abuse by pregnant women by providing for civil commitment of certain chronic substance abusers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Boettger, Redwine, Bartz, Behn, Miller, Schuerer, Tinsman, and Veenstra. Nays, 5: Szymoniak, Dvorsky, Hammond, Harper, and Shearer. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2350 (SSB 3207), a bill for an act relating to dental services under the medical assistance program and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2360 (SSB 3105), a bill for an act relating to the authority of the department of human services involving state institutions and employee and volunteer background checks.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2365 (SSB 3096), a bill for an act relating to family investment program requirements regarding the time period allowed for supported postsecondary education assistance and including an applicability provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2366 (SSB 3206), a bill for an act relating to the purchase, possession, and sale of cigarettes and tobacco products and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2367 (SSB 3186), a bill for an act relating to the information collected through termination of pregnancy reporting.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Boettger, Redwine, Bartz, Behn, Miller, Schuerer, and Veenstra. Nays, 6: Szymoniak, Dvorsky, Hammond, Harper, Shearer, and Tinsman. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2368 (SSB 3104), a bill for an act relating to the family investment program and associated provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2369 (SSB 3177), a bill for an act relating to the sharing of juvenile court social records or child abuse records pursuant to an interagency agreement.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

## JUDICIARY

**Final Bill Action:** SENATE FILE 2358 (Formerly SF 2039), a bill for an act relating to the carrying and transportation of unloaded antique firearms.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2363 (SSB 3203), a bill for an act authorizing employees of the department of corrections to donate sick leave for a catastrophic illness incurred in the line of duty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Fraise.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2372 (SSB 3049), a bill for an act relating to certain providers of consumer services by eliminating the registration requirement for physical exercise clubs, making social referral service providers subject to provisions relating to door-to-door sales, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Fraise.

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

ALSO:

**Final Bill Action:** SENATE FILE 2374 (SSB 3170), a bill for an act relating to the liability for unpaid rates or charges of a city utility or enterprise service.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McKean, Lamberti, Hansen, Angelo, Boettger, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, 1: Dvorsky. Absent or not voting, 1: Fraise.

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

**LOCAL GOVERNMENT**

**Final Bill Action:** SENATE FILE 2009, a bill for an act relating to physicians serving as trustees on county hospital boards.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Angelo, Bartz, Bolkcom, Judge, McCoy, McKibben, Miller, Rife, and Zieman. Nays, 1: Hammond. Absent or not voting, 3: Fraise, Gaskill, and McKean.

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

ALSO:

**Final Bill Action:** SENATE FILE 2364 (Formerly 2106), a bill for an act relating to the residency requirements for city civil service employees.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Angelo, Bartz, Bolkcom, Hammond, McCoy, McKibben, Miller, Rife, and Zieman. Nays, 1: Judge. Absent and not voting, 3: Fraise, Gaskill, and McKean.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2370 (SSB 3178), a bill for an act relating to state and local land management planning and development and providing transition, effective date, and applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Angelo, Bartz, Gaskill, Hammond, Judge, McKean, McKibben, Miller, and Zieman. Nays, 3: Bolkcom, Fraise, and McCoy. Absent or not voting, 1: Rife.

**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 Local Government Committee on Senate File 2370, and they were attached to the committee report.



**NATURAL RESOURCES AND ENVIRONMENT**

**Final Bill Action:** SENATE FILE 438 (Formerly SF 322), a bill for an act providing for unformed manure storage structures associated with animal feeding operations, by providing for their regulation and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, and Rehberg. Nays, 1: Rife. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2348 (SSB 3208), a bill for an act relating to the loess hills development and conservation authority by creating a hungry canyons alliance and providing membership guidelines for board of directors of the conservation authority and loess hills alliance.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2362 (Formerly SF 2065), a bill for an act relating to the appointment of law enforcement officers at state parks.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Bartz, King, Fink, Black, Bolkcom, Dearden, Drake, Freeman, Gaskill, Johnson, Miller, Rehberg, and Rife. Nays, 2: Deluhery and Kibbie. Absent or not voting, none.

**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 Natural Resources and Environment Committee on Senate File 2362, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2371 (LSB 6613SC), a bill for an act relating to the establishment of a water quality initiative program by the department of agriculture and land stewardship and the department of natural resources, defining and providing

for the use of credible data for quality control and assurance procedures, and providing for other properly related matters, and providing an applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2375 (Formerly SF 2205), a bill for an act relating to the taking of deer within a city, the use of artificial light while hunting, and subjecting violators to an existing penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife. Nays, none. Absent or not voting, none.

**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 Natural Resources and Environment Committee on Senate File 2375, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2387 (Formerly SF 2182), a bill for an act requiring that a person who owns or controls animals under a production contract is liable for civil penalties arising out of violations of the terms and conditions of a manure management plan submitted by the owner of a confinement feeding operation in which the animals are fed.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, and Rehberg. Nays, 2: Miller and Rife. Absent or not voting, 1: Gaskill.

**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 Natural Resources and Environment Committee on Senate File 2387, and they were attached to the committee report.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Final Bill Action:** SENATE FILE 2353 (SSB 3016), a bill for an act relating to the refundability of the investment tax credit under the new jobs and income program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Lundby, Behn, Shearer, Boettger, Hansen, Judge, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 4: Flynn, Rittmer, Sexton, and Tinsman.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*SENATE FILE 2357 (SSB 3017), a bill for an act requesting an interim committee be established to study issues relating to the compensation of members of boards, committees, commissions, and councils of the executive branch.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Lundby, Behn, Boettger, Hansen, Judge, Rittmer, Sexton, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Shearer and Flynn.

**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 Small Business, Economic Development, and Tourism Committee on Senate File 2357, and they were attached to the committee report.

**STATE GOVERNMENT**

**Final Bill Action:** SENATE JOINT RESOLUTION 2004 (LSB 7111SV), a joint resolution proposing an amendment to the Constitution of the State of Iowa to limit the years of service for Governor and Lieutenant Governor.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, King, Lundby, Maddox, McLaren, Schuerer, Sexton, and Szymoniak. Nays, 1: Fink. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2388 (SSB 3173), a bill for an act relating to the filing of reports with the secretary of state by corporate entities.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 2: Maddox and McLaren.

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

ALSO:

**Final Bill Action:** SENATE FILE 2389 (SSB 3210), a bill for an act relating to contracts and agreements entered into by the Iowa lottery board and commissioner of the lottery.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Fink, Lundby, Sexton, and Szymoniak. Nays, 3: Drake, King, and Schuerer. Absent or not voting, 2: Maddox and McLaren.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2390 (SSB 3062), a bill for an act relating to the duties of divisions within the department of inspections and appeals and codifying the establishment and duties of the existing health facilities division.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Rittmer, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, McLaren, Schuerer, and Sexton. Nays, none. Absent or not voting, 2: Lamberti and Szymoniak.

**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 State Government Committee on Senate File 2390, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2391(SSB 3061), a bill for an act relating to regulatory duties of the department of inspections and appeals related to games of skill or chance and raffles.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Drake, Fink, King, Lundby, Maddox, McLaren, Schuerer, and Sexton. Nays, 2: Deluhery and Szymoniak. Absent or not voting, none.

**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 State Government Committee on Senate File 2391, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2394 (SSB 1012), a bill for an act relating to the establishment of the Iowa propane education and research council, providing for the development of propane-related programs and projects, providing for the levy of an assessment on odorized propane, and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Rittmer, Lamberti, Kibbie, Deluhery, Drake, Fink, King, Lundby, Maddox, McLaren, Schuerer, Sexton, and Szymoniak. Nays, 2: Connolly and Dearden. Absent or not voting, none.

**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 State Government Committee on Senate File 2394, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2395 (SSB 3197), a bill for an act relating to the creation of an information technology department and making related changes.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Fink, King, Lundby, Maddox, McLaren, Schuerer, Sexton, and Szymoniak. Nays, 1: Drake. Absent or not voting, none.

**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 State Government Committee on Senate File 2395, and they were attached to the committee report.

ALSO:

**Final Bill Action:** HOUSE FILE 2105, a bill for an act adopting the nurse licensure compact.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, and Sexton. Nays, none. Absent or not voting, 4: Maddox, McLaren, Schuerer, and Szymoniak.

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

## CERTIFICATES OF RECOGNITION

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

Nick Cole, Riverside – For being named Class 1A State Champion Wrestler in the 135 pound weight class. Senator Shearer (02/28/00).

Steve Hamilton (formerly of) Emmetsburg, Iowa, and (currently on) University of Northern Iowa wrestling staff – For being inducted into the Wrestling Hall of Fame. Senator Kibbie (02/28/00).

Coach Kenny and the Emmetsburg Wrestling Team – For winning the Class 2A Wrestling Team Championship. Senator Kibbie (02/28/00).

Shawn Kreman, Wellman – For being coach and mentor of State Wrestling Champion Nick Cole. Senator Shearer (02/28/00).

Wilma Snyder, Osage – For celebrating your 100th birthday on February 23, 2000. Senator Soukup (02/28/00).

## MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2258 passed the Senate on February 28, 2000.

MERLIN E. BARTZ

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2092, the following corrections were made:

1. Page 15, line 34, the word and number “section 44” were changed to the word and number “section 46”.
2. Page 16, line 3, the word and number “section 45” were changed to the word and number “section 47”.
3. Page 16, line 7, the word and number “section 46” were changed to the word and number “section 48”.

MICHAEL E. MARSHALL  
Secretary of the Senate

**REFERRALS TO INDIVIDUAL CONFIRMATION CALENDAR**

MADAM PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following names be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Frederick Stilwill – Director of the Department of Education

Elizabeth Salinas Newby – Administrator of the Division of Latino Affairs

Marilyn Turner – Administrator of the Division of Persons with Disabilities

STEWART E. IVERSON, JR.

**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:

February 28, 2000

**DEPARTMENT OF GENERAL SERVICES**

Annual Report for FY 1999.

**MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA**

Annual Report for the FY ending June 30, 1999.

**AGENCY ICN REPORT****DEPARTMENT OF EDUCATION**

Division of Vocational Rehabilitation Services Cost Savings Report for FY 1999, as required by Iowa Code, chapter 8D.

**AMENDMENTS FILED**

S-5024	S.F.	2275	Kitty Rehberg
S-5025	S.F.	2074	Jeff Lamberti
S-5026	H.F.	2105	Mary A. Lundby

**ADJOURNMENT**

On motion of Senator Iverson, the Senate adjourned at 3:24 p.m., until 9:00 a.m., Tuesday, February 29, 2000.

# JOURNAL OF THE SENATE

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FIFTY-FIRST CALENDAR DAY  
THIRTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 29, 2000

The Senate met in regular session at 9:10 a.m., President Kramer presiding.

Prayer was offered by the Reverend Timothy J. Hogan, pastor of St. Mary's and St. Andrew's Catholic Churches of Ashton and Sibley, Iowa, guest of Senator Veenstra.

The Journal of Monday, February 28, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hammond, for the day, on request of Senator Gronstal; and Senator Jensen, until he returns, on request of Senator Drake.

## CONSIDERATION OF BILLS (Regular Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration Senate Files 2007, 2091, 2212, 2249, and 2247.

### **Senate File 2007**

On motion of Senator Boettger, **Senate File 2007**, a bill for an act relating to responsibilities of a guardian in procuring professional services for a ward with a physical or mental disability which do not require prior court approval, with report of committee recommending amendment and passage, was taken up for consideration.



Senator Boettger offered amendment S-5008, filed by the committee on Judiciary on February 9, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5008 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?" (S.F. 2007), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hansen	Harper	Hedge
Horn	Iverson	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:

Hammond                  Jensen

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

## Senate File 2091

On motion of Senator Miller, **Senate File 2091**, a bill for an act relating to procedures for discontinuance of a city, was taken up for consideration.

Senator Bartz took the chair at 9:50 a.m.

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?" (S.F. 2091), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hansen	Harper	Hedge
Horn	Iverson	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:

Hammond                  Jensen

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

## Senate File 2212

On motion of Senator Dvorsky, **Senate File 2212**, a bill for an act concerning the administration of clerk of court offices, 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?" (S.F. 2212), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hansen	Harper	Hedge
Horn	Iverson	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:

Hammond                  Jensen

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

### **Senate File 2249**

On motion of Senator Gaskill, **Senate File 2249**, a bill for an act relating to a state agency purchasing preference for bio-based hydraulic fluids, greases, and other industrial lubricants, 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?" (S.F. 2249), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hansen	Harper	Hedge
Horn	Iverson	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:

Hammond	Jensen
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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 2247**

On motion of Senator Fink, **Senate File 2247**, a bill for an act relating to the terms “registered voter”, “eligible elector”, and “qualified voter” for purposes of elections, voter registration, statutory petition requirements, absentee voting by armed forces, and drainage district elections, was taken up for consideration.

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?” (S.F. 2247), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hansen	Harper	Hedge
Horn	Iverson	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:

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

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration Senate Files 2242 and 2253.

#### **Senate File 2242**

On motion of Senator Connolly, **Senate File 2242**, a bill for an act concerning paid time off for certain peace officer members of the department of public safety injured in the course of duty, was taken up for consideration.

Senator Connolly 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. 2242), the vote was:

Ayes, 49:

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

Hammond

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

**Senate File 2253**

On motion of Senator Fraise, **Senate File 2253**, a bill for an act relating to certain county officers' duties relating to property transfer instruments, records of fees paid to a county, notice of certification of utility liens, and notice of mobile homes departing and entering mobile home parks, was taken up for consideration.

The Senate stood at ease at 10:13 a.m. until the fall of the gavel.

The Senate resumed session at 10:15 a.m., Senator Bartz presiding.

Senator Fraise offered amendment S-5028, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5028 was adopted by a voice vote.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Senator McCoy, until he arrives, on request of Senator McKibben.

**BUSINESS PENDING****Senate File 2253**

The Senate resumed consideration of Senate File 2253.

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

On the question "Shall the bill pass?" (S.F. 2253), the vote was:

Ayes, 47:

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

McLaren  
Rehberg  
Sexton  
Tinsman

Miller  
Rife  
Shearer  
Veenstra

Redfern  
Rittmer  
Soukup  
Zieman

Redwine  
Schuerer  
Szymoniak

Nays, 1:

Black

Absent or not voting, 2:

Hammond

McCoy

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 2007, 2091, 2212, 2249, 2247, 2242, and 2253** 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 February 28, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2008**, a bill for an act providing residency status to certain members of the armed forces for purposes of hunting, fishing, and fur harvesting.

Read first time and referred to committee on **Natural Resources and Environment**.

**House File 2240**, a bill for an act relating to notice and the appointment of counsel in guardianship and conservatorship proceedings.

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

**House File 2247**, a bill for an act relating to land restoration requirements for interstate natural gas pipeline construction projects.

Read first time and attached to **companion Senate File 2114**.

**House File 2279**, a bill for an act relating to the renewal date for a license issued by the board of educational examiners.

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

ALSO: That the House has on February 29, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2113**, a bill for an act relating to eligibility for United States armed forces retired special motor vehicle license plates.

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

RECESS

On motion of Senator Hedge, the Senate recessed at 10:36 a.m., until 3:00 p.m.



## APPENDIX

### PRESENTATION OF VISITORS

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

Students from Maple Valley-Anthon-Oto Community Schools, Mapleton, Iowa, accompanied by their teacher, Judy Lee. Senator King.

### COMPANION BILL RECIEVED

On February 29, 2000, **House File 2247** was received and attached to companion **Senate File 2114** on the calendar.

### PETITION

The following petition was presented and placed on file:

From 85 residents of Johnson County supporting the DNR amendment to the utility deregulation bill (House File 740). Senator Dvorsky.

### INTRODUCTION OF BILLS

**Senate File 2399**, by Fraise, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act relating to the national guard educational assistance program and making an appropriation.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2400**, by Kibbie, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Hammond, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act making an appropriation to the department of education for allocation to the community colleges and providing for a related matter.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2401**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Fink, Flynn, Fraise, Hansen, Kibbie, McCoy, Judge, Gronstal, Shearer, and Szymoniak, a bill for an act relating to Iowa tuition grants by increasing the statutory appropriation and raising the annual grant award maximum.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2402**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Flynn, Fraise, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act making an appropriation to the department of education for employability skills assessment reimbursements to school districts.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2403**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Fink, Flynn, Fraise, Harper, Kibbie, McCoy, Shearer, Judge, Gronstal, and Szymoniak, a bill for an act making an appropriation to the department of education to provide direct services to the most at-risk senior high school students through direct intervention by a job placement specialist.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2404**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act relating to the teacher shortage forgivable loan program by expanding the program to include practitioners employed by high-quality child care providers and making an appropriation.

Read first time under Rule 28 and referred to committee on **Appropriations.**

**Senate File 2405**, by Shearer, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Fraise, Harper, Kibbie, McCoy, Soukup, Gronstal, and Szymoniak, a bill for an act making an appropriation to the college student aid commission for the teacher shortage forgivable loan program.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2406**, by Harper, Black, Bolkcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Fraise, Hammond, Kibbie, McCoy, Shearer, Judge, Gronstal, and Szymoniak, a bill for an act making an appropriation to the department of education for allocation to the state library and providing for related matters.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2407**, by committee on Commerce, a bill for an act relating to public utilities crossing railroad right-of-way.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2408**, by committee on Commerce, a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, and health maintenance organizations, by mandating coverage for anesthesia and certain hospital charges associated with the provision of dental care services.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2409**, by committee on Commerce, a bill for an act relating to the operation and regulation of insurance companies, mutual insurance associations, benevolent associations, health maintenance organizations, and other insurance or risk-assuming entities, including the rights and duties of such entities and the powers and authority of the insurance commissioner and providing effective dates.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2410**, by committee on Human Resources, a bill for an act relating to access to and disclosure of certain confidential information by the governor and the general assembly and their designees, the citizens' aide, and child death review teams, making penalties and remedies applicable, and including an effective date and applicability provision.

Read first time under Rule 28 and placed on **calendar**.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 2183**

TRANSPORTATION: Drake, Chair; Jensen and McCoy

### **Senate File 2306**

COMMERCE: Jensen, Chair; Maddox and McCoy

### **Senate File 2382**

LOCAL GOVERNMENT: Angelo, Chair; Bartz and Bolkcom

### **House File 2218**

COMMERCE: Schuerer, Chair; Deluhery and King

## COMMITTEE REPORTS

### **COMMERCE**

**Final Bill Action:** \*SENATE FILE 2407 (SSB 3029), a bill for an act relating to public utilities crossing railroad right-of-way.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Jensen, Maddox, Deluhery, Bolkcom, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer. Nays, none. Absent or not voting, 1: Flynn.

**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 Commerce Committee on Senate File 2407, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2408 (Formerly SF 2034), a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, and health maintenance organizations, by mandating coverage for anesthesia and certain hospital charges associated with the provision of dental care services.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Jensen, Maddox, Deluhery, Bolkcom, Flynn, Gronstal, Johnson, Lundby, and McCoy. Nays, 4: King, Redfern, Redwine, and Schuerer. Absent or not voting, 2: Hansen and Lamberti.

**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 Commerce Committee on Senate File 2408, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2409 (SSB 3162), a bill for an act relating to the operation and regulation of insurance companies, mutual insurance associations, benevolent associations, health maintenance organizations, and other insurance or risk-assuming entities, including the rights and duties of such entities and the powers and authority of the insurance commissioner and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Jensen, Maddox, Deluhery, Bolkcom, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer. Nays, none. Absent or not voting, 1: Flynn.

**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 Commerce Committee on Senate File 2409, and they were attached to the committee report.

## HUMAN RESOURCES

**Final Bill Action:** \*SENATE FILE 2410 (SSB 3198), a bill for an act relating to access to and disclosure of certain confidential information by the governor and the general assembly and their designees, the citizens' aide, and child death review teams, making penalties and remedies applicable, and including an effective date and applicability provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

**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 Human Resources Committee on Senate File 2410, and they were attached to the committee report.

## JUDICIARY

**Final Bill Action:** SENATE FILE 422 (SSB 1045), a bill for an act providing for a .08 blood alcohol concentration standard for operating while intoxicated offenses.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: McKean, Angelo, Boettger, Dvorsky, Hammond, McKibben, Redfern, and Tinsman. Nays, 4: Lamberti, Hansen, Horn, and Maddox. Absent or not voting, 3: Fraise, McCoy, and Miller.

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

## AMENDMENTS FILED

S-5027	H.F.	2090	Kitty Rehberg
S-5028	S.F.	2253	Eugene S. Fraise
S-5029	S.F.	2215	Betty A. Soukup
S-5030	S.F.	2375	Jack Rife
S-5031	S.F.	2079	Andy McKean
S-5032	S.F.	2245	Gene Maddox
S-5033	S.F.	2245	Gene Maddox
S-5034	S.F.	2256	Mike Sexton

## AFTERNOON SESSION

The Senate reconvened at 3:22 p.m., Senator Hedge presiding.

## QUORUM CALL

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

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

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate Files 2079, 2215, and 2275.

**Senate File 2079**

On motion of Senator McKean, **Senate File 2079**, a bill for an act relating to the prohibition of shipping or importing into the state, or the offering for sale, selling, transporting, distributing, or possessing within the state, of cigarettes and tobacco products which were previously exported from or which are manufactured for use outside the United States, and making penalties applicable, was taken up for consideration.

Senator McKean offered amendment S-5031, filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5031 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2079), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	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, none.

Absent or not voting, 2:

Hammond                  Rife

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

### **Senate File 2215**

On motion of Senator Angelo, **Senate File 2215**, a bill for an act striking a mandatory leave of absence for a civil service officer or employee, or a deputy sheriff who is a candidate for partisan public office, and providing an effective date, was taken up for consideration.

Senator Soukup offered amendment S-5029, filed by her from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5029 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2215), the vote was:



Ayes, 49:

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

Hammond

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 3:47 p.m.

UNFINISHED BUSINESS  
(Deferred February 28, 2000)

**Senate File 2275**

The Senate resumed consideration of **Senate File 2275**, a bill for an act relating to revocations of driver's licenses for an operating while intoxicated offense, deferred February 28, 2000.

Senator Rehberg offered amendment S-5024, filed by her on February 28, 2000, to page 1 and to the title page of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 28, nays 19.

Amendment S-5024 was adopted.

Senator Lamberti offered amendment S-5036, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5036 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?" (S.F. 2275), the vote was:

Ayes, 44:

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

Nays, 5:

Deluhery	Gronstal	Judge	McKean
Shearer			

Absent or not voting, 1:

Hammond

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 Files 2079, 2215, and 2275** be **immediately messaged** to the House.

## CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Ann Diehl, Architectural Examining Board

Mary Khowassah, Board of Examiners for Athletic Training

Vilia Sauerberg, Board of Behavioral Science Examiners

Patsy Hastings, Board of Chiropractic Examiners

Kristyn R. Bell, Community Empowerment Facilitator

Dean Banowetz, Board of Cosmetology Arts and Sciences Examiners Board

Denise Dolan, County Finance Committee

Richard Heidloff, County Finance Committee

Barbara Oliver Hall, Credit Union Review Board

Thomas Ferguson, Criminal and Juvenile Justice Planning Advisory Council

Susan MacDonald, Commission on the Deaf

Sharon Terry, Commission on the Deaf

Suzan Stewart, Board of Dental Examiners

Marcy Rolenc, Board of Dietetic Examiners

Elizabeth Seiser, Employment Appeal Board

Susan Albright, Engineering and Land Surveying

Randall Beavers, Engineering and Land Surveying

Ruth Gaines, State Citizen Foster Care Review Board

Donna Winburn, Iowa Grain Indemnity Fund Board

Joan Koenigs, Health Facilities Council

Susan Poulton, Healthy and Well Kids in Iowa (HAWK-I) Board

Donald Wright, Council on Human Services

Steven Adams, Iowa Finance Authority

Lillie Perry, Landscape Architectural Examining Board

Joseph Frisbie, Iowa Law Enforcement Academy Council

Mary Junge, Lottery Board

Curtis Reynolds, Board of Medical Examiners

Gary Mulholland, Narcotics Enforcement Advisory Council

Robert Campbell, Board of Nursing Examiners

Pauline Taylor, Board of Nursing Examiners

Tim Moe, State Board of Examiners for Nursing Home Administrators

Rogers Kirk, Board of Parole

Phyllis Cacciatore, Board of Physical and Occupational Therapy Examiners

Theodore Peterson, Board of Physical and Occupational Therapy Examiners

Henrietta Scholten, Board of Physical and Occupational Therapy Examiners

Bery Engebretsen, Board of Physician Assistant Examiners

Gloria Welte, Board of Physician Assistant Examiners

Robert Yoho, Board of Podiatry Examiners

James Riordan, Public Employment Relations Board

# Lucy Norton, Renewable Fuels and Coproducts Advisory Committee

Gregory Hicklin, State Board for Respiratory Care  
Amy Love, State Board for Respiratory Care

James Davis, Small Business Advisory Council  
Denise Essman, Small Business Advisory Council

Monsignor W. Robert Schmidt, Board of Social Work Examiners

Muffy Harmon, State Soil Conservation Committee  
Gerald Johnson, State Soil Conservation Committee  
Charles Manson, State Soil Conservation Committee  
John Sellers, Jr., State Soil Conservation Committee

Surasee Rodari, Title Guaranty Division Board  
Mitchell Taylor, Title Guaranty Division Board

Diane C. Munns, Utilities Board

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 49:

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

Hammond

The appointees, having received a two-thirds vote, were declared to have been confirmed by 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 February 29, 2000, adopted the following resolution in which the **concurrence** of the **Senate** is asked:

**House Concurrent Resolution 15**, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 state quarters program.

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

ALSO: That the House has on February 29, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2179**, a bill for an act relating to the certified school to career program.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

**House File 2239**, a bill for an act relating to limited partnerships by providing for such partnerships to become limited liability limited partnerships, providing for related matters, and providing an effective date.

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

**House File 2248**, a bill for an act relating to alternate methods of providing proof of motor vehicle financial responsibility and providing an effective date.

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

**House File 2252**, a bill for an act relating to the criminal penalties for possession of a controlled substance.

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

**House File 2291**, a bill for an act relating to teacher shortages by creating a permanent substitute teacher license and including effective and applicability date provisions.

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

**House File 2315**, a bill for an act concerning the payment of health and medical insurance coverage costs by cities to retired employees.

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

**House File 2330**, a bill for an act relating to directional signs visible from the street at polling places.

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

**House File 2365**, a bill for an act providing for review of deaths of children under the age of eighteen by the child death review team.

Read first time and referred to committee on **Human Resources**.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Officer Lynn Cripps, Marshalltown – For your dedicated service to the safety of Marshalltown citizens. Senator McKibben (02/29/00).

Mark Hangeleben, Urbandale – For winning the Class 3A District Wrestling Championship and the Urbandale Invitational Championship. Senator Maddox (02/29/00).

Chief Gary Kinsinger, Coralville – For 27 years of dedicated service to the Coralville Fire Department and the citizens of Coralville, Iowa. Senator Dvorsky (02/29/00).

### INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 108**, by Hedge, a concurrent resolution recognizing the accomplishments of John Fletcher Lacey and commemorating the one-hundredth-year anniversary of the Lacey Act.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Concurrent Resolution 109**, by Lundby, a concurrent resolution encouraging state and local governments, business interests, health care professionals, and individuals with interest in good health to help in educating the public to raise awareness regarding osteoporosis prevention, detection, and treatment.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Concurrent Resolution 110**, by Lundby and Soukup, a concurrent resolution requesting that the Legislative Council create an interim study committee to review the compensation of members of boards, committees, commissions, and councils of the executive branch of state government.



Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 111**, by Schuerer, Hedge, Miller, Zieman, Behn, King, Rehberg, Veenstra, Freeman, Kramer, Redwine, Bartz, Drake, and Iverson, a resolution to prominently display the Ten Commandments in the Iowa Senate chamber.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

#### INTRODUCTION OF BILLS

**Senate File 2411**, by committee on State Government, a bill for an act relating to public retirement systems and providing implementation, applicability, and effective dates.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2412**, by committee on Commerce, a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services and increasing the lifetime maximum benefit.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2413**, by committee on Agriculture, a bill for an act providing for the production and marketing of industrial hemp, and providing for penalties.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2414**, by Dearden, Gronstal, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fink, Flynn, Fraise, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, and Szymoniak, a bill for an act making an appropriation to the department of management to establish labor-management teams.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 2415**, by committee on State Government, a bill for an act relating to the regulation of the practice of accounting, establishing fees, providing penalties, and providing an effective date.

Read first time under Rule 28 and placed on **calendar**.

**Senate File 2416**, by committee on Appropriations, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Read first time under Rule 28 and placed on **Appropriations calendar**.

**Senate File 2417**, by committee on State Government, a bill for an act relating to the establishment of an equine medication review committee and providing for its membership, duties, and other properly related matters.

Read first time under Rule 28 and placed on **calendar**.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 2239**

WAYS AND MEANS: Drake, Chair; Johnson and Soukup

### **Senate File 2283**

WAYS AND MEANS: McLaren, Chair; Deluhery and Johnson

### **House File 2279**

EDUCATION: Harper, Chair; Angelo and Boettger

## COMMITTEE REPORTS

### **AGRICULTURE**

**Final Bill Action:** SENATE FILE 2413 (Formerly SF 2260), a bill for an act providing for the production and marketing of industrial hemp, and providing for penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Gaskill, Miller, Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, none. Absent or not voting, 1: Fraise.

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

## APPROPRIATIONS

**Final Bill Action:** SENATE FILE 2141 (Formerly SF 2077), a bill for an act creating a merchant marine bonus fund and making an appropriation.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 23: McLaren, Kramer, Flynn, Behn, Black, Bolkcom, Connolly, Deluhery, Freeman, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, 2: Dvorsky and Hammond.

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

ALSO:

**Final Bill Action:** SENATE FILE 2416 (SSB 3133), a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 23: McLaren, Kramer, Flynn, Behn, Black, Bolkcom, Connolly, Deluhery, Freeman, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, 2: Dvorsky and Hammond.

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

## COMMERCE

**Final Bill Action:** \*SENATE FILE 2412 (Formerly SF 2234), a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services and increasing the lifetime maximum benefit.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Jensen, Maddox, Deluhery, Bolkcom, Gronstal, Hansen, Johnson, Lamberti, McCoy, Redfern, and Redwine. Nays, 3: King, Lundby, and Schuerer. Absent or not voting, 1: Flynn.

**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 Commerce Committee on Senate File 2412, and they were attached to the committee report.

**STATE GOVERNMENT**

**Final Bill Action:** \*SENATE FILE 2411 (SSB 3209), a bill for an act relating to public retirement systems and providing implementation, applicability, and effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, King, Lundby, Maddox, McLaren, Schuerer, Sexton, and Szymoniak. Nays, 1: Fink. Absent or not voting, none.

**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 State Government Committee on Senate File 2411, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2415 (SSB 3119), a bill for an act relating to the regulation of the practice of accounting, establishing fees, providing penalties, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, McLaren, Schuerer, and Sexton. Nays, none. Absent or not voting, 1: Szymoniak.

**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 State Government Committee on Senate File 2415, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2417 (Formerly SF 2210), a bill for an act relating to the establishment of an equine medication review committee and providing for its membership, duties, and other properly related matters.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Drake, Fink, McLaren, Schuerer, Sexton, and Szymoniak. Nays, 1: Deluhery. Absent or not voting, 3: King, Lundby, and Maddox.

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

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2193, the following correction was made:

1. Page 2, line 16, the words "community based" were changed to the words "community-based".

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 29th day of February, 2000:

Senate File 2193.

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

S-5035	S.F.	2257	Neal Schuerer
S-5036	S.F.	2275	Jeff Lamberti
S-5037	S.F.	2200	Jeff Lamberti
S-5038	S.F.	2035	Bill Fink

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:18 p.m., until 9:00 a.m., Wednesday, March 1, 2000.

# JOURNAL OF THE SENATE

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FIFTY-SECOND CALENDAR DAY  
THIRTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 1, 2000

The Senate met in regular session at 9:10 a.m., President Kramer presiding.

Prayer was offered by the Reverend Joel Rose, pastor of the Fellowship Baptist Church of Tama, Iowa, guest of Senator Schuerer.

The Journal of Tuesday, February 29, 2000, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shearer, for the day, on request of Senator Szymoniak.

## 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 February 29, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2362**, a bill for an act relating to the establishment of a domestic abuse death review team and providing a penalty.

Read first time and referred to committee on **Human Resources**.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:25 a.m., until 1:00 p.m.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

John and Norma Crosman, Odgen – For celebrating your 50th wedding anniversary on September 8, 1999. Senator Behn (03/01/00).

Quincy and Mary Anna Payne, Davenport – For celebrating your 50th wedding anniversary. Senator Deluhery (03/01/00).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** February 29, 2000, 2:04 p.m.

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

**Members Absent:** Dvorsky and Hammond (both excused).

**Committee Business:** Approved SSB 3133. Passed SF 2141.

**Adjourned:** 2:17 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** March 1, 2000, 9:50 a.m.

**Members Present:** Redwine, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Flynn and Sexton.

**Members Absent:** None.

**Committee Business:** Presentations by State of Iowa Auditor's Office, Dept. of General Services, and Dept. of Commerce.

**Adjourned:** 10:30 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** March 1, 2000, 9:50 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Black, Ranking Member; and Gaskill.

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

**Committee Business:** Discussed FY 2001 budget.

**Adjourned:** 9:55 a.m.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate Resolution 109**

STATE GOVERNMENT: Drake, Chair; Kibbie and King

### **Senate Joint Resolution 2002**

STATE GOVERNMENT: Rittmer, Chair; Connolly and Drake

### **Senate File 2255**

APPROPRIATIONS: McLaren, Chair; Flynn and Hedge

### **Senate File 2264**

STATE GOVERNMENT: King, Chair; Deluhery and Lundby

### **Senate File 2271**

STATE GOVERNMENT: Rittmer, Chair; Kibbie and Maddox

### **Senate File 2319**

STATE GOVERNMENT: Schuerer, Chair; Dearden and Lundby

### **Senate File 2333**

APPROPRIATIONS: Kramer, Chair; Deluhery and McLaren

### **Senate File 2351**

APPROPRIATIONS: Hedge, Chair; Connolly and Jensen

### **Senate File 2377**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

### **Senate File 2378**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge



**Senate File 2392**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

**Senate File 2396**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

**Senate File 2397**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

**Senate File 2398**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

**Senate File 2399**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

**Senate File 2400**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

**Senate File 2414**

APPROPRIATIONS: Kramer, Chair; Flynn and Redwine

**House File 2008**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Dearden and Rife

**House File 2113**

TRANSPORTATION: Drake, Chair; Jensen and Kibbie

**House File 2220**

STATE GOVERNMENT: King, Chair; Deluhery and Lundby

**House File 2315**

LOCAL GOVERNMENT: Bartz, Chair; Angelo and Hammond

**AMENDMENTS FILED**

S-5039	H.F.	2145	Michael W. Connolly
S-5040	S.F.	2326	Jack Rife

## AFTERNOON SESSION

The Senate reconvened at 1:03 p.m., Senator Hedge presiding.

## QUORUM CALL

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

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

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Flynn, until he arrives, on request of Senator Gronstal; and Senators Redfern and Kramer, until they arrive, on request of Senator Jensen.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2330, 2329, 2342, and 2324.

**Senate File 2330**

On motion of Senator Freeman, **Senate File 2330**, a bill for an act relating to the regulation of certain low-speed vehicles and making a penalty applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2330), the vote was:

Ayes, 46:

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	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Flynn	Kramer	Redfern	Shearer
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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 2329

On motion of Senator Judge, **Senate File 2329**, a bill for an act increasing the fine for certain motor vehicle violations relating to railroad crossings, was taken up for consideration.

Senator Judge 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. 2329), the vote was:

Ayes, 46:

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	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Flynn	Kramer	Redfern	Shearer
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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 2342**

On motion of Senator Jensen, **Senate File 2342**, a bill for an act relating to the creation of a real estate improvement district, was taken up for consideration.

Senator Jensen 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. 2342), the vote was:

Ayes, 46:

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	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Flynn	Kramer	Redfern	Shearer
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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 2324**

On motion of Senator Maddox, **Senate File 2324**, a bill for an act relating to DNA profiling, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 2324** be **deferred**.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate Files 2313 and 2340.

**Senate File 2313**

On motion of Senator McKean, **Senate File 2313**, a bill for an act relating to motor vehicles, including driver licensing, the use of child restraints and safety belts for children, and the designation of vehicles as authorized emergency vehicles, making a penalty applicable, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2313), 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	Schuerer	Sexton
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

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.

**Senate File 2340**

On motion of Senator Tinsman, **Senate File 2340**, a bill for an act encouraging school districts to establish volunteer programs that utilize retired teachers and administrators as volunteer mentors and aides, was taken up for consideration.

Senator Connolly asked and received unanimous consent that action on **Senate File 2340** be **deferred**.

**IMMEDIATELY MESSAGED**

Senator Iverson asked and received unanimous consent that **Senate Files 2330, 2329, 2342, and 2313** be **immediately messaged** to the House.

**RECESS**

On motion of Senator Iverson, the Senate recessed at 1:53 p.m., until 4:00 p.m.

## 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:

March 1, 2000

#### DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Office of Renewable Fuels and Co-Products Semi-Annual Report for July 1, 1999, to December 31, 1999.

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

An Analysis of the Phaseout of the Machinery, Equipment, and Computers Property Tax: Estimated Impact on Iowa Taxing Districts Report, as required by 1999 Iowa Acts, chapter 151, section 87.

### EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on March 1, 2000, when the votes were taken on Senate Files 2329, 2330, and 2342. Had I been present, I would have voted "Aye" on all.

TOM FLYNN

### REPORTS OF COMMITTEE MEETINGS

#### RULES AND ADMINISTRATION

**Convened:** February 29, 2000, 1:06 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 SCR 107 and SRs 101, 103, 108, and 110. Discussed and approved proposed printing policy for the Senate.

**Adjourned:** 1:16 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

**Convened:** March 1, 2000, 9:50 a.m.

**Members Present:** King, Chair; Deluhery, Ranking Member; and Harper.

**Members Absent:** Lundby, Vice Chair; and Rittmer (both excused).

**Committee Business:** Discussion on telephone service options. Presentation by SOSINC Communications.

**Adjourned:** 11:07 a.m.

## STUDY BILL RECEIVED

### **SSB 3211      Ways and Means**

Relating to the designation, valuation, and taxation of property in a horizontal property regime and including an effective date.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 2376**

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen

### **Senate File 2379**

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen

### **Senate File 2380**

APPROPRIATIONS: McLaren, Chair; Flynn and Hedge

### **Senate File 2381**

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen

### **Senate File 2383**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

### **Senate File 2384**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

### **Senate File 2385**

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen

### **Senate File 2386**

APPROPRIATIONS: Freeman, Chair; Connolly and Jensen



**Senate File 2393**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

**Senate File 2401**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

**Senate File 2402**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

**Senate File 2403**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

**Senate File 2404**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

**Senate File 2405**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

**Senate File 2406**

APPROPRIATIONS: McLaren, Chair; Connolly and Hedge

**SSB 3211**

WAYS AND MEANS: Maddox, Chair; Bolkcom and Johnson

**AMENDMENTS FILED**

S-5041	S.F.	2302	John Redwine Johnie Hammond
S-5042	S.F.	2295	Ken Veenstra
S-5043	S.R.	111	Michael W. Connolly
S-5044	S.F.	2311	Patrick J. Deluhery Joe Bolkcom
S-5045	S.F.	2326	Patrick J. Deluhery Joe Bolkcom

## RECONVENED

The Senate reconvened at 4:21 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 43 present, 7 absent, and a quorum present.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2308.

**Senate File 2308**

On motion of Senator Redfern, **Senate File 2308**, a bill for an act relating to harassment via electronic communications and making penalties applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2308), 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
Rife	Schuerer	Sexton	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Rittmer

Shearer

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 2308** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2274.

### **Senate File 2274**

On motion of Senator Iverson, **Senate File 2274**, a bill for an act declaring null and void gubernatorial executive orders relating to equal opportunity and affirmative action in state employment and uniform procedures for the waiver of administrative rules 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. 2274), the vote was:

Ayes, 28:

Angelo  
Drake  
Iverson  
Kramer  
McKibben  
Rehberg  
Sexton

Bartz  
Freeman  
Jensen  
Lamberti  
McLaren  
Rife  
Tinsman

Behn  
Gaskill  
Johnson  
Maddox  
Miller  
Rittmer  
Veenstra

Boettger  
Hedge  
King  
McKean  
Redwine  
Schuerer  
Zieman

Nays, 21:

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

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.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2274** 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 March 1, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2331**, a bill for an act relating to operating a motorboat or sailboat while intoxicated and providing penalties.

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

## APPENDIX

### REPORT OF COMMITTEE MEETING

#### WAYS AND MEANS

**Convened:** March 1, 2000, 3:11 p.m.

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

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

**Committee Business:** Approved SSBs 3114 and 3117. Passed SF 2186.

**Adjourned:** 3:55 p.m.

### COMMITTEE REPORTS

#### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 107, a concurrent resolution designating March 2000 as Iowa Women's History Month.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE RESOLUTION 101, a resolution to amend the permanent rules of the Senate relating to the recitation of the pledge of allegiance.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE RESOLUTION 103, a resolution honoring native Iowan and St. Louis Rams offensive lineman Adam Timmerman.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE RESOLUTION 108, a resolution honoring student volunteers Alison Mostrom of West Des Moines and Matthew Ternus of Vinton for their outstanding community service.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE RESOLUTION 110, a resolution to honor Cedar Rapids Gazette Statehouse reporter and senior editor Ken Sullivan.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

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

## BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 1, 2000, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2193 – Relating to the establishment of a senior living program, including the creation of a senior living trust fund, providing for the development and provision of senior living program information and electronic access, providing for a caregiver support and education program, providing for a senior living insurance policy and incentives study, providing for allocation of the moneys in the senior living trust fund, making appropriations, and providing an effective date, and providing for retroactive applicability.

## AMENDMENTS FILED

S-5046	S.F.	2340	Michael W. Connolly
S-5047	S.F.	2340	Patrick J. Deluhery
			Robert E. Dvorsky

			Michael E. Gronstal
			Johnie Hammond
			John P. Kibbie
			Michael W. Connolly
			Betty Soukup
			Patricia Harper
S-5048	S.F.	2340	Michael W. Connolly
S-5049	S.F.	2324	Johnie Hammond
			Joe Bolkcom
			Robert E. Dvorsky
S-5050	S.F.	2213	Kitty Rehberg
S-5051	S.F.	2411	Elaine Szymoniak
S-5052	S.F.	2314	John Redwine
S-5053	S.F.	2314	Elaine Szymoniak
S-5054	S.F.	2276	Andy McKean

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:30 p.m., until 9:00 a.m., Thursday, March 2, 2000.

# JOURNAL OF THE SENATE

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FIFTY-THIRD CALENDAR DAY  
THIRTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 2, 2000

The Senate met in regular session at 9:12 a.m., Senator Boettger presiding.

Prayer was offered by the Reverend Craig Peters, pastor of the Christ United Methodist Church of Davenport, Iowa, guest of Senator Rife.

The Journal of Wednesday, March 1, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Flynn, for the day, on request of Senator Gronstal; Senator Shearer, until he arrives, on request of Senator Gronstal; and Senator Sexton, for the day, on request of Senator Gaskill.

## 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 March 1, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2496**, a bill for an act providing supplementary weighting for determining enrollment in school districts involved in district-to-district or district-to-community-college sharing programs, and at-risk programs, and providing an effective date.

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



## RECESS

On motion of Senator Iverson, the Senate recessed at 9:23 a.m., until 1:00 p.m.

**APPENDIX**

## PETITION

The following petition was presented and placed on file:

From 175 residents of Johnson County favoring legislation to allow a second Powerball lottery machine in Tiffin, Iowa, at the Tiffin General Store. Senator Dvorsky.

## REPORTS OF COMMITTEE MEETINGS

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** February 22, 2000, 9:47 a.m.

**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Soukup, Ranking Member; Judge and Lamberti.

**Members Absent:** None.

**Committee Business:** Presentations by UNI, ISU, and U of Iowa.

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

ALSO:

**Convened:** February 23, 2000, 10:48 a.m.

**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Soukup, Ranking Member; Judge and Lamberti.

**Members Absent:** None.

**Committee Business:** Presentation by the Legislative Fiscal Bureau.

**Adjourned:** 11:30 a.m.

ALSO:

**Convened:** February 24, 2000, 10:47 a.m.

**Members Present:** Boettger, Vice Chair; and Soukup, Ranking Member.

**Members Absent:** Schuerer, Chair; Judge and Lamberti (all excused).

**Committee Business:** Presentations by Iowa Workforce Development and Dept. of Economic Development.

**Adjourned:** 11:16 a.m.

## INTRODUCTION OF BILLS

**Senate File 2418**, by committee on Ways and Means, a bill for an act relating to certification of property taxes by townships and providing an effective date.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate File 2419**, by committee on Ways and Means, a bill for an act providing for limitations on investments by city hospitals.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate File 2420**, by committee on Ways and Means, a bill for an act relating to the administration and enforcement of the replacement tax imposed on the generation, transmission, and delivery, consumption, and use of electricity and natural gas, providing for the Act's retroactive applicability, and providing an effective date.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

## COMMITTEE REPORTS

### WAYS AND MEANS

**Final Bill Action:** SENATE FILE 2418 (SSB 3117), a bill for an act relating to certification of property taxes by townships and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Johnson, McKibben, Harper, Bartz, Bolckorn, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, Redwine, and Soukup. Nays, none. Absent or not voting, 1: McLaren.

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

ALSO:

**Final Bill Action:** SENATE FILE 2419 (Formerly SF 2186), a bill for an act providing for limitations on investments by city hospitals.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Johnson, McKibben, Harper, Bartz, Bolkcom, Drake, Flynn, Hedge, Lamberti, Maddox, Redwine, and Soukup. Nays, 2: Connolly and Deluhery. Absent or not voting, 1: McLaren.

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

ALSO:

**Final Bill Action:** SENATE FILE 2420 (SSB 3114), a bill for an act relating to the administration and enforcement of the replacement tax imposed on the generation, transmission, and delivery, consumption, and use of electricity and natural gas, providing for the Act's retroactive applicability, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, Redwine, and Soukup. Nays, none. Absent or not voting, 1: McLaren.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

#### AMENDMENT FILED

S-5055

S.F. 2245

Michael E. Gronstal

## AFTERNOON SESSION

The Senate reconvened at 1:07 p.m., Senator Boettger presiding.

## QUORUM CALL

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

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

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Behn and Gaskill, until they arrive, on request of Senator Iverson.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2246, 2241, 2245, 2276, and 2243.

**Senate File 2246**

On motion of Senator McKean, **Senate File 2246**, a bill for an act relating to the accumulation of credit upon an inmate's sentence for Iowa inmates incarcerated in another jurisdiction, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2246), the vote was:

Ayes, 46:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	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
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Behn	Flynn	Gaskill	Sexton
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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 2241**

On motion of Senator McKean, **Senate File 2241**, a bill for an act relating to the consolidation of certain criminal offenses concerning computer access, damage, or theft, video rental theft, election bribery, and voting duress, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2241), the vote was:

Ayes, 46:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	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
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Behn

Flynn

Gaskill

Sexton

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

### **Senate File 2245**

On motion of Senator McKean, **Senate File 2245**, a bill for an act relating to reclassifying certain simple misdemeanors as scheduled violations, was taken up for consideration.

Senator Maddox offered amendment S-5033, filed by him on February 29, 2000, to page 3 and to the title page of the bill, and moved its adoption.

Amendment S-5033 was adopted by a voice vote.

Senator Maddox offered amendment S-5032, filed by him on February 29, 2000, to page 5 of the bill, and moved its adoption.

Senator Fraise asked and received unanimous consent that action on amendment S-5032 be deferred.

Senator Gronstal offered amendment S-5055, filed by him from the floor to page 6 and to the title page of the bill, and moved its adoption.

Amendment S-5055 was adopted by a voice vote.

The Senate resumed consideration of S-5032, previously deferred.

Senator Maddox moved the adoption of amendment S-5032, which prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2245), the vote was:

Ayes, 46:

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	Schuerer
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Behn	Flynn	Rittmer	Sexton
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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.

### Senate File 2276

On motion of Senator McKean, **Senate File 2276**, a bill for an act relating to the application of earned time credits against a criminal sentence, was taken up for consideration.

Senator McKean offered amendment S-5054, filed by him on March 1, 2000, to pages 1, 6, and to the title page of the bill, and moved its adoption.

Amendment S-5054 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2276), 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	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Behn	Flynn	Sexton
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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.

### **Senate File 2243**

On motion of Senator McKean, **Senate File 2243**, a bill for an act relating to the placement in treatment programs of offenders sentenced for operating while intoxicated violations, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2243), 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	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.



Absent or not voting, 3:

Behn

Flynn

Sexton

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 2246, 2241, 2245, 2276, and 2243** be **immediately messaged** to the House.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration Senate Files 2282, 2265, 2325, and 2078.

#### **Senate File 2282**

On motion of Senator McKean, **Senate File 2282**, a bill for an act relating to a criminal sentence subject to the maximum accumulation of good time credits of fifteen percent of the total sentence of confinement, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2282), the vote was:

Ayes, 46:

Bartz  
Connolly  
Dvorsky  
Gaskill  
Harper  
Jensen  
King  
Maddox  
McLaren  
Rehberg

Black  
Dearden  
Fink  
Gronstal  
Hedge  
Johnson  
Kramer  
McCoy  
Miller  
Rife

Boettger  
Deluhery  
Fraise  
Hammond  
Horn  
Judge  
Lamberti  
McKean  
Redfern  
Rittmer

Bolkcom  
Drake  
Freeman  
Hansen  
Iverson  
Kibbie  
Lundby  
McKibben  
Redwine  
Schuerer

Shearer  
Veenstra

Soukup  
Zieman

Szymoniak

Tinsman

Nays, 1:

Angelo

Absent or not voting, 3:

Behn

Flynn

Sexton

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

### **Senate File 2265**

On motion of Senator McKean, **Senate File 2265**, a bill for an act to provide an additional sentence of parole or work release for certain persons who commit the crime of lascivious acts with a child, 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?" (S.F. 2265), the vote was:

Ayes, 47:

Angelo  
Bolkcom  
Drake  
Freeman  
Hansen  
Iverson  
Kibbie  
Lundby  
McKibben  
Redwine  
Schuerer  
Tinsman

Bartz  
Connolly  
Dvorsky  
Gaskill  
Harper  
Jensen  
King  
Maddox  
McLaren  
Rehberg  
Shearer  
Veenstra

Black  
Dearden  
Fink  
Gronstal  
Hedge  
Johnson  
Kramer  
McCoy  
Miller  
Rife  
Soukup  
Zieman

Boettger  
Deluhery  
Fraise  
Hammond  
Horn  
Judge  
Lamberti  
McKean  
Redfern  
Rittmer  
Szymoniak

Nays, none.

Absent or not voting, 3:

Behn

Flynn

Sexton

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

**Senate File 2325**

On motion of Senator McKean, **Senate File 2325**, a bill for an act relating to the crimes of burglary and forgery, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2325), 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	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Behn	Flynn	Sexton
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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 2078**

On motion of Senator Maddox, **Senate File 2078**, a bill for an act relating to the definition of theft, with report of committee recommending passage, 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?" (S.F. 2078), 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	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Behn	Flynn	Sexton
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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 **Senate Files 2282, 2265, 2325, and 2078** be **immediately messaged** to the House.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2360, 2372, 2373, 2375, 2409, and 2368.

**Senate File 2360**

On motion of Senator Tinsman, **Senate File 2360**, a bill for an act relating to the authority of the department of human services involving state institutions and employee and volunteer background checks, 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?" (S.F. 2360), 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	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Behn	Flynn	Sexton
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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 2372**

On motion of Senator Miller, **Senate File 2372**, a bill for an act relating to certain providers of consumer services by eliminating the registration requirement for physical exercise clubs, making social referral service providers subject to provisions relating to door-to-door sales, and making penalties applicable, was taken up for consideration.

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?" (S.F. 2372), 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	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Behn	Flynn	Sexton
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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 2373**

On motion of Senator McKibben, **Senate File 2373**, a bill for an act relating to workers' compensation concerning service of notices on nonresident employers, the calculation of weekly earnings, and the approval of related liens, 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?" (S.F. 2373), 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	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Behn	Flynn	Sexton
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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 2375**

On motion of Senator Rehberg, **Senate File 2375**, a bill for an act relating to the taking of deer within a city, the use of artificial light while hunting, and subjecting violators to an existing penalty, was taken up for consideration.

Senator Rife offered amendment S-5030, filed by him on February 29, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5030 was adopted by a voice vote.

Senator King asked and received unanimous consent that action on **Senate File 2375** be **deferred**.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Freeman, for the day, on request of Senator Lundby.

### **Senate File 2409**

On motion of Senator Gronstal, **Senate File 2409**, a bill for an act relating to the operation and regulation of insurance companies,

mutual insurance associations, benevolent associations, health maintenance organizations, and other insurance or risk-assuming entities, including the rights and duties of such entities and the powers and authority of the insurance commissioner and providing effective dates, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2409), the vote was:

Ayes, 46:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Fraise
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
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Behn	Flynn	Freeman	Sexton
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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 2368

On motion of Senator Tinsman, **Senate File 2368**, a bill for an act relating to the family investment program and associated provisions, 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?" (S.F. 2368), the vote was:

Ayes, 46:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Fraise
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
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Behn	Flynn	Freeman	Sexton
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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 **Senate Files 2360, 2372, 2373, 2409, and 2368** 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 March 2, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 754**, a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, health maintenance organizations, and Medicare supplemental insurance policies, by mandating coverage for anesthesia and certain hospital charges associated with the provision of dental care services.

Read first time and **attached to companion SF 2408.**

**House File 2253**, a bill for an act relating to state criminal jurisdiction and to the crimes of escape and absence from custody.

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

**House File 2374**, a bill for an act relating to the reversion to the Iowa finance authority of unencumbered moneys received by certain nonprofit corporations from the Iowa finance authority and providing an effective date.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism.**

**House File 2377**, a bill for an act providing for access to certain child abuse information by the governor and the general assembly, making penalties and remedies applicable, and including an effective date and applicability provision.

Read first time and referred to committee on **Human Resources.**

## **APPENDIX**

### **PRESENTATION OF VISITORS**

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

Students from North High School, Sioux City. Senator Redwine.

### **REPORT OF COMMITTEE MEETING**

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** March 1, 2000, 9:50 a.m.

**Members Present:** Tinsman, Chair; Veenstra, Vice Chair; Hammond, Ranking Member; Miller and Szymoniak.

**Members Absent:** None.

**Committee Business:** Presentation by DHS and Legislative Fiscal Bureau.

**Adjourned:** 12:05 p.m.

### **SUBCOMMITTEE ASSIGNMENTS**

#### **Senate File 2335**

AGRICULTURE: Hedge, Chair; Shearer and Veenstra

#### **House File 2080**

HUMAN RESOURCES: Redwine, Chair; Boettger and Harper

#### **House File 2291**

EDUCATION: Rehberg, Chair; Redwine and Shearer

#### **House File 2362**

HUMAN RESOURCES: Miller, Chair; Boettger and Szymoniak

#### **House File 2365**

HUMAN RESOURCES: Miller, Chair; Boettger and Szymoniak

#### **House File 2377**

HUMAN RESOURCES: Miller, Chair; Boettger and Szymoniak

## AMENDMENTS FILED

S-5056	S.F.	2214	E. Thurman Gaskill
S-5057	H.F.	2198	Kitty Rehberg
S-5058	S.F.	2390	Patrick J. Deluhery Sheldon Rittmer

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 3:35 p.m., until 1:00 p.m., Monday, March 6, 2000.

# JOURNAL OF THE SENATE

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FIFTY-SEVENTH CALENDAR DAY  
THIRTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 6, 2000

The Senate met in regular session at 1:10 p.m., Senator Redfern presiding.

Prayer was offered by the Reverend Steven Teske, pastor of the Trinity Lutheran Church of Shenandoah, Iowa, guest of Senator McLaren.

The Journal of Thursday, March 2, 2000, 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 March 2, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2492**, a bill for an act relating to certain state and municipal agencies by making changes relating to the provision of and training for fire protection service and emergency medical service and by amending the powers and duties of townships and township officers.

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

## SPECIAL GUESTS

Senator Deluhery introduced Miss Iowa of 2000, Jennifer Caudle, accompanied by her parents Henry and Esther Caudle, from Davenport, Iowa.

Miss Caudle addressed the Senate with brief remarks, expressing her platform on music appreciation.

In observance of National Panhellenic Badge Day and Women's History Month, Senators Boettger and Johnson presented a group of Simpson College students representing the Delta Delta Delta, Alpha Chi Omega, Kappa Kappa Gamma, and Pi Beta Phi sororities.

The sororities are distinguished in their fundraising efforts toward such charities as cystic fibrosis, children's cancer, breast cancer, rehabilitation, eating disorders, and other women's health issues.

The women presented the Senate with an assortment of cookies.

#### RECESS

On motion of Senator Iverson, the Senate recessed at 1:41 p.m., until 2:30 p.m.

#### AFTERNOON SESSION

The Senate reconvened at 2:43 p.m., Senator Bartz presiding.

#### QUORUM CALL

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

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

The Senate stood at ease at 2:52 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:00 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 37 present, 13 absent, and a quorum present.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Maddox, until he arrives, on request of Senator Iverson.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2302, 2047, and 2200.

#### **Senate File 2302**

On motion of Senator Redwine, **Senate File 2302**, a bill for an act relating to programs and public health issues under the purview of the Iowa department of public health and the appropriation of certain fees to the department, was taken up for consideration.

Senator Redwine offered amendment S-5041, filed by Senators Redwine and Hammond on March 1, 2000, to page 2 of the bill, and moved its adoption.

Amendment S-5041 was adopted by a voice vote.

Senator Tinsman offered amendment S-5062, filed by her from the floor to pages 5 and 9 of the bill, and moved its adoption.

Amendment S-5062 was adopted by a voice vote.

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?" (S.F. 2302), the vote was:

Ayes, 48:

Angelo  
Bolkcom  
Drake

Behn  
Connolly  
Dvorsky

Black  
Dearden  
Fink

Boettger  
Deluhery  
Flynn

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, 1:

Bartz

Absent or not voting, 1:

Maddox

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

### **Senate File 2047**

On motion of Senator Judge, **Senate File 2047**, a bill for an act relating to the powers and duties of county officers with respect to county warrants, was taken up for consideration.

Senator Judge 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. 2047), 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, until he returns, on request of President Kramer.

### Senate File 2200

On request of Senator Lamberti, **Senate File 2200**, a bill for an act providing for the establishment of protected cells by domestic insurers, was taken up for consideration.

Senator Lamberti offered amendment S-5037, filed by him on February 29, 2000, to pages 1 and 6 of the bill, and moved its adoption.

Amendment S-5037 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?" (S.F. 2200), 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.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2302, 2047, and 2200** be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2300, 2146, 2251, 2336, and 2314.

**Senate File 2300**

On motion of Senator Bartz, **Senate File 2300**, a bill for an act relating to interference with lawful hunting, fishing, or fur harvesting and providing a penalty, 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?” (S.F. 2300), the vote was:

Ayes, 32:

Angelo	Bartz	Behn	Black
Dearden	Deluhery	Drake	Fink
Flynn	Freeman	Gaskill	Gronstal
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	McKibben
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Veenstra	Zieman

Nays, 17:

Boettger	Bolkcom	Connolly	Dvorsky
Fraise	Hammond	Hansen	Harper
Maddox	McKean	McLaren	Rife
Sexton	Shearer	Soukup	Szymoniak
Tinsman			

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 2146

On motion of Senator McKibben, **Senate File 2146**, a bill for an act relating to the appearance in court and the release from custody of certain criminal defendants, 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?" (S.F. 2146), 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 2251**

On motion of Senator Hammond, **Senate File 2251**, a bill for an act providing for county agricultural extension councils' use of moneys in the county agricultural extension education fund, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2251), 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 2336**

On motion of Senator King, **Senate File 2336**, a bill for an act relating to entities and subject matter under the regulatory authority of the insurance division, including motor vehicle service contracts,

securities, business opportunities, residential service contracts, retirement care contracts, transfer on death probate provisions; and establishing penalties and making penalties applicable, was taken up for consideration.

Senator Fink asked and received unanimous consent that action on **Senate File 2336** be **deferred**.

### **Senate File 2314**

On motion of Senator Redwine, **Senate File 2314**, a bill for an act relating to communicable and infectious diseases and providing penalties, was taken up for consideration.

Senator Redwine offered amendment S-5052, filed by him on March 1, 2000, to pages 1, 11, 19, and 20 of the bill, and moved its adoption.

Amendment S-5052 was adopted by a voice vote.

Senator Redwine offered amendment S-5065, filed by him from the floor to pages 4, 16, and 21 of the bill, and moved its adoption.

Amendment S-5065 was adopted by a voice vote.

Senator Boettger took the chair at 6:20 p.m.

Senator Szymoniak offered amendment S-5053, filed by her on March 1, 2000, to pages 6 and 20 of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 12, nays 36.

Amendment S-5053 lost.

### **MOTION TO RECONSIDER ADOPTED**

Senator Redwine 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-5053 to Senate File 2314 failed to be adopted by the Senate on March 6, 2000.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S-5053) the vote was:

Ayes, 36:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Flynn	Freeman	Gaskill	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Johnson	Judge	Kibbie
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Schuerer	Soukup	Szymoniak	Tinsman

Nays, 13:

Bolkcom	Drake	Dvorsky	Fink
Fraise	Gronstal	Hammond	King
Rittmer	Sexton	Shearer	Veenstra
Zieman			

Absent or not voting, 1:

McCoy

The motion prevailed and amendment S-5053 by Senator Szymoniak was taken up for reconsideration.

Senator Szymoniak moved the adoption of amendment S-5053.

A record roll call was requested.

On the question "Shall amendment S-5053 be adopted?" (S.F. 2314) the vote was:

Ayes, 13:

Bartz	Deluhery	Hedge	Lundby
Maddox	McKean	McLaren	Miller
Rife	Rittmer	Schuerer	Szymoniak
Tinsman			

Nays, 36:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Horn	Iverson
Jensen	Johnson	Judge	Kibbie
King	Kramer	Lamberti	McKibben
Redfern	Redwine	Rehberg	Sexton
Shearer	Soukup	Veenstra	Zieman

Absent or not voting, 1:

McCoy

Amendment S-5053 lost.

Senator Harper offered amendment S-5063, filed by her from the floor to page 7 of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 10, nays 35.

Amendment S-5063 lost.

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?" (S.F. 2314), the vote was:

Ayes, 46:

Angelo	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	McKibben
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Veenstra	Zieman		

Nays, 3:

Bartz

McKean

Tinsman

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 Files 2300, 2146, 2251, and 2314** 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 March 6, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2277**, a bill for an act relating to hunting preserves by eliminating regulations applicable to certain animals classified as livestock.

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

**House File 2280**, a bill for an act requiring the director of the department of education to develop and administer an operation recognition program.

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

**House File 2333**, a bill for an act relating to authorization to provide emergency and nonemergency medical care services.

Read first time and attached to **companion Senate File 2346**.



**House File 2385**, a bill for an act providing for establishment of a statewide organ and tissue donor registry.

Read first time and referred to committee on **Human Resources**.

ALSO: That the House has on March 6, 2000, passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 2091**, a bill for an act relating to procedures for discontinuance of a city.

**Senate File 2330**, a bill for an act relating to the regulation of certain low-speed vehicles and making a penalty applicable.

## APPENDIX

### EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on March 2, 2000, when the votes were taken on Senate Files 2078, 2241, 2243, 2245, 2246, 2265, 2276, 2282, 2325, 2360, 2368, 2372, 2373, and 2409. Had I been present, I would have voted “Aye” on all.

JERRY BEHN

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on March 2, 2000, when the votes were taken on Senate Files 2078, 2241, 2243, 2245, 2246, 2265, 2276, 2282, 2325, 2360, 2368, 2372, 2373, and 2409. Had I been present, I would have voted “Aye” on all.

TOM FLYNN

### COMPANION BILLS RECEIVED

On March 2, 2000, **House File 754** was received and attached to companion **Senate File 2408** on the Senate calendar.

On March 6, 2000, **House File 2333** was received and attached to companion **Senate File 2346** on the Senate calendar.

### BILL ASSIGNED TO COMMITTEE

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

H.F.	2331	Judiciary
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### REPORTS OF COMMITTEE MEETINGS

#### EDUCATION

**Convened:** March 6, 2000, 1:45 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:** Subcommittee assignments. Passed HF 2279.

**Adjourned:** 1:50 p.m.

## **HUMAN RESOURCES**

**Convened:** March 6, 2000, 2:00 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Tinsman, and Veenstra.

**Members Absent:** Bartz and Shearer (both excused).

**Committee Business:** Passed HF 2135.

**Adjourned:** 2:09 p.m.

## **TRANSPORTATION**

**Convened:** March 6, 2000, 2:04 p.m.

**Members Present:** Drake, Chair; Sexton, Vice Chair; Fraise, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Ziemann.

**Members Absent:** McCoy, Ranking Member; and Fink (both excused).

**Committee Business:** Passed HF 2113.

**Adjourned:** 2:09 p.m.

## **INTRODUCTION OF BILL**

**Senate File 2421**, by Judge, Black, Bolckcom, Connolly, Dearden, Deluhery, Dvorsky, Fink, Flynn, Fraise, Hammond, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, and Gronstal, a bill for an act creating an Iowa education infrastructure program and fund, an education infrastructure review committee, and providing authority to issue bonds and refunding bonds to fund the Iowa education infrastructure fund and bond reserve funds, and making appropriations to the Iowa education infrastructure fund.

Read first time under Rule 28 and referred to committee on **Appropriations**.

## STUDY BILL RECEIVED

**SSB 3212      Ways and Means**

A joint resolution nullifying amendments to administrative rules of the department of revenue and finance concerning the classification of condominiums for property tax purposes and providing an effective date.

## SUBCOMMITTEE ASSIGNMENTS

**House File 2179**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Hansen, Chair; Lundby and Rittmer

**House File 2239**

JUDICIARY: McKibben, Chair; Hansen and Redfern

**House File 2240**

JUDICIARY: Miller, Chair; McCoy and Redfern

**House File 2252**

JUDICIARY: Maddox, Chair; Hansen and McKean

**House File 2253**

JUDICIARY: Lamberti, Chair; Hansen and Redfern

**House File 2492**

LOCAL GOVERNMENT: Bartz, Chair; Angelo and Judge

**House File 2496**

EDUCATION: Redfern, Chair; Connolly and Gaskill

**SSB 3212**

WAYS AND MEANS: Maddox, Chair; Bolkcom and Johnson

## COMMITTEE REPORTS

## EDUCATION

**Final Bill Action:** HOUSE FILE 2279, a bill for an act relating to the renewal date for a license issued by the board of educational examiners.

**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. Absent or not voting, none.

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

## TRANSPORTATION

**Final Bill Action:** HOUSE FILE 2113, a bill for an act relating to eligibility for United States armed forces retired special motor vehicle license plates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Drake, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Ziemann. Nays, 1: Sexton. Absent or not voting, 2: McCoy and Fink.

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

## MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5053 to S.F. 2314 failed to be adopted by the Senate on March 6, 2000.

JOHN REDWINE

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5053 to S.F. 2314 failed to be adopted by the Senate on March 6, 2000.

NEAL SCHUERER

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5053 to S.F. 2314 failed to be adopted by the Senate on March 6, 2000.

ELAINE SZYMONIAK

## AMENDMENTS FILED

S-5059	S.F.	2213	Steve King
S-5060	S.F.	2375	Steve King
			Kitty Rehberg

S-5061	S.F.	2315	Richard F. Drake
S-5062	S.F.	2302	Maggie Tinsman
S-5063	S.F.	2314	Patricia Harper
S-5064	S.J.R.	2003	Tom Flynn
S-5065	S.F.	2314	John Redwine
S-5066	S.F.	2315	Richard F. Drake
S-5067	S.F.	2336	Johnie Hammond

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:00 p.m., until 9:00 a.m., Tuesday, March 7, 2000.

# **JOURNAL OF THE SENATE**

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FIFTY-EIGHTH CALENDAR DAY  
THIRTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 7, 2000

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

Prayer was offered by Pastor Steve Pike of the Martelle Christian Church from Martelle, Iowa, guest of Senator McKean.

The Journal of Monday, March 6, 2000, was approved.

## **LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Senator Veenstra, until he arrives, on request of Senator Hedge.

## **RECESS**

On motion of Senator Hedge, the Senate recessed at 9:13 a.m., until 3:00 p.m.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Brent Habley, Coralville – For achieving the rank of Eagle Scout. Senator Dvorsky (03/07/00).

Tyler McGinnis, Shenandoah – For winning the 2A Wrestling State Championship 152 Pound Class on February 26, 2000. Senator Angelo (03/07/00).

Kurt Rowan, Bedford – For exhibiting the Grand Champion Charlois Bull at the Iowa Beef Expo on February 19, 2000. Senator Angelo (03/07/00).

### REPORTS OF COMMITTEE MEETINGS

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** March 6, 2000, 7:16 p.m.

**Members Present:** Bartz, Chair; King, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Drake, Freeman, Gaskill, Johnson, Kibbie, and Rehberg.

**Members Absent:** Dearden, Deluhery, Miller, and Rife (all excused).

**Committee Business:** Presentation by US Environmental Protection Agency.

**Adjourned:** 8:15 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** March 7, 2000, 9:40 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Black, Ranking Member; Fink and Gaskill.

**Members Absent:** None.

**Committee Business:** Presentation by Secretary of Agriculture Patty Judge and discussion of budget reductions.

**Adjourned:** 11:00 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** March 7, 2000, 9:50 a.m.



**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Soukup, Ranking Member; Judge and Lamberti.

**Members Absent:** None.

**Committee Business:** Discussion of appropriations bill.

**Adjourned:** 11:00 a.m.

## **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** March 7, 2000, 9:40 a.m.

**Members Present:** Rife, Chair; Zieman, Vice Chair; Bolkcom, Ranking Member; Dearden and McKibben.

**Members Absent:** None.

**Committee Business:** Discussion of appropriations bill.

**Adjourned:** 10:26 a.m.

## **SUBCOMMITTEE ASSIGNMENTS**

### **House File 2330**

STATE GOVERNMENT: Kibbie, Chair; Drake and Schuerer

### **House File 2331**

JUDICIARY: McKibben, Chair; Lamberti and McCoy

## AFTERNOON SESSION

The Senate reconvened at 3:10 p.m., Senator Redfern 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 March 7, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2248**, a bill for an act relating to the college student aid commission's membership, duties, and authority, and related federal employment reports. (S-5068)

## QUORUM CALL

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

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

The Senate stood at ease at 3:40 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:48 p.m., Senator Redfern presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rittmer, until he returns, on request of Senator Bartz; and Senator Kramer, for the day, on request of Senator Freeman.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2315, 2220, 2346, and 2331.

**Senate File 2315**

On motion of Senator Drake, **Senate File 2315**, a bill for an act relating to the motor vehicle lemon law, and making an administrative fine applicable, was taken up for consideration.

Senator Drake withdrew amendment S-5061, filed by him on March 6, 2000, to pages 2, 4, and to the title page of the bill.

Senator Drake offered amendment S-5066, filed by him on March 6, 2000, to pages 2-4 and to the title page of the bill, and moved its adoption.

Amendment S-5066 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2315), 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
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Kramer                      Rittmer

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hammond, until she arrives, on request of Senator Black.

**Senate File 2220**

On motion of Senator Lamberti, **Senate File 2220**, a bill for an act relating to forcible entry and detainer actions in small claims court following a default on a contract for deed, 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. 2220), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	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, 2:

Hammond	Kramer
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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 2346**

On motion of Senator Drake, **Senate File 2346**, a bill for an act relating to authorization to provide emergency and nonemergency medical care services, was taken up for consideration.

Senator Drake asked and received unanimous consent that **House File 2333** be **substituted** for **Senate File 2346**.

**House File 2333**

On motion of Senator Drake, **House File 2333**, a bill for an act relating to authorization to provide emergency and nonemergency medical care services, 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. 2333), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	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, 2:

Hammond                      Kramer

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

## WITHDRAWN

Senator Drake asked and received unanimous consent that **Senate File 2346** be **withdrawn** from further consideration of the Senate.

**Senate File 2331**

On motion of Senator Angelo, **Senate File 2331**, a bill for an act relating to the interest a member of the board of directors of a school corporation may have in a contract with the director's school corporation, was taken up for consideration.

Senator Angelo offered amendment S-5077, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5077 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2331), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	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, 2:

Hammond	Kramer
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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 Dearden, until he arrives, on request of Senator Dvorsky.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2221, House File 2105, and Senate File 2371.

#### **Senate File 2221**

On motion of Senator Maddox, **Senate File 2221**, a bill for an act relating to juvenile court jurisdiction and the prosecution of juveniles in juvenile and district court, was taken up for consideration.

Senator Szymoniak offered amendment S-5076, filed by her from the floor to page 2 and to the title page of the bill, and moved its adoption.

Senator Maddox raised the point of order that amendment S-5076 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5076 out of order.

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

On the question "Shall the bill pass?" (S.F. 2221), the vote was:

Ayes, 47:

Angelo  
Boettger  
Drake

Bartz  
Bolkcom  
Dvorsky

Behn  
Connolly  
Fink

Black  
Deluhery  
Flynn

Fraise	Freeman	Gaskill	Gronstal
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, 3:

Dearden	Hammond	Kramer
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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 File 2105

On motion of Senator Lundby, **House File 2105**, a bill for an act adopting the nurse licensure compact, with report of committee recommending passage, was taken up for consideration.

Senator Lundby withdrew amendment S-5026, filed by her on February 28, 2000, to pages 2, 6, 7, and 10 of the bill.

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

On the question "Shall the bill pass?" (H.F. 2105), the vote was:

Ayes, 47:

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



Nays, 1:

Judge

Absent or not voting, 2:

Hammond

Kramer

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

### **Senate File 2371**

On motion of Senator Bartz, **Senate File 2371**, a bill for an act relating to the establishment of a water quality initiative program by the department of agriculture and land stewardship and the department of natural resources, defining and providing for the use of credible data for quality control and assurance procedures, and providing for other properly related matters, and providing an applicability date, was taken up for consideration.

Senator Bartz offered amendment S-5071, filed by Senators Bartz, et al., from the floor striking everything after the enacting clause, and moved its adoption.

Senator Miller withdrew amendment S-5075, filed by him from the floor to page 2 of amendment S-5071.

Senator Miller offered amendment S-5079, filed by him from the floor to page 2 of amendment S-5071, and moved its adoption.

Amendment S-5079 was adopted by a voice vote.

Senator Bartz offered amendment S-5073, filed by him from the floor to page 4 of amendment S-5071, and moved its adoption.

Amendment S-5073 was adopted by a voice vote.

Senator Miller withdrew amendment S-5074, filed by him from the floor to page 5 of amendment S-5071.

Senator Miller offered amendment S-5082, filed by him from the floor to page 5 of amendment S-5071, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5082 to amendment S-5071 be adopted?" (S.F. 2371) the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	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, 2:

Hammond                  Kramer

Amendment S-5082 was adopted.

Senator Bolkcom offered amendment S-5078, filed by him from the floor to page 5 of amendment S-5071, and moved its adoption.

Amendment S-5078 lost by a voice vote.

Senator Bolkcom offered amendment S-5080, filed by him from the floor to page 6 of amendment S-5071, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5080 to amendment S-5071 be adopted?" (S.F. 2371) the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hansen	Harper

Horn  
Shearer

Kibbie  
Soukup

Lundby  
Szymoniak

Maddox

Nays, 29:

Angelo  
Drake  
Iverson  
King  
McKibben  
Redwine  
Schuerer  
Zieman

Bartz  
Freeman  
Jensen  
Lamberti  
McLaren  
Rehberg  
Sexton

Behn  
Gaskill  
Johnson  
McCoy  
Miller  
Rife  
Tinsman

Boettger  
Hedge  
Judge  
McKean  
Redfern  
Rittmer  
Veenstra

Absent or not voting, 2:

Hammond

Kramer

Amendment S-5080 lost.

Senator Bartz offered amendment S-5081, filed by him from the floor to page 6 of amendment S-5071, and moved its adoption.

Amendment S-5081 was adopted by a voice vote.

Senator Connolly offered amendment S-5083, filed him from the floor to page 1 of amendment S-5071, and moved its adoption.

Amendment S-5083 was adopted by a voice vote.

Senator Bolkcom offered amendment S-5084, filed by him from the floor to page 5 of amendment S-5071, and moved its adoption.

Amendment S-5084 lost by a voice vote.

The Senate stood at ease at 6:25 p.m. until the fall of the gavel for the purpose of amendment distribution.

The Senate resumed session at 6:36 p.m., Senator Redfern presiding.

Senator Kibbie offered amendment S-5085, filed by Senators Kibbie, Sexton, and Bartz from the floor to page 9 of amendment S-5071, and moved its adoption.

Amendment S-5085 was adopted by a voice vote.

Senator Bartz moved the adoption of amendment S-5071, as amended, which motion prevailed by a voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fink, for the day, on request of Senator Gronstal.

### BUSINESS PENDING

### Senate File 2371

The Senate resumed consideration of Senate File 2371.

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

On the question "Shall the bill pass?" (S.F. 2371), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Flynn
Fraise	Freeman	Gaskill	Gronstal
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, 3:

Fink	Hammond	Kramer
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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 **Senate Files 2315, 2220, 2331, 2221, 2371**, and **House Files 2333 and 2105** 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 March 7, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2351**, a bill for an act relating to a sales and use tax exemption for the sales of clothing and footwear for a limited time period annually and including an effective date.

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

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Chad Gaul, Dyersville – For achieving the rank of Eagle Scout. Senator Flynn (03/07/00).

Eric Peyton, Urbandale – For being a third-place winner in the “Write Women Back Into History” Essay Contest. Senator Maddox (03/07/00).

### PETITION

The following petition was presented and placed on file:

From 900 residents of Dubuque County favoring legislation on tougher animal cruelty laws. Senator Connolly.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** March 7, 2000, 9:42 a.m.

**Members Present:** Redwine, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Flynn and Sexton.

**Members Absent:** None.

**Committee Business:** Presentations regarding the appropriations bill.

**Recessed:** 9:45 a.m.

**Reconvened:** 10:05 a.m.

**Adjourned:** 12:12 p.m.

#### HUMAN RESOURCES

**Convened:** March 7, 2000, 12:05 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 12:15 p.m.

## JUDICIARY

**Convened:** March 7, 2000, 2:34 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, Miller, Redfern, and Tinsman.

**Members Absent:** Boettger and McKibben (both excused).

**Committee Business:** Subcommittee assignments. Passed HF's 2136, 2153, and 2168.

**Adjourned:** 2:48 p.m.

## LOCAL GOVERNMENT

**Convened:** March 7, 2000, 2:06 p.m.

**Members Present:** Angelo, Chair; Bartz, Vice Chair; Bolkcom, Ranking Member; Gaskill, Judge, McKean, McKibben, Miller, Rife, and Zieman.

**Members Absent:** Fraise, Hammond, and McCoy (all excused).

**Committee Business:** Subcommittee assignments.

**Adjourned:** 2:07 p.m.

## STATE GOVERNMENT

**Convened:** March 7, 2000, 2:05 p.m.

**Members Present:** Rittmer, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Connolly, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak.

**Members Absent:** Dearden and McLaren (both excused).

**Committee Business:** Subcommittee assignments. Passed HF's 2220 and 2330.

**Adjourned:** 2:15 p.m.

## INTRODUCTION OF BILL

**Senate File 2422**, by Flynn, Black, Connolly, Dearden, Deluhery, Dvorsky, Fink, Fraise, Hansen, Harper, Kibbie, McCoy, Shearer, Soukup, Judge, and Gronstal, a bill for an act relating to approved equity investments in qualifying businesses and providing tax credits.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

## STUDY BILLS RECEIVED

**SSB 3213      Appropriations**

Establishing phase IV of the educational excellence program for teacher recruitment and retention, abolishing the jobs training program transferring funding, providing for related matters, and making an appropriation.

**SSB 3214      Ways and Means**

Providing as assistive device tax credit under the individual and corporate taxes for the acquisition or modification of assistive technology or the modification of the workplace in order to assist persons with a disability in the workplace, limiting the total amount of credits allowed, and including an effective and retroactive applicability date provision.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 2421**

APPROPRIATIONS: Hedge, Chair; Connolly and Jensen

**House File 2085**

AGRICULTURE: Behn, Chair; Fraise and Sexton

**House File 2277**

AGRICULTURE: Hedge, Chair; Angelo and Kibbie



**House File 2280**

EDUCATION: Gaskill, Chair; Harper and Veenstra

**SSB 3213**

APPROPRIATIONS: McLaren, Chair; Connolly and Rehberg

**SSB 3214**

WAYS AND MEANS: Lamberti, Chair; Deluhery and Johnson

**COMMITTEE REPORTS****JUDICIARY**

**Final Bill Action:** HOUSE FILE 2136, a bill for an act relating to nonsubstantive Code corrections.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5072.

**Final Vote:** Ayes, 10: McKean, Hansen, Angelo, Dvorsky, Fraise, Hammond, Horn, Maddox, McKibben, and Miller. Nays, none. Absent or not voting, 5: Lamberti, Boettger, McCoy, Redfern, and Tinsman.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2153, a bill for an act relating to drug policy coordination, including establishment of a drug policy coordinator, the governor's office of drug control policy, and a drug policy advisory council.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: McKean, Hansen, Angelo, Dvorsky, Fraise, Hammond, Horn, Maddox, McKibben, Miller, and Tinsman. Nays, none. Absent or not voting, 4: Lamberti, Boettger, McCoy, and Redfern.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2168, a bill for an act relating to the exceptions to the requirement of holding a hearing in a dissolution of marriage action.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: McKean, Lamberti, Hansen, Angelo, Dvorsky, Fraise, Hammond, Horn, Maddox, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 2: Boettger and McCoy.

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

## STATE GOVERNMENT

**Final Bill Action:** HOUSE FILE 2220, a bill for an act relating to the confidentiality of internet protocol numbers associated with public information requests.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Rittmer, Lamberti, Kibbie, Connolly, Deluhery, Drake, Fink, King, Maddox, Sexton, and Szymoniak. Nays, none. Absent or not voting, 4: Dearden, Lundby, McLaren, and Schuerer.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2330 (Formerly HF 2081), a bill for an act relating to directional signs visible from the street at polling places.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Rittmer, Lamberti, Kibbie, Connolly, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 2: Dearden and McLaren.

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

## EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on March 7, 2000, when the vote was taken on House File 2105. Had I been present, I would have voted "Aye."

LYLE E. ZIEMAN

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2371, the following corrections were made:

1. Page 1, line 22, the number "455B.2A" was changed to the number "466.2A".

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

S-5068	S.F.	2248	House
S-5069	S.F.	2411	Richard F. Drake Sheldon Rittmer John P. Kibbie Michael W. Connolly
S-5070	S.F.	2267	Jeff Angelo
S-5071	S.F.	2371	Merlin E. Bartz E. Thurman Gaskill John P. Kibbie Joe Bolkcom Bill Fink Steve King
S-5072	H.F.	2136	Judiciary
S-5073	S.F.	2371	Merlin E. Bartz
S-5074	S.F.	2371	David Miller
S-5075	S.F.	2371	David Miller
S-5076	S.F.	2221	Elaine Szymoniak
S-5077	S.F.	2331	Jeff Angelo
S-5078	S.F.	2371	Joe Bolkcom
S-5079	S.F.	2371	David Miller
S-5080	S.F.	2371	Joe Bolkcom
S-5081	S.F.	2371	Merlin E. Bartz
S-5082	S.F.	2371	David Miller
S-5083	S.F.	2371	Michael W. Connolly
S-5084	S.F.	2371	Joe Bolkcom
S-5085	S.F.	2371	John P. Kibbie Mike Sexton Merlin E. Bartz

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:11 p.m., until 9:00 a.m., Wednesday, March 8, 2000.

# JOURNAL OF THE SENATE

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FIFTY-NINTH CALENDAR DAY  
THIRTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 8, 2000

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

Prayer was offered by Pastor John R. Reigstad of the American Lutheran Church of Jesup, Iowa, guest of Senator Rehberg.

The Journal of Tuesday, March 7, 2000, 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 March 7, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2387**, a bill for an act relating to the use and dissemination of social security numbers by government bodies and providing an effective date.

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

**House File 2423**, a bill for an act creating a brownfield redevelopment program and fund and a brownfield redevelopment advisory council.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

**House File 2431**, a bill for an act relating to ethics and campaign disclosure board procedures and to conflicts of interest of public officers and employees.

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

**House File 2454**, a bill for an act to provide an evidentiary privilege for services performed by critical incident stress management teams.

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

**House File 2473**, a bill for an act providing civil and criminal immunity for a school employee related to the employee's participation in reporting and investigating violence, threats of violence, or other inappropriate activity against a school employee or student in a school building, on school grounds, or at a school-sponsored function.

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

**House File 2528**, a bill for an act relating to the condemnation of private property for certain public purposes and providing an effective date.

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

ALSO: That the House has on March 7, 2000, passed the following bill in which the **concurrence** of the **House** was asked:

**Senate File 2373**, a bill for an act relating to workers' compensation concerning service of notices on nonresident employers, the calculation of weekly earnings, and the approval of related liens.

#### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 107.

### **Senate Concurrent Resolution 107**

On motion of Senator Iverson, **Senate Concurrent Resolution 107**, a concurrent resolution designating March 2000 as Iowa Women's History Month, with report of committee recommending passage, was taken up for consideration.

Senator Maddox moved the adoption of Senate Concurrent Resolution 107, which motion prevailed by a voice vote.

### **SPECIAL GUESTS**

Senators Maddox and Harper presented the following 12 winners of the "Write Women Back Into History" essay contest:

Xue Cheung of Grinnell Middle School, Grinnell. Senator Black.

Matt Egesdal of Prairie Middle School, Cedar Rapids. Senator Horn.

Eric Peyton of Urbandale Middle School, Urbandale. Senator Maddox.

Ashley Hecox of Keokuk High School, Keokuk. Senator Shearer.

Ryan Gourley of Dowling High School, West Des Moines. Senator Kramer.

Lidia Chamale of Hiatt Middle School, Des Moines. Senator McCoy.

Melissa Puls of Jefferson Junior High School, Dubuque. Senator Connolly.

Elizabeth Schlichte of Manning Junior High School, Manning. Senator Behn.

Jenna Anderson of Woodrow Wilson Junior High School, Council Bluffs. Senator Gronstal.

Lauren Adams of Central Academy, Des Moines. Senator Kramer.

Megan McCarthy of Durant Middle School, Durant. Senator Rife.

Caitie Rumberger of Hoover Middle School, Sioux City. Senator Hanson.

### **IMMEDIATELY MESSAGED**

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 107** be **immediately messaged** to the House.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:41 a.m., until 5:00 p.m.

## APPENDIX

### COMMUNICATION RECEIVED

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

March 8, 2000

#### DEPARTMENT FOR THE BLIND

Purchase of Products with Recycled Content Report for 1999, as required by Iowa Code chapter 216B.3, section 12d.

### CERTIFICATES OF RECOGNITION

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

Ashley Hecox, Keokuk – For being a first-place winner in the “Write Women Back Into History” Essay Contest. Senator Shearer (03/08/00).

Philip Petrie, Marshalltown – For achieving the rank of Eagle Scout. Senator McKibben (03/08/00).

### EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on March 7, 2000, when the vote was taken on Senate File 2371. Had I been present, I would have voted “Aye.”

BILL FINK

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

**Convened:** March 7, 2000, 9:50 a.m.

**Members Present:** Tinsman, Chair; Hammond, Ranking Member; Miller and Szymoniak.

**Members Absent:** Veenstra, Vice Chair (excused).

**Committee Business:** Republican and democratic caucuses.

**Adjourned:** 10:00 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** March 8, 2000, 10:00 a.m.

**Members Present:** Redwine, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Flynn and Sexton.

**Members Absent:** None.

**Committee Business:** Committee bill was approved.

**Recessed:** 10:42 a.m.

**Reconvened:** 10:57 a.m.

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

#### **APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** March 8, 2000, 9:55 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Fink and Gaskill.

**Members Absent:** Black, Ranking Member (excused).

**Committee Business:** Presentation by DNR on topic of budget reductions.

**Adjourned:** 10:50 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** March 8, 2000, 10:05 a.m.

**Members Present:** Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

**Members Absent:** Rehberg, Chair; and McLaren (both excused).

**Committee Business:** Budget discussions.

**Adjourned:** 11:35 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** March 8, 2000, 9:58 a.m.



**Members Present:** Rife, Chair; Zieman, Vice Chair; Bolkcom, Ranking Member; Dearden and McKibben.

**Members Absent:** None.

**Committee Business:** Passed LSB 5372JA, as amended.

**Recessed:** 9:59 a.m.

**Reconvened:** 10:25 a.m.

**Adjourned:** 11:08 a.m.

## **APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** March 8, 2000, 10:00 a.m.

**Members Present:** King, Chair; Lundby, Vice Chair; Deluhery, Ranking Member; and Harper.

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

**Committee Business:** Discussion of appropriations bill.

**Adjourned:** 10:38 a.m.

## **COMMERCE**

**Convened:** March 8, 2000, 3:02 p.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, and Schuerer.

**Members Absent:** McCoy, Redfern, and Redwine (all excused).

**Committee Business:** Passed HF 2218.

**Adjourned:** 3:07 p.m.

## **EDUCATION**

**Convened:** March 8, 2000, 1:04 p.m.

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

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

**Committee Business:** Presentation on National Guard Student Loan Program.

**Adjourned:** 1:35 p.m.

## **HUMAN RESOURCES**

**Convened:** March 8, 2000, 2:08 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra.

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

**Committee Business:** Passed HF's 2365 and 2385.

**Adjourned:** 2:20 p.m.

## **SUBCOMMITTEE ASSIGNMENTS**

### **Senate File 2422**

WAYS AND MEANS: Johnson, Chair; Bartz and Soukup

### **House File 2205**

COMMERCE: King, Chair; Lamberti and McCoy

### **House File 2374**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Lundby, Chair; Judge and Zieman.

### **House File 2385**

HUMAN RESOURCES: Boettger, Chair; Redwine and Szymoniak

### **House File 2473**

EDUCATION: Gaskill, Chair; Fink and Sexton

### **House File 2528**

LOCAL GOVERNMENT: Angelo, Chair; Bartz, Bolkcom, Judge, and McKean

## **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 8th day of March, 2000:

Senate Files 2091 and 2330.

MICHAEL E. MARSHALL  
Secretary of the Senate

## AFTERNOON SESSION

The Senate reconvened at 3:59 p.m., Senator Boettger presiding.

## QUORUM CALL

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

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

The Senate stood at ease at 4:13 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:39 p.m., Senator Redfern presiding.

## QUORUM CALL

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

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

## 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 March 8, 2000, adopted the following resolutions in which the **concurrence** of the **Senate** is asked:

**House Concurrent Resolution 103**, a concurrent resolution relating to the fair treatment of women in the drafting of wills and trusts by estate planners, trust officers, investment advisers, and other financial planners and advisers.

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

**House Concurrent Resolution 114**, a concurrent resolution designating March 2000 as Iowa Women's History Month.

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

ALSO: That the House has on March 8, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2205**, a bill for an act relating to electronic commerce by establishing requirements for electronic transactions and electronic records and providing penalties.

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

#### BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate Files 2240, 2295, 2353, and 2370** be referred from the Regular Calendar to the committee on **Ways and Means**.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rife, until he arrives, on request of Senator Sexton.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2388 and 2411.

#### **Senate File 2388**

On motion of Senator Lamberti, **Senate File 2388**, a bill for an act relating to the filing of reports with the secretary of state by corporate entities, 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. 2388), 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, 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.

### **Senate File 2411**

On motion of Senator Rittmer, **Senate File 2411**, a bill for an act relating to public retirement systems and providing implementation, applicability, and effective dates, was taken up for consideration.

Senator Rittmer offered amendment S-5101, filed by him from the floor to pages 3, 13, 25, 40, 48, 49, 51, 73-76, and 78 of the bill, and moved its adoption.

Amendment S-5101 was adopted by a voice vote.

Senator Connolly offered amendment S-5097, filed by him from the floor to page 11 of the bill, and moved its adoption.

Amendment S-5097 lost by a voice vote.

Senator Kibbie offered amendment S-5095, filed by him from the floor to page 19 of the bill.

Senator Kibbie asked and received unanimous consent that action on amendment S-5095, filed by him from the floor to page 19 of the bill, be deferred until after consideration of amendment S-5100.

Senator Connolly offered amendment S-5100, filed Senators Connolly, et al., from the floor to pages 19, 23, 48, and 49 of the bill.

Senator Hedge took the chair at 6:46 p.m.

Senator Connolly moved the adoption of amendment S-5100.

A record roll call was requested.

On the question "Shall amendment S-5100 be adopted?" (S.F. 2411) the vote was:

Ayes, 21:

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

Nays, 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			

Absent or not voting, none.

Amendment S-5100 lost.

The Senate resumed consideration of amendment S-5095, previously deferred.

Senator Kibbie moved the adoption of amendment S-5095.

A record roll call was requested.

On the question "Shall amendment S-5095 be adopted?" (S.F. 2411) the vote was:

Ayes, 23:

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

Nays, 27:

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

Absent or not voting, none.

Amendment S-5095 lost.

Senator Kibbie offered amendment S-5096, filed by Senators Kibbie and Connolly 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-5096 be adopted?" (S.F. 2411) the vote was:

Ayes, 21:

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



Nays, 29:

Angelo	Bartz	Behn	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, none.

Amendment S-5096 lost.

Senator McKean offered amendment S-5093, filed by Senators McKean, et al., from the floor to pages 21 and 39 of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 37, nays 0.

Amendment S-5093 was adopted.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5098, filed by him from the floor to page 21 of the bill.

Senator Szymoniak asked and received unanimous consent to withdraw amendment S-5051, filed by her on March 1, 2000, to page 26 of the bill.

Senator Drake offered amendment S-5069, filed by Senators Drake, et al., on March 7, 2000, to pages 40 and 43 of the bill and moved its adoption.

Amendment S-5069 was adopted by a voice vote.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz, until he arrives, on request of Senator Angelo.

## BUSINESS PENDING

**Senate File 2411**

The Senate resumed consideration of Senate File 2411.

Senator Kibbie offered amendment S-5094, filed by him from the floor to page 41 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5094 be adopted?" (S.F. 2411) the vote was:

Ayes, 38:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Johnson	Judge	Kibbie
King	Kramer	Lamberti	Maddox
McCoy	McKean	McKibben	Miller
Redfern	Shearer	Soukup	Szymoniak
Tinsman	Zieman		

Nays, 11:

Iverson	Jensen	Lundby	McLaren
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Veenstra	

Absent or not voting, 1:

Bartz

Amendment S-5094 was adopted.

Senator Shearer offered amendment S-5086, filed by him from the floor to page 48 of the bill, and moved its adoption.

Amendment S-5086 was adopted by a voice vote.

Senator Connolly offered amendment S-5099, filed by him from the floor to page 48 of the bill, and moved its adoption.

Amendment S-5099 was adopted by a voice vote.

Senator Rittmer offered amendment S-5091, filed by him from the floor to page 49 of the bill, and moved its adoption.

Amendment S-5091 was adopted by a voice vote.

Senator Lundby asked and received unanimous consent to withdraw amendment S-5088, filed by her from the floor to pages 56, 68, and 69 of the bill.

Senator Lundby offered amendment S-5090, filed by her from the floor to pages 56, 68, and 69 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5090 be adopted?" (S.F. 2411) the vote was:

Ayes, 14:

Angelo	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	Johnson
Lundby	Maddox	Miller	Sexton
Tinsman	Zieman		

Nays, 36:

Bartz	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	King
Kramer	Lamberti	McCoy	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Shearer	Soukup	Szymoniak	Veenstra

Absent or not voting, none.

Amendment S-5090 lost.

Senator Redfern offered amendment S-5103, filed by him from the floor to page 48 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-5103 be adopted?” (S.F. 2411) the vote was:

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

Ayes, 25:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	Judge
King	Kramer	Lundby	McKean
McKibben	Miller	Redfern	Redwine
Rehberg	Schuerer	Tinsman	Veenstra
Zieman			

Nays, 25:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Kibbie	Lamberti
Maddox	McCoy	McLaren	Rife
Rittmer	Sexton	Shearer	Soukup
Szymoniak			

Absent or not voting, none.

Amendment S-5103 lost.

Senator McCoy offered amendment S-5105, filed by him from the floor to page 78 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-5105 be adopted?” (S.F. 2411) the vote was:

Ayes, 19:

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

Nays, 30:

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

Absent or not voting, 1:

Lundby

Amendment S-5105 lost.

Senator McCoy offered amendment S-5106, filed by him from the floor to pages 69 and 73 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5106 be adopted?" (S.F. 2411) the vote was:

Ayes, 20:

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

Nays, 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		

Absent or not voting, none.

Amendment S-5106 lost.

Senator Rittmer 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-5103 to Senate File 2411 failed to be adopted by the Senate on March 8, 2000.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S-5103 to S.F. 2411) the vote was:

Ayes, 26:

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

Nays, 24:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Freeman	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Kibbie	Maddox	McCoy	McLaren
Rife	Shearer	Soukup	Szymoniak

Absent or not voting, none.

The motion prevailed and amendment S-5103 by Senator Redfern to page 48 of the bill was taken up for reconsideration.

Senator Gronstal asked and received unanimous consent that action on amendment S-5103 be deferred.

The Senate stood at ease at 8:46 p.m. until the fall of the gavel for the purpose of amendment distribution.

The Senate resumed session at 8:50 p.m., President Kramer presiding.

Senator Iverson asked and received unanimous consent that action on **Senate File 2411** be **temporarily deferred**.

UNFINISHED BUSINESS  
(Deferred March 1, 2000)

**Senate File 2324**

The Senate resumed consideration of **Senate File 2324**, a bill for an act relating to DNA profiling, deferred March 1, 2000.

Senator Hammond offered amendment S-5049, filed by Senators Hammond, Dvorsky, and Bolkcom on March 1, 2000, to page 1 and to the title page of the bill, and moved its adoption.

Senator Maddox raised the point of order that amendment S-5049 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5049 out of order.

Senator Dvorsky asked and received unanimous consent that action on **Senate File 2324** be **deferred**.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2348.

**Senate File 2348**

On motion of Senator King, **Senate File 2348**, a bill for an act relating to the loess hills development and conservation authority by creating a hungry canyons alliance and providing membership guidelines for board of directors of the conservation authority and loess hills alliance, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2348), 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.

## BUSINESS PENDING

### Senate File 2411

The Senate resumed consideration of **Senate File 2411**, a bill for an act relating to public retirement systems and providing implementation, applicability, and effective dates, previously deferred.

Senator Gronstal offered amendment S-5110, filed by him from the floor, to pages 1 and 2 of amendment S-5103, and moved its adoption.

Amendment S-5110 was adopted by a voice vote.

Senator Redfern moved the adoption of amendment S-5103, as amended.



A record roll call was requested.

On the question “Shall amendment S-5103 be adopted?” (S.F. 2411) the vote was:

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

Ayes, 24:

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

Nays, 26:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Judge	Kibbie	McCoy
McLaren	Rife	Schuerer	Shearer
Soukup	Szymoniak		

Absent or not voting, none.

Amendment S-5103 lost.

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

On the question “Shall the bill pass?” (S.F. 2411), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	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  
Rittmer  
Soukup  
Zieman

Redwine  
Schuerer  
Szymoniak

Rehberg  
Sexton  
Tinsman

Rife  
Shearer  
Veenstra

Nays, 1:

Fink

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.

### BUSINESS PENDING

#### Senate File 2324

The Senate resumed consideration of **Senate File 2324**, a bill for an act relating to DNA profiling, previously deferred.

Senator Dvorsky offered amendment S-5109, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5109 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2324), the vote was:

Ayes, 50:

Angelo  
Boettger  
Deluhery  
Flynn  
Gronstal  
Hedge  
Johnson  
Kramer  
McCoy  
Miller  
Rife  
Shearer  
Veenstra

Bartz  
Bolkcom  
Drake  
Fraise  
Hammond  
Horn  
Judge  
Lamberti  
McKean  
Redfern  
Rittmer  
Soukup  
Zieman

Behn  
Connolly  
Dvorsky  
Freeman  
Hansen  
Iverson  
Kibbie  
Lundby  
McKibben  
Redwine  
Schuerer  
Szymoniak

Black  
Dearden  
Fink  
Gaskill  
Harper  
Jensen  
King  
Maddox  
McLaren  
Rehberg  
Sexton  
Tinsman

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 2324, 2348, 2388, and 2411** 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 March 8, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2419**, a bill for an act changing the criminal penalties relating to possession, manufacture, or delivery of amphetamines.

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

**House File 2421**, a bill for an act establishing a criminal offense related to drug paraphernalia.

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

**House File 2424**, a bill for an act creating an Iowa Lewis and Clark bicentennial commission, an Iowa Lewis and Clark bicentennial fund, and providing an effective date.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

**House File 2470**, a bill for an act relating to the office of the state public defender including indigent defense costs and the appropriation of indigent defense funds.

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

**House File 2491**, a bill for an act providing for the production of life science products, and providing for penalties.

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

**House File 2520**, a bill for an act relating to special security officers employed at state board of regents institutions.

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

## APPENDIX

### PETITIONS

The following petitions were presented and placed on file:

From 2,892 residents of various counties in Iowa favoring legislation to establish an Iowa state commission on the status of Asian and Pacific Islanders. Senator Bolkcom.

From 5,121 residents of various counties in Iowa favoring legislation to require that one-third of the funds received from the tobacco settlement be allocated for a comprehensive tobacco prevention program. Senator Bolkcom.

### INTRODUCTION OF BILL

**Senate File 2423**, by McCoy, Black, Connolly, Dearden, Dvorsky, Fink, Flynn, Fraise, Hansen, Harper, Kibbie, Shearer, Soukup, Judge, Gronstal, and Szymoniak, a bill for an act creating a millennium program and fund, a millennium review committee, and providing authority to issue bonds and refunding bonds to fund the millennium fund and bond reserve funds, and making appropriations to the millennium fund.

Read first time under Rule 28 and referred to committee on **Appropriations**.

### COMMITTEE REPORTS

#### COMMERCE

**Final Bill Action:** HOUSE FILE 2218, a bill for an act creating a county and state mutual insurance guaranty association and providing penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Jensen, Maddox, Deluhery, Bolkcom, Flynn, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, and Schuerer. Nays, none. Absent or not voting, 3: McCoy, Redfern, and Redwine.

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

**HUMAN RESOURCES**

**Final Bill Action:** HOUSE FILE 2135, a bill for an act relating to the designated date of withholding of support by payors of income and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Boettger, Redwine, Szymoniak, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 2: Bartz and Shearer.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2365, a bill for an act providing for review of deaths of children under the age of eighteen by the child death review team.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Boettger, Redwine, Szymoniak, Bartz, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Behn.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2385 (Formerly HF 2203), a bill for an act providing for establishment of a statewide organ and tissue donor registry.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Boettger, Redwine, Szymoniak, Bartz, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Behn.

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

**AMENDMENTS FILED**

S-5086	S.F.	2411	Mark Shearer
S-5087	S.F.	2415	Jeff Lamberti
S-5088	S.F.	2411	Mary A. Lundby
S-5089	S.F.	2327	Jeff Angelo
S-5090	S.F.	2411	Mary A. Lundby
S-5091	S.F.	2411	Sheldon Rittmer
S-5092	S.F.	2144	Elaine Szymoniak
S-5093	S.F.	2411	Andy McKean

Steve King  
 Kenneth Veenstra  
 John P. Kibbie  
 Eugene Fraise  
 Robert E. Dvorsky  
 Betty Soukup  
 John W. Jensen  
 Mary A. Lundby  
 John Judge  
 Michael E. Gronstal  
 Michael W. Connolly  
 Bill Fink  
 Johnie Hammond  
 Mark Shearer  
 Mike Sexton  
 Matt McCoy  
 Lyle E. Zieman  
 Tom Flynn  
 Joe Bolkcom  
 Maggie Tinsman  
 Jerry Behn  
 E. Thurman Gaskill  
 Patricia M. Harper  
 Patrick J. Deluhery  
 Kitty Rehberg  
 Jeff Angelo  
 John P. Kibbie  
 John P. Kibbie  
 John P. Kibbie  
 Michael W. Connolly  
 Michael W. Connolly  
 Michael W. Connolly  
 Michael W. Connolly  
 Michael W. Connolly  
 Michael W. Connolly  
 Dennis H. Black  
 Joe Bolkcom  
 Dick Dearden  
 Patrick J. Deluhery  
 Robert E. Dvorsky  
 Bill Fink  
 Tom Flynn

S-5094	S.F.	2411
S-5095	S.F.	2411
S-5096	S.F.	2411
S-5097	S.F.	2411
S-5098	S.F.	2411
S-5099	S.F.	2411
S-5100	S.F.	2411

			Eugene S. Fraise
			Michael E. Gronstal
			Johnie Hammond
			Steven D. Hansen
			Patricia Harper
			Wally E. Horn
			John Judge
			John P. Kibbie
			Matt McCoy
			Mark Shearer
			Betty A. Soukup
			Elaine Szymoniak
S-5101	S.F.	2411	Sheldon Rittmer
S-5102	H.F.	2315	Matt McCoy
S-5103	S.F.	2411	Donald Redfern
S-5104	S.F.	2366	Nancy Boettger
			Michael E. Gronstal
			Stewart E. Iverson, Jr.
			Matt McCoy
S-5105	S.F.	2411	Matt McCoy
S-5106	S.F.	2411	Matt McCoy
S-5107	S.F.	2328	Mark Shearer
S-5108	S.F.	2349	E. Thurman Gaskill
			John P. Kibbie
S-5109	S.F.	2324	Robert E. Dvorsky
S-5110	S.F.	2411	Michael E. Gronstal
S-5111	S.F.	2367	John Redwine

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:55 p.m., until 9:00 a.m., Thursday, March 9, 2000.



# JOURNAL OF THE SENATE

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SIXTIETH CALENDAR DAY  
THIRTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 9, 2000

The Senate met in regular session at 9:06 a.m., Senator Redfern presiding.

Prayer was offered by the Reverend Russ Burnett, pastor of the Colo United Methodist Church of Colo, Iowa, guest of Senator McKibben.

## SPECIAL GUESTS

Senator Szymoniak presented Marian Wright Edelman, President of Children's Defense Fund.

Ms. Edelman addressed the Senate with brief remarks regarding the welfare of children.

Senator Boettger presented Ken Burger, accompanied by his daughter Dana. Mr. Burger is the warden at the Mt. Pleasant Treatment Center. Senator Boettger "job shadowed" Mr. Burger previously in their work with the Institute of Public Leadership, and today Mr. Burger is "shadowing" Senator Boettger.

## 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 March 8, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2323**, a bill for an act relating to the retention of private attorneys by the state.

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

**House File 2420**, a bill for an act relating to the statute of limitations for filing a sexual abuse or sexual exploitation criminal indictment or information.

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

**House File 2519**, a bill for an act relating to the repeal of the sixth judicial district pilot project concerning probation revocation hearings, and providing an effective date.

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

**House File 2521**, a bill for an act relating to mandatory mediation of certain farm disputes prior to initiation of related litigation.

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

**House File 2522**, a bill for an act relating to addresses used by persons seeking relief from domestic abuse.

Read first time and referred to committee on **Human Resources**.

**House File 2525**, a bill for an act relating to limitations on recoverable noneconomic damages in legal actions arising out of motor vehicle accidents.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 9:26 a.m., until 3:00 p.m.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Melissa Puls, Dubuque – For being a first-place winner in the “Write Women Back Into History” Essay Contest. Senator Connolly (03/09/00).

Lela G. Quinlan, Ankeny – For celebrating your 88th birthday on March 13, 2000. Senator Lamberti (03/09/00).

### REPORTS OF COMMITTEE MEETINGS

#### JUDICIARY

**Convened:** March 9, 2000, 1:43 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman.

**Members Absent:** Hansen, Ranking Member (excused).

**Committee Business:** Subcommittee assignments. Passed HF 2172 (as amended) and 2239.

**Adjourned:** 2:11 p.m.

#### LOCAL GOVERNMENT

**Convened:** March 9, 2000, 10:37 a.m.

**Members Present:** Angelo, Chair; Bartz, Vice Chair; Bolkcom, Ranking Member; Fraise, Gaskill, Hammond, Judge, McCoy, McKibben, Rife, and Zieman.

**Members Absent:** McKean and Miller (both excused).

**Committee Business:** Subcommittee assignments. Passed HF 2315.

**Adjourned:** 10:55 a.m.

#### WAYS AND MEANS

**Convened:** March 9, 2000, 11:35 a.m.

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

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

**Committee Business:** Passed SF 2239 (as amended). Approved SSBs 3036, 3211 (as amended), 3212, and 3214.

**Adjourned:** 12:20 p.m.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 2240**

WAYS AND MEANS: Bartz, Chair; Deluhery and Johnson

### **Senate File 2269**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Shearer, Chair; Lundby and Soukup

### **Senate File 2353**

WAYS AND MEANS: McKibben, Chair; Flynn and Hedge

### **Senate File 2423**

APPROPRIATIONS: Freeman, Chair; McCoy and McLaren

### **House File 2419**

JUDICIARY: Maddox, Chair; Hammond and McKean

### **House File 2421**

JUDICIARY: Miller, Chair; Lamberti and McCoy

### **House File 2423**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Lundby, Chair; Sexton and Shearer

### **House File 2424**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Veenstra, Chair; Boettger and Hansen

### **House File 2470**

JUDICIARY: Angelo, Chair; Fraise and Lamberti

### **House File 2520**

JUDICIARY: Hammond, Chair; Redfern and Tinsman

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2411, the following corrections were made:

1. Page 53, line 23, the number "97B.80A" was changed to the number "97B.80B".
2. Page 55, line 24, the word and number "section 44" were changed to the word and number "section 48".
3. Page 55, line 33, the word and number "section 48" were changed to the word and number "section 52".
4. Page 56, line 11, the word and number "section 48" were changed to the word and number "section 52".
5. Page 56, line 21, the word and number "section 60" were changed to the word and number "section 70".
6. Page 80, line 30, the words and numbers "Sections 70, 73, 74, 87, and 90" were changed to the words and numbers "Sections 81, 84, 85, 98, and 101".
7. Page 81, line 1, the word and number "Section 69" were changed to the word and number "Section 80".
8. Page 81, line 2, the word and number "section 76" were changed to the word and number "section 87".

MICHAEL E. MARSHALL  
Secretary of the Senate

AMENDMENTS FILED

S-5112	S.F.	2126	JoAnn Johnson
S-5113	H.F.	2145	Michael W. Connolly

## AFTERNOON SESSION

The Senate reconvened at 3:18 p.m., Senator Boettger presiding.

## QUORUM CALL

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

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

The Journal of Wednesday, March 8, 2000, 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 March 8, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2437**, a bill for an act relating to disclosure by a postsecondary education institution of information to the parent or guardian of a student.

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

**House File 2513**, a bill for an act providing for secured transactions under the uniform commercial code, by adopting new Article 9, eliminating conflicting provisions, and providing an effective date.

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

ALSO: That the House has on March 9, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2378**, a bill for an act relating to requirements of and authorizations for schools and area education agencies, and providing an effective date.

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

**House File 2422**, a bill for an act relating to funding of the local housing assistance program and providing an effective date.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism.**

**House File 2435**, a bill for an act repealing a provision authorizing the raising of an additional enrichment amount to fund asbestos removal projects.

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

**House File 2506**, a bill for an act relating to the provision of police protection in cities having a population of less than one thousand two hundred.

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

**House File 2512**, a bill for an act relating to certain violations attributed to motor vehicles rented from motor vehicle rental companies.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer, for the day, on request of Senator Freeman.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2349, 2390, 2307, House File 2099, and Senate File 2213.

## Senate File 2349

On motion of Senator Kibbie, **Senate File 2349**, a bill for an act prohibiting a processor from contracting for the care and feeding of swine in this state, making penalties applicable, and providing an effective date, was taken up for consideration.

Senator Kibbie offered amendment S-5108, filed by Senators Gaskill and Kibbie on March 8, 2000, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5108 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2349), 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.



**Senate File 2390**

On motion of Senator Deluhery, **Senate File 2390**, a bill for an act relating to the duties of divisions within the department of inspections and appeals and codifying the establishment and duties of the existing health facilities division, was taken up for consideration.

Senator Deluhery asked and received unanimous consent to withdraw amendment S-5058, filed by Senators Deluhery and Rittmer on March 2, 2000, to page 3 of the bill.

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?" (S.F. 2390), 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.

## Senate File 2307

On motion of Senator Dearden, **Senate File 2307**, a bill for an act relating to public and workplace safety and wage collection laws administered by the labor commissioner, including changes in the regulation of boilers in places of public assembly and of elevator installers, and of employers under the wage payment collection law, was taken up for consideration.

Senator Dearden 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. 2307), 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 File 2099

On motion of Senator Behn, **House File 2099**, a bill for an act affecting eligibility for the beginning farmer loan program, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2099), 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.

### **Senate File 2213**

On motion of Senator Rehberg, **Senate File 2213**, a bill for an act relating to on-site presence of a pipeline company representative during farmland improvements near pipelines, was taken up for consideration.

Senator McKean took the chair at 3:52 p.m.

Senator King asked and received unanimous consent to withdraw amendment S-5059, filed by him on March 6, 2000, to pages 1-3 of the bill.

Senator Rehberg offered amendment S-5050, filed by her on March 1, 2000, to pages 1-3 of the bill, and moved its adoption.

Amendment S-5050 was adopted by a voice vote.

Senator Gronstal asked and received unanimous consent that action on **Senate File 2213** be **deferred**.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2349, 2390, 2307, and House File 2099** be **immediately messaged** to the House.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2256.

#### **Senate File 2256**

On motion of Senator Sexton, **Senate File 2256**, a bill for an act establishing a pilot project requiring that the state department of transportation purchase soydiesel fuel for use in some of its vehicles, and providing for contingent effectiveness, was taken up for consideration.

Senator Sexton offered amendment S-5034, filed him on February 29, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5034 was adopted 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?" (S.F. 2256), 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.

The Senate stood at ease at 4:06 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 4:34 p.m., Senator McKean presiding.

#### IMMEDIATELY MESSAGED

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

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2366 and 2303.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Angelo, for the remainder of the day, on request of Senator Hedge.

#### **Senate File 2366**

On motion of Senator Boettger, **Senate File 2366**, a bill for an act relating to the purchase, possession, and sale of cigarettes and

tobacco products and providing penalties, was taken up for consideration.

Senator Boettger asked and received unanimous consent to withdraw amendment S-5104, filed by Senators Boettger, et al., on March 8, 2000, striking everything after the enacting clause of the bill.

Senator Boettger offered amendment S-5114, filed by Senators Boettger, et al., from the floor striking everything after the enacting clause of the bill.

Senator Lamberti offered amendment S-5116, filed by him from the floor to pages 1, 4, and 5 of amendment S-5114, and moved its adoption.

Amendment S-5116 was adopted by a voice vote.

Senator Boettger moved the adoption of amendment S-5114, as amended.

Amendment S-5114 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?" (S.F. 2366), 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	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:

Angelo                      Kramer

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

**Senate File 2303**

On motion of Senator Maddox, **Senate File 2303**, a bill for an act relating to judicial administration by providing for benefits applicable to judicial branch employees, the allocation of magistrates, and the manner of making certain noncourt and administrative appointments, 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?” (S.F. 2303), 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	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:

Angelo                      Kramer

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 2303** and **2366** be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2344, 2238, 2252, and 2395.

**Senate File 2344**

On motion of Senator Bartz, **Senate File 2344**, a bill for an act relating to child and family services administered by the department of human services, 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?" (S.F. 2344), 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	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:

Angelo                      Kramer



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

**Senate File 2238**

On motion of Senator Veenstra, **Senate File 2238**, a bill for an act relating to the use of school improvement technology program and school improvement technology block grant program moneys by school districts and area education agencies to employ or contract with information technology specialists, was taken up for consideration.

Senator Veenstra 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. 2238), 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	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:

Angelo                      Kramer

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

**Senate File 2252**

On motion of Senator Redfern, **Senate File 2252**, a bill for an act eliminating the future repeal of the school finance formula and providing for periodic legislative review, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2252), 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	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:

Angelo                      Kramer

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

**Senate File 2395**

On motion of Senator King, **Senate File 2395**, a bill for an act relating to the creation of an information technology department and making related changes, was taken up for consideration.

Senator King offered amendment S-5118, filed by him from the floor to pages 1, 2, 5, 8, 9, 11, 13, and 16 of the bill, and called for a division of the amendment:

Division S-5118A: Page 1, lines 1-50; page 2, lines 1-13 and 33-50; and page 3, lines 1-38.

Division S-5118B: Page 2, lines 14-32.

Senator King moved the adoption of division S-5118A.

Division S-5118A was adopted by a voice vote.

Senator King asked and received unanimous consent that action on division S-5118B be deferred.

Senator Redfern offered amendment S-5122, filed by Senators Redfern, et al., from the floor to page 13 of the bill.

Senator Lamberti offered amendment S-5124, filed by him from the floor to page 1 of amendment S-5122, and moved its adoption.

Amendment S-5124 was adopted by a voice vote.

Senator Redfern moved the adoption of amendment S-5122.

A record roll call was requested.

On the question "Shall amendment S-5122 be adopted?" (S.F. 2395) the vote was:

Ayes, 32:

Bartz	Black	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Freeman	Gronstal
Hammond	Hansen	Harper	Horn
Johnson	Judge	Kibbie	Lamberti
Maddox	McCoy	McKean	McKibben
McLaren	Miller	Redfern	Rife
Shearer	Soukup	Szymoniak	Tinsman

Nays, 16:

Behn	Boettger	Drake	Gaskill
Hedge	Iverson	Jensen	King

Lundby  
Schuerer

Redwine  
Sexton

Rehberg  
Veenstra

Rittmer  
Zieman

Absent or not voting, 2:

Angelo

Kramer

Amendment S-5122 was adopted.

With the adoption of amendment S-5122, the Chair ruled division S-5118B, filed by Senator King from the floor to page 13 of the bill, out of order.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz, for the remainder of the day, on request of Senator Hedge.

### BUSINESS PENDING

### Senate File 2395

The Senate resumed consideration of Senate File 2395.

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?" (S.F. 2395), the vote was:

Ayes, 37:

Behn  
Deluhery  
Freeman  
Hedge  
Johnson  
Lundby  
McLaren  
Rehberg  
Shearer  
Zieman

Boettger  
Drake  
Gaskill  
Horn  
Kibbie  
Maddox  
Miller  
Rife  
Soukup

Connolly  
Flynn  
Hansen  
Iverson  
King  
McCoy  
Redfern  
Rittmer  
Tinsman

Dearden  
Fraise  
Harper  
Jensen  
Lamberti  
McKibben  
Redwine  
Sexton  
Veenstra

Nays, 10:

Black  
Gronstal  
Schuerer

Bolkcom  
Hammond  
Szymoniak

Dvorsky  
Judge

Fink  
McKean

Absent or not voting, 3:

Angelo

Bartz

Kramer

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 2238, 2252, 2344, and 2395** 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 March 9, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2316**, a bill for an act relating to the regulation of health organizations for purposes of solvency and establishing a measure for the risk-based capital of a health organization.

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

**House File 2430**, a bill for an act providing for a study of undergraduate tuition and fees applicable to certain individuals who were placed in foster care or another out-of-home placement.

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

**House File 2436**, a bill for an act delaying the repeal of the school finance formula.

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

**House File 2471**, a bill for an act directing the department of education to implement and establish criteria for recognition of performance excellence exemplified by outstanding comprehensive school improvement plans submitted by school districts.

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

**House File 2502**, a bill for an act relating to fee-supported services provided by a county including the payment of county law enforcement salaries and expenses.

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

**House File 2505**, a bill for an act relating to mental health and developmental disabilities service funding and administrative provisions and providing an effective date.

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

## APPENDIX

### COMMUNICATION RECEIVED

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

March 9, 2000

#### IOWA WORKFORCE DEVELOPMENT

Draft copy of the Memorandum of Understanding Between the Region 15 Chief Elected Officials and Region 15 Regional Workforce Investment Board and Region 15 Workforce Development Delivery System Partners — an attachment to the Customer Service Plan dated February 25, 2000.

### REPORT OF COMMITTEE MEETING

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** March 9, 2000, 2:15 p.m.

**Members Present:** Bartz, Chair; King, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife.

**Members Absent:** None.

**Committee Business:** Passed HF 2008. Approved SSB 3139.

**Adjourned:** 3:10 p.m.

### INTRODUCTION OF RESOLUTION

**Senate Joint Resolution 2005**, by committee on Ways and Means, a joint resolution nullifying amendments to administrative rules of the department of revenue and finance concerning the classification of condominiums for property tax purposes and providing an effective date.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

## INTRODUCTION OF BILLS

**Senate File 2424**, by committee on Ways and Means, a bill for an act updating the Iowa Code references to the Internal Revenue Code, amending the earned income credit, amending requirements for nonresident taxpayers, providing tax benefits to military personnel in hazardous duty areas, and providing effective and retroactive applicability dates.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate File 2425**, by committee on Ways and Means, a bill for an act providing an assistive device tax credit under the individual and corporate taxes for the acquisition or modification of assistive technology or the modification of the workplace in order to assist persons with a disability in the workplace, limiting the total amount of credits allowed, and including an effective and retroactive applicability date provision.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

## STUDY BILLS RECEIVED

**SSB 3215      Ways and Means**

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

**SSB 3216      Appropriations**

Relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates and retroactive applicability provisions.



**SSB 3217      Appropriations**

Relating to Iowa agricultural industry finance corporations, by providing for the expenditure of public moneys and related matters voted upon by the corporation's initial board of directors, providing for the election of a permanent board of directors, and providing an effective date.

**SUBCOMMITTEE ASSIGNMENTS****House File 2387**

STATE GOVERNMENT: Rittmer, Chair; Dearden and Lundby

**House File 2431**

STATE GOVERNMENT: Lamberti, Chair; Connolly and Drake

**House File 2491**

AGRICULTURE: Veenstra, Chair; Angelo and Fraise

**SSB 3215**

WAYS AND MEANS: Johnson, Chair; Deluhery and Lamberti

**SSB 3216**

APPROPRIATIONS: Rife, Chair; Bolkcom and McLaren

**SSB 3217**

APPROPRIATIONS: McLaren, Chair; Rehberg and Soukup

**COMMITTEE REPORTS****JUDICIARY**

**Final Bill Action:** HOUSE FILE 2172, a bill for an act relating to polygraph examinations of applicants for certain law enforcement or correctional facility positions.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5115.

**Final Vote:** Ayes, 11: McKean, Lamberti, Angelo, Boettger, Fraise, Horn, Maddox, McCoy, McKibben, Miller, and Redfern. Nays, 3: Dvorsky, Hammond, and Tinsman. Absent or not voting, 1: Hansen.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2239, a bill for an act relating to limited partnerships by providing for such partnerships to become limited liability limited partnerships, providing for related matters, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: McKean, Lamberti, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 2: Hansen and McCoy.

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

## LOCAL GOVERNMENT

**Final Bill Action:** HOUSE FILE 2315, a bill for an act concerning the payment of health and medical insurance coverage costs by cities to retired employees.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Angelo, Bartz, Bolkcom, Fraise, Gaskill, Hammond, Judge, McCoy, McKibben, Rife, and Zieman. Nays, none. Absent or not voting, 2: McKean and Miller.

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

## NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** HOUSE FILE 2008, a bill for an act providing residency status to certain members of the armed forces for purposes of hunting, fishing, and fur harvesting.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5123.

**Final Vote:** Ayes, 15: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife. Nays, none. Absent or not voting, none.

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

## WAYS AND MEANS

**Final Bill Action:** SENATE JOINT RESOLUTION 2005 (SSB 3212), a bill for a joint resolution nullifying amendments to administrative rules of the department of revenue and finance concerning the classification of condominiums for property tax purposes and providing an effective date.

**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. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2424 (SSB 3036), a bill for an act updating the Iowa Code references to the Internal Revenue Code, amending the earned income credit, amending requirements for nonresident taxpayers, providing tax benefits to military personnel in hazardous duty areas, and providing effective and retroactive applicability dates.

**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. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2425 (SSB 3214), a bill for an act providing an assistive device tax credit under the individual and corporate taxes for the acquisition or modification of assistive technology or the modification of the workplace in order to assist persons with a disability in the workplace, limiting the total amount of credits allowed, and including an effective and retroactive applicability date 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. Absent or not voting, none.

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

## BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 9, 2000, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2330 – Relating to the regulation of certain low-speed vehicles and making a penalty applicable.

## AMENDMENTS FILED

S-5114	S.F.	2366	Nancy Boettger Michael E. Gronstal Stewart E. Iverson, Jr. Matt McCoy
S-5115	H.F.	2172	Judiciary
S-5116	S.F.	2366	Jeff Lamberti
S-5117	S.F.	2391	Michael W. Connolly
S-5118	S.F.	2395	Steve King
S-5119	S.F.	2391	Michael W. Connolly
S-5120	S.F.	2391	Michael W. Connolly
S-5121	S.F.	2391	Michael W. Connolly
S-5122	S.F.	2395	Donald Redfern JoAnn Johnson Jeff Lamberti Patricia M. Harper Matt McCoy Patrick J. Deluhery Larry McKibben Robert E. Dvorsky Tom Flynn Michael E. Gronstal
S-5123	H.F.	2008	Natural Resources and Environment
S-5124	S.F.	2395	Jeff Lamberti

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:35 p.m., until 1:00 p.m., Monday, March 13, 2000.

# JOURNAL OF THE SENATE

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SIXTY-FOURTH CALENDAR DAY  
THIRTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 13, 2000

The Senate met in regular session at 1:10 p.m., President Kramer presiding.

Prayer was offered by the Reverend Sue Ellen Sherman, pastor of the First United Methodist Church of Dunlap, Iowa, guest of Senator Boettger.

The Journal of Thursday, March 9, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Flynn, until he arrives, on request of Senator Shearer; Senator Bartz, until he arrives, on request of Senator Lamberti; Senator Boettger, until she arrives, on request of Senator Johnson; and Senator Rife, until he arrives, on request of Senator Iverson.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2111.

### **Senate File 2111**

On motion of Senator Angelo, **Senate File 2111**, a bill for an act providing for a one hundred percent budget guarantee for school districts, and providing an effective date, 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?" (S.F. 2111), the vote was:

Ayes, 43:

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

Nays, 3:

Gronstal	Hansen	Shearer
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Absent or not voting, 4:

Bartz	Boettger	Flynn	Rife
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2111** be **immediately messaged** to the House.

### RECESS

On motion of Senator Iverson, the Senate recessed at 1:35 p.m., until 2:30 p.m.

**APPENDIX****CERTIFICATE OF RECOGNITION**

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

Coach Mike Bixler and the North Cedar Girls High School Basketball Team, Stanwood – For winning the State Class 2A Championship. Senator Rife (03/13/00).

**BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR**  
(Corrected)

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 13th day of March, 2000:

Senate File 2091.

MICHAEL E. MARSHALL  
Secretary of the Senate

**BILLS ASSIGNED TO COMMITTEE**

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

H.F.	2505	Human Resources
H.F.	2506	Local Government

**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** March 13, 2000, 10:05 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Black, Ranking Member; Fink and Gaskill.

**Members Absent:** None.

**Committee Business:** Discussion of subcommittee appropriations bill.

**Adjourned:** 11:15 a.m.

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 111**, by committee on Natural Resources and Environment, a concurrent resolution to request that the Congress of the United States maintain its commitment to clean air and the ethanol industry, by maintaining the oxygenate requirement in the federal Clean Air Act that promotes the use of ethanol in reformulated gasoline, and urging the United States Environmental Protection Agency to resist California's attempt to waive the oxygenate requirement in that state.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

## INTRODUCTION OF BILLS

**Senate File 2426**, by committee on Ways and Means, a bill for an act relating to the designation, valuation, and taxation of property in a horizontal property regime and including an effective date.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate File 2427**, by committee on Ways and Means, a bill for an act relating to the definition of factory-built structures, the certification of installers of manufactured homes and providing for a fee, an appropriation, and a civil penalty.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

## SUBCOMMITTEE ASSIGNMENTS

**House File 2378**

EDUCATION: Gaskill, Chair; Boettger and Szymoniak

**House File 2430**

EDUCATION: Rehberg, Chair; Gaskill and Harper

**House File 2435**

EDUCATION: Dvorsky, Chair; Rehberg and Veenstra

**House File 2436**

EDUCATION: Redfern, Chair; Connolly and Rehberg



**House File 2437**

EDUCATION: Redwine, Chair; Boettger and Dvorsky

**House File 2471**

EDUCATION: Angelo, Chair; Fink and Sexton

**House File 2512**

TRANSPORTATION: Fink, Chair; Drake and Jensen

**COMMITTEE REPORTS****NATURAL RESOURCES AND ENVIRONMENT**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 111 (SSB 3139), a concurrent resolution to request that the Congress of the United States maintain its commitment to clean air and the ethanol industry, by maintaining the oxygenate requirement in the federal Clean Air Act that promotes the use of ethanol in reformulated gasoline, and urging the United States Environmental Protection Agency to resist California's attempt to waive the oxygenate requirement in that state.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife. Nays, none. Absent or not voting, none.

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

**WAYS AND MEANS**

**Final Bill Action:** \*SENATE FILE 2426 (SSB 3211), a bill for an act relating to the designation, valuation, and taxation of property in a horizontal property regime and including an effective date.

**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. Absent or not voting, none.

**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 Ways and Means Committee on Senate File 2426, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2427 (Formerly SF 2239), a bill for an act relating to the definition of factory-built structures, the certification of installers of manufactured homes and providing for a fee, an appropriation, and a civil penalty.

**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. Absent or not voting, none.

**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 Ways and Means Committee on Senate File 2427, and they were attached to the committee report.

AFTERNOON SESSION

The Senate reconvened at 2:47 p.m., Senator Hedge presiding.

QUORUM CALL

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

The vote revealed 34 present, 16 absent, and a quorum present.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2141 and 2364.

**Senate File 2141**

On motion of Senator Drake, **Senate File 2141**, a bill for an act creating a merchant marine bonus fund and making an appropriation, with report of committee on Appropriations 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?” (S.F. 2141), the vote was:

Ayes, 49:

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  
Zieman

Szymoniak

Tinsman

Veenstra

Nays, none.

Absent or not voting, 1:

Flynn

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

### **Senate File 2364**

On motion of Senator Angelo, **Senate File 2364**, a bill for an act relating to the residency requirements for city civil service employees, 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?" (S.F. 2364), 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	Judge
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, 2:

Johnson

Rittmer

Absent or not voting, 1:

Flynn

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 2141** and **2364** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2326.

#### **Senate File 2326**

On motion of Senator Rife, **Senate File 2326**, a bill for an act relating to funding of certain household hazardous material collection efforts and events, was taken up for consideration.

Senator Deluhery asked and received unanimous consent to withdraw amendment S-5045, filed by Senators Deluhery and Bolkcom on March 1, 2000, to page 1 and to the title page of the bill.

Senator Rife offered amendment S-5040, filed by him on March 1, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5040 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2326), the vote was:

Ayes, 49:

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	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Flynn

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 2326** be **immediately messaged** to the House.

The Senate stood at ease at 3:20 p.m. until the fall of the gavel for the purpose of a Republican caucus.

The Senate resumed session at 5:15 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 40 present, 10 absent, and a quorum present.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2144 and 2367.

**Senate File 2144**

On motion of Senator Szymoniak, **Senate File 2144**, a bill for an act relating to regulation and inspection of health care facilities including the establishment of a quality-based inspections system, was taken up for consideration.

Senator Szymoniak offered amendment S-5092, filed by her on March 8, 2000, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5092 was adopted by a voice vote.

Senator Gronstal asked and received unanimous consent that action on **Senate File 2144** be **deferred**.

**Senate File 2367**

On motion of Senator Redwine, **Senate File 2367**, a bill for an act relating to the information collected through termination of pregnancy reporting, was taken up for consideration.

Senator Redwine offered amendment S-5111, filed by him on March 8, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5111 was adopted by a voice vote.

Senator Hammond asked and received unanimous consent that action on **Senate File 2367** be **deferred**.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

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

UNFINISHED BUSINESS  
(Deferred March 9, 2000)

**Senate File 2213**

The Senate resumed consideration of **Senate File 2213**, a bill for an act relating to on-site presence of a pipeline company representative during farmland improvements near pipelines, deferred March 9, 2000.

Senator King offered amendment S-5129, filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5129 was adopted by a voice vote.

Senator Gronstal offered amendment S-5128, filed by him from the floor to pages 1-3 of the bill, and moved its adoption.

Amendment S-5128 lost 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?" (S.F. 2213), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fink	Fraise
Freeman	Gaskill	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, 2:

Gronstal	McCoy
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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.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2213** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2121.

### **Senate File 2121**

On motion of Senator Tinsman, **Senate File 2121**, a bill for an act providing for additional local funding authority under the instructional support levy for school districts, was taken up for consideration.

Senator Gronstal raised the point of order that Senate File 2121 be referred to the committee on Ways and Means under Senate Rule 38.

The Chair ruled the point well taken.

### BILL REFERRED TO COMMITTEE

President Kramer announced that **Senate File 2121** was referred from the Regular Calendar to the committee on **Ways and Means** under Senate Rule 38.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen, until he returns, on request of Senator Iverson.

UNFINISHED BUSINESS  
(Deferred March 2, 2000)

**Senate File 2375**

The Senate resumed consideration of **Senate File 2375**, a bill for an act relating to the taking of deer within a city, the use of artificial light while hunting, and subjecting violators to an existing penalty, deferred March 2, 2000.

Senator King offered amendment S-5060, filed by Senators King and Rehberg on March 6, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5060 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?" (S.F. 2375), the vote was:

Ayes, 34:

Bartz	Behn	Boettger	Bolkcom
Connolly	Deluhery	Drake	Dvorsky
Fraise	Freeman	Gaskill	Hedge
Horn	Iverson	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 13:

Angelo	Black	Fink	Gronstal
Hammond	Hansen	Harper	Judge
Kibbie	McCoy	Shearer	Soukup
Szymoniak			

Absent or not voting, 3:

Dearden	Flynn	Jensen
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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 **Senate File 2375** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2257.

### **Senate File 2257**

On motion of Senator Boettger, **Senate File 2257**, a bill for an act relating to juvenile crime prevention and youth development grant fund requirements and providing an effective date, was taken up for consideration.

Senator Schuerer offered amendment S-5035, filed by him on February 29, 2000, to page 3 of the bill, and moved its adoption.

Amendment S-5035 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?" (S.F. 2257), the vote was:

Ayes, 46:

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

Shearer  
Veenstra

Soukup  
Zieman

Szymoniak

Tinsman

Nays, none.

Absent or not voting, 4:

Dearden

Flynn

Jensen

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 2257** be **immediately messaged** to the House.

### BUSINESS PENDING

#### **Senate File 2367**

The Senate resumed consideration of **Senate File 2367**, a bill for an act relating to the information collected through termination of pregnancy reporting, previously deferred.

Senator Hammond offered amendment S-5134, filed by Senators Hammond and Harper from the floor to pages 1, 2, and 4 of the bill.

Senator Bartz called for a division of amendment S-5134:

Division S-5134A: Lines 2-6 and 11-17.

Division S-5134B: Lines 7-10.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

## BUSINESS PENDING

**Senate File 2367**

The Senate resumed consideration of Senate File 2367, and amendment S-5134.

Senator Hammond moved the adoption of division S-5134A.

A non-record roll call was requested.

The ayes were 22, nays 24.

Amendment S-5134A lost.

Senator Hammond moved the adoption of division S-5134B.

A non-record roll call was requested.

The ayes were 24, nays 22.

Amendment S-5134B was adopted.

Senator Redwine asked and received unanimous consent that action on **Senate File 2367** be **deferred**.

## HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 13, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2321**, a bill for an act relating to medical assistance, including eligibility categories and transfer of assets.

Read first time and referred to committee on **Human Resources**.

**House File 2425**, a bill for an act relating to knowledge of limitations on authority of managers of limited liability companies by persons dealing with such companies.

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

**House File 2433**, a bill for an act relating to community college governance.

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

**House File 2442**, a bill for an act establishing a protocol for visitors to the state capitol.

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

**House File 2458**, a bill for an act relating to aviation transportation and providing an effective date.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

**House File 2474**, a bill for an act providing for the adoption of administrative rules incorporating a health services component in the general accreditation standards applicable to school districts.

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

**House File 2477**, a bill for an act relating to public improvements and transportation, including procedures for condemnation and highway projects, aircraft registration, and passenger rail service, and providing an effective date.

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

**House File 2531**, a bill for an act relating to services provided by county officers including funding for emergency medical services and the disposition of lost property.

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

## **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:

March 13, 2000

#### **CAPITOL PLANNING COMMISSION**

1999 Annual Report, as required by Iowa Code section 18A.3.

#### **DEPARTMENT OF GENERAL SERVICES**

ADA Assessment Plan Phase I Report for the Capitol Complex, March 9, 2000.

#### **DEPARTMENT OF HUMAN SERVICES**

Report on Implementation Timetable for the Adult Decategorization Project, as required by House File 664.

### **PETITION**

The following petition was presented and placed on file:

From 35 residents of Dubuque County favoring legislation regarding improvements in the Iowa Public Employee Retirement System. Senator Connolly.

### **EXPLANATION OF VOTES**

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on March 9, 2000, when the votes were taken on Senate Files 2238, 2252, 2303, 2344, 2366, and 2395. Had I been present, I would have voted "Aye" on all.

JEFF ANGELO

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on March 9, 2000, when the vote was taken on Senate File 2395, and on March 13, 2000, when the vote was taken on Senate File 2111. Had I been present, I would have voted "Aye" on both.

MERLIN E. BARTZ

## REPORT OF COMMITTEE MEETING

**EDUCATION**

**Convened:** March 13, 2000, 2:04 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 2198, as amended.

**Adjourned:** 2:14 p.m.

## STUDY BILL RECEIVED

**SSB 3218 Appropriations**

Appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, and making related statutory changes, and providing an effective date provision.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 2295**

WAYS AND MEANS: Lamberti, Chair; Drake and Harper

**Senate File 2370**

WAYS AND MEANS: Hedge, Chair; Bartz and Flynn

**House File 2316**

COMMERCE: Lamberti, Chair; Deluhery and Maddox

**House File 2351**

WAYS AND MEANS: Drake, Chair; Harper and McKibben

**House File 2420**

JUDICIARY: Lamberti, Chair; Hammond and Maddox



**House File 2422**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Soukup, Chair; Lundby and Sexton

**House File 2502**

LOCAL GOVERNMENT: Bartz, Chair; Fraise and McKean

**House File 2506**

LOCAL GOVERNMENT: Angelo, Chair; Fraise and McKean

**House File 2513**

JUDICIARY: McKibben, Chair; Hansen and Lamberti

**House File 2519**

JUDICIARY: Angelo, Chair; Fraise and Maddox

**House File 2521**

JUDICIARY: Tinsman, Chair; Hansen and Miller

**House File 2525**

JUDICIARY: Lamberti, Chair; McCoy and McKibben

**SSB 3218**

APPROPRIATIONS: Schuerer, Chair; McLaren and Soukup

**COMMITTEE REPORT****EDUCATION**

**Final Bill Action:** HOUSE FILE 2198, a bill for an act directing the department of education to conduct a feasibility study of reorganization and sharing incentives for school districts.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5135.

**Final Vote:** Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

## AMENDMENTS FILED

S-5125	S.F.	2338	Michael W. Connolly
S-5126	S.F.	2338	Michael W. Connolly
S-5127	S.F.	449	Steve King
S-5128	S.F.	2213	Michael E. Gronstal
S-5129	S.F.	2213	Steve King
S-5130	S.F.	2175	Mark Shearer
S-5131	H.F.	656	Sheldon Rittmer
S-5132	H.F.	656	Sheldon Rittmer
S-5133	S.F.	2427	JoAnn Johnson
S-5134	S.F.	2367	Johnie Hammond
			Patricia M. Harper
S-5135	H.F.	2198	Education

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:21 p.m., until 9:00 a.m., Tuesday, March 14, 2000.

# JOURNAL OF THE SENATE

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SIXTY-FIFTH CALENDAR DAY  
THIRTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 14, 2000

The Senate met in regular session at 9:05 a.m., President Kramer presiding.

Prayer was offered by the Reverend Bernie Grady, pastor of St. Mary's Church of Marshalltown, Iowa, guest of Senator McKibben.

The Journal of Monday, March 13, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, until he arrives, on request of Senator Dvorsky; and Senator McLaren, until he arrives, on request of Senator Rife.

UNFINISHED BUSINESS  
(Deferred March 13, 2000)

## **Senate File 2367**

The Senate resumed consideration of **Senate File 2367**, a bill for an act relating to the information collected through termination of pregnancy reporting, deferred March 13, 2000.

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?" (S.F. 2367), the vote was:

Ayes, 34:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Deluhery	Drake
Flynn	Freeman	Gaskill	Hansen
Hedge	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Veenstra	Zieman		

Nays, 14:

Bolkcom	Dearden	Dvorsky	Fink
Fraise	Gronstal	Hammond	Harper
Horn	Rife	Shearer	Soukup
Szymoniak	Tinsman		

Absent or not voting, 2:

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

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2367** be **immediately messaged** to the House.

### RECESS

On motion of Senator Iverson, the Senate recessed at 9:27 a.m., until 4:00 p.m.

## **APPENDIX**

### **PRESENTATION OF VISITORS**

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

Eric Shook, from Dunkerton, who has earned his Eagle Scout award. He was accompanied by his grandfather Tom Delong from Dunkerton, who is also an Eagle Scout, and other family members. They were guests of Senator Rehberg.

### **CERTIFICATES OF RECOGNITION**

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

Iowa Valley Community College District, Marshalltown – For receiving a prestigious Bellwether Finalist Award in the category of planning, governance, and finance. Senator McKibben (03/14/00).

Coach Matt Klemesrud and the Blue and White Wolverines, Dike-New Hartford – For winning the first round of the Boys' Basketball Class 2A Tournament. Senator Jensen (03/14/00).

Andrea Meyer, Perry – For winning the E. Wayne Cooley Scholarship Award. Senator Johnson (03/14/00).

Zachary Rudolph – For achieving the rank of Eagle Scout. Senator Dvorsky (03/14/00).

Dowling High School Girls' Basketball Team, West Des Moines – For winning the State Class 4A Championship. Senator Maddox (03/14/00).

### **BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 14th day of March, 2000:

Senate File 2373.

MICHAEL E. MARSHALL  
Secretary of the Senate

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2367, the following corrections were made:

1. Page 1, line 14, the letters "~~e~~ g," were changed to the letter "c".
2. Page 1, line 18, the letters "~~d~~ h," were changed to the letter "d".
3. Page 1, line 19, the letters "~~e~~ k," were changed to the letter "e".
4. Page 1, line 20, the letters "~~f~~ l," were changed to the letter "f".
5. Page 1, line 21, the letters "~~g~~ m," were changed to the letter "g".
6. Page 1, line 22, the letters "~~h~~ n," were changed to the letter "h".
7. Page 1, line 25, the letters "~~i~~ o," were changed to the letter "i".
8. Page 1, line 26, the letter "~~p~~," was changed to the letter "j".
9. Page 1, line 27, the letters "~~j~~ q," were changed to the letters "~~j~~ k".

MICHAEL E. MARSHALL  
Secretary of the Senate

## GOVERNOR'S WITHDRAWAL OF APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on March 14, 2000:

I respectfully withdraw the name of Douglas W. Larche from consideration by the Senate for appointment as Director of Department of Cultural Affairs.

Sincerely,  
THOMAS J. VILSACK  
Governor

## EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on March 13, 2000, when the votes were taken on Senate Files 2111, 2141, 2213, 2257, 2326, 2364, and 2375. Had I been present, I would have voted "Aye" on all.

TOM FLYNN

## REPORTS OF COMMITTEE MEETINGS

**APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** March 13, 2000, 11:05 a.m.

**Members Present:** King, Chair; Lundby, Vice Chair; Deluhery, Ranking Member; Harper and Rittmer.

**Members Absent:** None.

**Committee Business:** Passed subcommittee appropriations bill.

**Recessed:** 11:07 a.m.

**Reconvened:** 12:23 p.m.

**Recessed:** 1:16 p.m.

**Reconvened:** 7:25 p.m.

**Adjourned:** 8:08 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** March 14, 2000, 7:40 a.m.

**Members Present:** Behn, Chair; Hedge, Vice Chair; Black, Ranking Member; Fink and Gaskill.

**Members Absent:** None.

**Committee Business:** Passed the subcommittee appropriations bill (LSB 5374JA), as amended.

**Adjourned:** 9:00 a.m.

**HUMAN RESOURCES**

**Convened:** March 14, 2000, 1:07 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra.

**Members Absent:** None.

**Committee Business:** Passed HF's 2080, 2362, and 2377.

**Adjourned:** 1:52 p.m.

## JUDICIARY

**Convened:** March 14, 2000, 11:36 a.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman.

**Members Absent:** None.

**Committee Business:** Subcommittee assignments. Passed HF's 683 (as amended), 2170, 2173, 2240, 2253, 2331, and 2419.

**Adjourned:** 12:18 p.m.

## LOCAL GOVERNMENT

**Convened:** March 14, 2000, 10:37 a.m.

**Members Present:** Angelo, Chair; Bartz, Vice Chair; Bolkcom, Ranking Member; Fraise, Gaskill, Hammond, Judge, McKean, McKibben, Miller, Rife, and Zieman.

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

**Committee Business:** Subcommittee assignments. Passed HF 2528, as amended.

**Adjourned:** 11:06 a.m.

## SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Convened:** March 14, 2000, 9:40 a.m.

**Members Present:** Lundby, Chair; Behn, Vice Chair; Shearer, Ranking Member; Boettger, Hansen, Judge, Rittmer, Sexton, Soukup, Tinsman, and Veenstra.

**Members Absent:** Flynn and Zieman (both excused).

**Committee Business:** Passed HF's 2179 and 2424.

**Adjourned:** 9:53 a.m.

## STATE GOVERNMENT

**Convened:** March 14, 2000, 10:38 a.m.

**Members Present:** Rittmer, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak.

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

**Committee Business:** Subcommittee assignments. Passed HF 2431.



**Adjourned:** 10:52 a.m.

## **TRANSPORTATION**

**Convened:** March 14, 2000, 1:05 p.m.

**Members Present:** Drake, Chair; Sexton, Vice Chair; McCoy, Ranking Member; Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, McKibben, Rittmer, and Zieman.

**Members Absent:** None.

**Committee Business:** Passed HF 2512.

**Adjourned:** 1:45 p.m.

## **SUBCOMMITTEE ASSIGNMENTS**

### **Senate File 2121**

WAYS AND MEANS: Johnson, Chair; Bolkcom and McLaren

### **House File 2321**

HUMAN RESOURCES: Hammond, Chair; Dvorsky and Tinsman

### **House File 2368**

TRANSPORTATION: Sexton, Chair; Drake and Judge

### **House File 2442**

STATE GOVERNMENT: Szymoniak, Chair; Rittmer and Schuerer

### **House File 2458**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Tinsman, Chair; Behn and Shearer

### **House File 2477**

TRANSPORTATION: McCoy, Chair; Drake and Kibbie

### **House File 2480**

TRANSPORTATION: Freeman, Chair; Drake and Judge

### **House File 2505**

HUMAN RESOURCES: Tinsman, Chair; Harper and Veenstra

**House File 2522**

HUMAN RESOURCES: Bartz, Chair; Harper and Tinsman

**House File 2531**

LOCAL GOVERNMENT: Miller, Chair; Hammond and McKibben

**COMMITTEE REPORTS****SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Final Bill Action:** HOUSE FILE 2179 (Formerly HF 2055), a bill for an act relating to the certified school to career program.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Lundby, Behn, Shearer, Boettger, Hansen, Judge, Rittmer, Sexton, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 2: Flynn and Ziemann.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2424, a bill for an act creating an Iowa Lewis and Clark bicentennial commission, an Iowa Lewis and Clark bicentennial fund, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Lundby, Behn, Shearer, Boettger, Hansen, Judge, Rittmer, Sexton, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 2: Flynn and Ziemann.

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

**STATE GOVERNMENT**

**Final Bill Action:** HOUSE FILE 2431, a bill for an act relating to ethics and campaign disclosure board procedures and to conflicts of interest of public officers and employees.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 1: McLaren.

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

## AMENDMENTS FILED

S-5136	S.F.	2258	Robert E. Dvorsky
S-5137	S.F.	2341	Nancy Boettger
			Maggie Tinsman
			Elaine Szymoniak
			Jerry Behn
			Ken Veenstra
			Patricia Harper
			John Redwine
			Neal Schuerer
			Mark Shearer
			Robert E. Dvorsky
			David P. Miller
S-5138	S.F.	2338	Mike Sexton

## AFTERNOON SESSION

The Senate reconvened at 4:12 p.m., Senator Boettger presiding.

## QUORUM CALL

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

The vote revealed 47 present, 3 absent, and a quorum present.

President Kramer took the chair at 4:26 p.m.

The Senate stood at ease at 4:27 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:30 p.m., Senator Hedge presiding.

## QUORUM CALL

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

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

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McLaren, until he arrives, on request of Senator Jensen; and Senator McCoy, until he arrives, on request of Senator Dvorsky.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2350, 2389, 2369, and 2214.

**Senate File 2350**

On motion of Senator Veenstra, **Senate File 2350**, a bill for an act relating to dental services under the medical assistance program and providing an effective date, was taken up for consideration.

Senator Veenstra 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. 2350), 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 2389**

On motion of Senator Sexton, **Senate File 2389**, a bill for an act relating to contracts and agreements entered into by the Iowa lottery board and commissioner of the lottery, 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?" (S.F. 2389), the vote was:

Ayes, 27:

Bartz	Connolly	Dearden	Deluhery
Fink	Flynn	Gaskill	Gronstal
Harper	Horn	Iverson	Jensen
Judge	Kibbie	Kramer	Lamberti
Lundby	Maddox	McCoy	Miller
Rife	Rittmer	Sexton	Soukup
Szymoniak	Tinsman	Zieman	

Nays, 22:

Angelo	Behn	Black	Boettger
Bolkcom	Drake	Dvorsky	Fraise
Freeman	Hammond	Hansen	Hedge
Johnson	King	McKean	McKibben
Redfern	Redwine	Rehberg	Schuerer
Shearer	Veenstra		

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.

### Senate File 2369

On motion of Senator Miller, **Senate File 2369**, a bill for an act relating to the sharing of juvenile court social records or child abuse records pursuant to an interagency agreement, was taken up for consideration.

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?" (S.F. 2369), 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.

### **Senate File 2214**

On motion of Senator Gaskill, **Senate File 2214**, a bill for an act relating to residential landlord-tenant law, by allowing for notice of and a surcharge for rent paid with a check returned for insufficient funds, and making certain changes related to forcible entry and detainer actions, was taken up for consideration.

Senator Gaskill offered amendment S-5056, filed by him on March 2, 2000, to pages 2 and 3 of the bill, and moved its adoption.

Amendment S-5056 was adopted by a voice vote.

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?" (S.F. 2214), the vote was:

Ayes, 48:

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

Sexton  
Tinsman

Shearer  
Veenstra

Soukup  
Zieman

Nays, 2:

Dvorsky

Hammond

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 2214, 2350, 2369, and 2389** be **immediately messaged** to the House.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2391, 2175, and 2267.

#### **Senate File 2391**

On motion of Senator Sexton, **Senate File 2391**, a bill for an act relating to regulatory duties of the department of inspections and appeals related to games of skill or chance and raffles, was taken up for consideration.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5120, filed by him on March 9, 2000, to pages 1, 4, and 5 of the bill.

Senator Connolly offered amendment S-5119, filed by him on March 9, 2000, to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5119 be adopted?" (S.F. 2391) the vote was:



Ayes, 16:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Flynn	Fraise	Gronstal
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Shearer	Soukup

Nays, 34:

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

Absent or not voting, none.

Amendment S-5119 lost.

Senator Connolly offered amendment S-5117, filed by him on March 9, 2000, to page 5 of the bill.

Senator Connolly asked and received unanimous consent that action on amendment S-5117 be deferred.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5121, filed by him on March 9, 2000, to page 8 and to the title page of the bill.

Senator Connolly asked and received unanimous consent that action on **Senate File 2391** be **deferred**.

## **Senate File 2175**

On motion of Senator Schuerer, **Senate File 2175**, a bill for an act providing for the establishment of a bank office in certain unincorporated areas, with report of committee recommending passage, was taken up for consideration.

Senator Shearer offered amendment S-5130, filed by him on March 13, 2000, to page 1 of the bill.

Senator Gronstal asked and received unanimous consent that action on amendment S-5130 and **Senate File 2175** be **deferred**.

### **Senate File 2267**

On motion of Senator Angelo, **Senate File 2267**, a bill for an act requiring the board of directors of a school district to adopt a contract with parents as part of a student promotion policy for grade three level students and providing for related matters, was taken up for consideration.

President Kramer took the chair at 7:50 p.m.

Senator Iverson asked and received unanimous consent that action on **Senate File 2267** be **deferred**.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rehberg, until she arrives, on request of Senator Boettger.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2341.

### **Senate File 2341**

On motion of Senator Boettger, **Senate File 2341**, a bill for an act relating to community empowerment areas by revising the Iowa empowerment board membership and establishing a formula for distribution of school ready children grant funding and including related provisions and providing an effective date, was taken up for consideration.

Senator Boettger offered amendment S-5137, filed by Senators Boettger, et al., from the floor to pages 4, 5, and 6 of the bill, and moved its adoption.

Amendment S-5137 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?" (S.F. 2341), 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	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Rehberg                      Rife

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

## BUSINESS PENDING

### **Senate File 2391**

The Senate resumed consideration of **Senate File 2391**, a bill for an act relating to regulatory duties of the department of inspections and appeals related to games of skill or chance and raffles, previously deferred.

Senator Connolly offered amendment S-5150, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5150 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5117, filed by him on March 9, 2000, to page 5 of the bill.

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. 2391), the vote was:

Ayes, 37:

Angelo	Bartz	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Horn	Iverson
Johnson	Judge	Kibbie	Kramer
Lamberti	Lundby	Maddox	McCoy
McLaren	Redfern	Rife	Rittmer
Sexton	Shearer	Soukup	Szymoniak
Tinsman			

Nays, 12:

Behn	Boettger	Hedge	Jensen
King	McKean	McKibben	Miller
Redwine	Schuerer	Veenstra	Zieman

Absent or not voting, 1:

Rehberg

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

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2341** and **2391** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2126.

**Senate File 2126**

On motion of Senator Johnson, **Senate File 2126**, a bill for an act relating to third-party payment of health care coverage costs for prescription contraceptive drugs, devices, and services, with report of committee recommending passage, was taken up for consideration.

Senator Johnson offered amendment S-5112, filed by her on March 9, 2000, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5112 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

BUSINESS PENDING

**Senate File 2126**

The Senate resumed consideration of Senate File 2126.

Senator Schuerer offered amendment S-5144, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5144 be adopted?" (S.F. 2126) the vote was:

Ayes, 9:

Behn  
McKibben  
Veenstra

Flynn  
Miller

Iverson  
Redwine

King  
Schuerer

Nays, 39:

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

Absent or not voting, 2:

Lamberti	Rehberg
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Amendment S-5144 lost.

Senator King offered amendment S-5145, filed by him from the floor to page 1 of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 10, nays 37.

Amendment S-5145 lost.

Senator King offered amendment S-5146, filed by him from the floor to page 1 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5146 be adopted?" (S.F. 2126) the vote was:

Ayes, 13:

Behn	Flynn	Freeman	Hedge
Iverson	King	Lamberti	McKibben
Miller	Redwine	Schuerer	Sexton
Veenstra			

Nays, 34:

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

Gaskill	Gronstal	Hammond	Hansen
Harper	Horn	Jensen	Johnson
Judge	Kibbie	Kramer	Lundby
Maddox	McCoy	McKean	Redfern
Rittmer	Shearer	Soukup	Szymoniak
Tinsman	Zieman		

Absent or not voting, 3:

McLaren	Rehberg	Rife
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Amendment S-5146 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lamberti, until he returns, on request of Senator Iverson.

## BUSINESS PENDING

### Senate File 2126

The Senate resumed consideration of Senate File 2126.

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. 2126), the vote was:

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

Ayes, 41:

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

Nays, 7:

Behn  
Schuerer

Flynn  
Sexton

Iverson  
Veenstra

King

Absent or not voting, 2:

Lamberti

Rehberg

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

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2126** be **immediately messaged** to the House.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2327.

### **Senate File 2327**

On motion of Senator Angelo, **Senate File 2327**, a bill for an act relating to certain procedures for the purchase or condemnation of interest in private property by a utility subject to the jurisdiction of the Iowa utilities board, was taken up for consideration.

Senator Angelo offered amendment S-5089, filed by him on March 8, 2000, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5089 was adopted by a voice vote.

Senator Bartz took the chair at 9:41 p.m.



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?" (S.F. 2327), 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	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rife	Rittmer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Lamberti	Rehberg	Schuerer
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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 (Deferred March 13, 2000)

### **Senate File 2144**

The Senate resumed consideration of **Senate File 2144**, a bill for an act relating to regulation and inspection of health care facilities including the establishment of a quality-based inspections system, deferred March 13, 2000.

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

On the question "Shall the bill pass?" (S.F. 2144), the vote was:

Ayes, 42:

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

Nays, 7:

Dearden	Fink	Hammond	Harper
McCoy	Redfern	Shearer	

Absent or not voting, 1:

Rehberg

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

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2365 and 2299.

#### **Senate File 2365**

On motion of Senator Tinsman, **Senate File 2365**, a bill for an act relating to family investment program requirements regarding the time period allowed for supported postsecondary education assistance and including an applicability provision, 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?" (S.F. 2365), 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	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Rehberg

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

### Senate File 2299

On motion of Senator King, **Senate File 2299**, a bill for an act relating to the state list of endangered and threatened fish, plants, and wildlife, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2299), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Drake	Dvorsky	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  
Sexton  
Tinsman

Rife  
Shearer  
Veenstra

Rittmer  
Soukup  
Zieman

Schuerer  
Szymoniak

Nays, 2:

Bolkcom

Fink

Absent or not voting, 1:

Rehberg

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

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2144, 2299, 2327, and 2365** be **immediately messaged** to the House.

President Kramer took the chair at 10:21 p.m.

### BUSINESS PENDING

#### **Senate File 2267**

The Senate resumed consideration of **Senate File 2267**, a bill for an act requiring the board of directors of a school district to adopt a contract with parents as part of a student promotion policy for grade three level students and providing for related matters, previously deferred.

Senator Connolly offered amendment S-5149, filed by him from the floor striking everything after the enacting clause and to the title page of the bill.

Senator Angelo raised the point of order that amendment S-5149 was not germane to the bill.

Senator Angelo asked and received unanimous consent to withdraw his question of germaneness.

Senator Connolly moved the adoption of amendment S-5149.

A record roll call was requested.

On the question "Shall amendment S-5149 be adopted?" (S.F. 2267) the vote was:

Ayes, 21:

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

Nays, 29:

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

Absent or not voting, none.

Amendment S-5149 lost.

Senator Angelo offered amendment S-5070, filed by him on March 7, 2000, to pages 1-4 and to the title page of the bill, and moved its adoption.

Amendment S-5070 was adopted by a voice vote.

Senator Gronstal offered amendment S-5148, filed by him from the floor to page 4 of the bill.

Senator Gronstal asked and received unanimous consent that action on amendment S-5148 be deferred.

Senator Angelo offered amendment S-5151, filed by him from the floor to page 4 of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 26, nays 18.

Amendment S-5151 was adopted.

With the adoption of amendment S-5151, the Chair ruled amendment S-5148, filed by Senator Gronstal from the floor to page 4 of the bill, out of order.

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?" (S.F. 2267), the vote was:

Ayes, 26:

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

Nays, 24:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Freeman	Gronstal	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Lundby	McCoy	McLaren
Rife	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, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2267** be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2338 and 2203.

**Senate File 2338**

On motion of Senator Sexton, **Senate File 2338**, a bill for an act providing for a school investment partnership pilot program, was taken up for consideration.

Senator Connolly offered amendment S-5125, filed by him on March 13, 2000, to pages 1, 3, and to the title page of the bill.

Senator Sexton raised the point of order that amendment S-5125 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5125 out of order.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5126, filed by him on March 13, 2000, to pages 1 and 3 of the bill.

Senator Sexton offered amendment S-5138, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5138 was adopted by a voice vote.

Senator Hedge took the chair at 12:05 a.m.

President Kramer took the chair at 12:14 a.m.

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. 2338), the vote was:

Ayes, 39:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Gronstal
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, 10:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Hammond		

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.

### **Senate File 2203**

On motion of Senator King, Senate File 2203, a bill for an act to allow the assignment of benefits under an insurance policy or contract, or health benefit plan to the provider of health care services, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak offered amendment S-5147, filed by her from the floor to page 1 of the bill.

Senator King raised the point of order that amendment S-5147 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-5147 in order.

Senator Szymoniak moved the adoption of amendment S-5147.



A non-record roll call was requested.

The ayes were 18, nays 28.

Amendment S-5147 lost.

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?" (S.F. 2203), the vote was:

Ayes, 42:

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

Nays, 7:

Connolly	Dearden	Fink	Hedge
Horn	Shearer	Szymoniak	

Present, 1:

Kramer

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 2203 and 2338** 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 March 14, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2027**, a bill for an act relating to the construction or acquisition of infrastructure by rural water districts by providing for financing and exempting certain debt instruments from taxation.

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

**House File 2206**, a bill for an act providing for the waiver or variance of administrative rules by state agencies.

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

**House File 2254**, a bill for an act relating to actions on certain older claims to real estate.

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

**House File 2292**, a bill for an act requesting a legislative study to review the mission, structure, responsiveness, and funding of the area education agencies.

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

**House File 2327**, a bill for an act relating to county levy and expenditure authority involving the risk pool and county mental health, mental retardation, and developmental disabilities services fund by authorizing appropriations from the fund for capital assets used exclusively for purposes of the services fund, authorizing associated county general fund levies and expenditures, and including transition, effective, and applicability dates, and other related provisions.

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

**House File 2329**, a bill for an act extending the time period to qualify for certain linked investment programs and providing an effective date.

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

**House File 2368**, a bill for an act relating to weight restrictions on certain implements of husbandry and providing for a study.

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

**House File 2376**, a bill for an act relating to veterans preference in public employment.

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

**House File 2391**, a bill for an act establishing a criminal offense relating to theft detection shielding devices and theft detection devices and providing a penalty.

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

**House File 2393**, a bill for an act relating to the certification of persons as confinement site manure applicators, providing for fees, and making penalties applicable.

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

**House File 2461**, a bill for an act relating to redistricting by providing for senatorial elections subsequent to redistricting, the relationship of legislative and congressional district boundaries, and multi-director school district terms.

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

**House File 2463**, a bill for an act relating to the department of personnel by providing for the duties of the department, the administration of the department, and benefits provided state employees, and providing effective and retroactive applicability dates.

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

**House File 2480**, a bill for an act relating to motor vehicle registration periods and providing an effective date.

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

**House File 2486**, a bill for an act relating to the taking of fish and game by establishing residency requirements and methods of taking fish and subjecting violators to an existing penalty.

Read first time and referred to committee on **Natural Resources and Environment**.

**House File 2494**, a bill for an act providing for the application of compost material to land for use for the production of organic agricultural products.

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

**House File 2510**, a bill for an act relating to operating while intoxicated, including ignition interlock provisions.

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

**House File 2511**, a bill for an act providing that the course for drinking drivers shall be taught by community colleges and licensed substance abuse programs, requiring participation in substance abuse awareness programs by all persons under the age of twenty-one who drive with a blood alcohol concentration level of .02 or more, and making related changes.

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

**House File 2518**, a bill for an act relating to probate law, including assessment of court costs, certain notification provisions, certain distributions to minors, the effect of dissolution of marriage on will provisions, and powers of attorney.

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

ALSO: That the House has on March 14, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2300**, a bill for an act relating to interference with lawful hunting, fishing, or fur harvesting and providing a penalty.  
(S-5143)

## APPENDIX

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS

**Convened:** March 14, 2000, 2:04 p.m.

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

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

**Committee Business:** Approved SSB 3218.

**Adjourned:** 3:40 p.m.

### BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 14, 2000, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2091 – Relating to procedures for discontinuance of a city.

### REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2126, the following correction was made:

1. Page 3, line 9, the words and numbers “subsections 1 through 4A” were changed to the words and numbers “subsections 1 through 5”.

MICHAEL E. MARSHALL  
Secretary of the Senate

### INTRODUCTION OF BILL

**Senate File 2428**, by committee on Appropriations, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, and making related statutory changes, and providing an effective date provision.

Read first time under Rule 28 and placed on **Appropriations calendar.**

## SUBCOMMITTEE ASSIGNMENTS

### **House File 2027**

LOCAL GOVERNMENT: Rife, Chair; Angelo and Judge

### **House File 2254**

JUDICIARY: Redfern, Chair; Horn and McKibben

### **House File 2329**

AGRICULTURE: Sexton, Chair; Bartz and Fraise

### **House File 2393**

AGRICULTURE: Miller, Chair; Behn and Kibbie

### **House File 2425**

JUDICIARY: Lamberti, Chair; Dvorsky and McKibben

### **House File 2433**

EDUCATION: Sexton, Chair; Redwine and Szymoniak

### **House File 2474**

EDUCATION: Tinsman, Chair; Harper and Redfern

### **House File 2494**

AGRICULTURE: Hedge, Chair; Black and Zieman

## COMMITTEE REPORTS

### **APPROPRIATIONS**

**Final Bill Action:** SENATE FILE 2428 (SSB 3218), a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, and making related statutory changes, and providing an effective date provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: McLaren, Kramer, Behn, Freeman, Hedge, Jensen, Johnson, King, Lamberti, Maddox, Redwine, Rehberg, Rife, Schuerer, and Tinsman. Nays, 9: Flynn, Bolkcom, Connolly, Deluhery, Dvorsky, Hammond, Horn, McCoy, and Soukup. Absent or not voting, 1: Black.

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

## JUDICIARY

**Final Bill Action:** HOUSE FILE 683 (Formerly HF 297), a bill for an act relating to mediation services related to custody, visitation, and support of a child.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5139.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2173 (Formerly HF 2030), a bill for an act providing for inheritance by great-grandparents, great-aunts and uncles, and second cousins of intestate decedents.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2240, a bill for an act relating to notice and the appointment of counsel in guardianship and conservatorship proceedings.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2253, a bill for an act relating to state criminal jurisdiction and to the crimes of escape and absence from custody.



**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2331 (Formerly HF 2034), a bill for an act relating to operating a motorboat or sailboat while intoxicated and providing penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2419, a bill for an act changing the criminal penalties relating to possession, manufacture, or delivery of amphetamines.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

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

## LOCAL GOVERNMENT

**Final Bill Action:** HOUSE FILE 2528, a bill for an act relating to the condemnation of private property for certain public purposes and providing an effective date.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5140.

**Final Vote:** Ayes, 11: Angelo, Bartz, Fraise, Gaskill, Hammond, Judge, McKean, McKibben, Miller, Rife, and Zieman. Nays, 1: Bolkcom. Absent or not voting, 1: McCoy.

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

**TRANSPORTATION**

**Final Bill Action:** HOUSE FILE 2512 (Formerly HF 2222), a bill for an act relating to certain violations attributed to motor vehicles rented from motor vehicle rental companies.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Drake, Sexton, Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, and McKibben. Nays, none. Absent or not voting, 3: McCoy, Rittmer, and Zieman.

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

**EXPLANATION OF VOTE**

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on March 14, 2000, when the vote was taken on Senate File 2327. Had I been present, I would have voted "Aye."

NEAL SCHUERER

**AMENDMENTS FILED**

S-5139	H.F.	683	Judiciary
S-5140	H.F.	2528	Local Government
S-5141	S.F.	2318	Nancy Boettger Elaine Szymoniak
S-5142	H.F.	2198	Robert E. Dvorsky
S-5143	S.F.	2300	House
S-5144	S.F.	2126	Neal Schuerer
S-5145	S.F.	2126	Steve King
S-5146	S.F.	2126	Steve King
S-5147	S.F.	2203	Elaine Szymoniak
S-5148	S.F.	2267	Michael E. Gronstal
S-5149	S.F.	2267	Michael W. Connolly
S-5150	S.F.	2391	Michael W. Connolly
S-5151	S.F.	2267	Jeff Angelo
S-5152	S.F.	2332	Elaine Szymoniak

**ADJOURNMENT**

On motion of Senator Iverson, the Senate adjourned at 12:54 a.m., until 9:00 a.m., Wednesday, March 15, 2000.

# JOURNAL OF THE SENATE

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SIXTY-SIXTH CALENDAR DAY  
THIRTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 15, 2000

The Senate met in regular session at 9:35 a.m., President Kramer presiding.

Prayer was offered by the Reverend Steve Gibbons, pastor of the Christ Community Evangelical Free Church of Sioux Center, Iowa, guest of Senator Veenstra.

The Journal of Tuesday, March 14, 2000, 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 March 14, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2514**, a bill for an act relating to licensure requirements for physician assistants and providing an effective date.

Read first time and referred to committee on **Human Resources**.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:47 a.m., until 1:00 p.m.

## APPENDIX

### PRESENTATION OF VISITORS

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

Girl Scout Troop from Dunkerton, Iowa, accompanied by Angela Graham. Senator Rehberg.

### CERTIFICATES OF RECOGNITION

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

Jonathan Gress, Avoca – For achieving the rank of Eagle Scout on March 19, 2000. Senator Boettger (03/15/00).

Ryan Richardson, Avoca – For achieving the rank of Eagle Scout on March 19, 2000. Senator Boettger (03/15/00).

### REPORT OF COMMITTEE MEETING

#### AGRICULTURE

**Convened:** March 15, 2000, 8:34 a.m.

**Members Present:** Gaskill, Chair; Miller, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman.

**Members Absent:** None.

**Committee Business:** Passed HF's 2085, 2277, 2329, 2393, 2491, and 2494.

**Adjourned:** 9:30 a.m.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 2292

EDUCATION: Veenstra, Chair; Boettger and Szymoniak

#### House File 2327

LOCAL GOVERNMENT: Bolckcom, Chair; McKibben and Miller

**House File 2486**

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Drake and Rife

**House File 2510**

TRANSPORTATION: McKean, Chair; Drake and Fraise

**House File 2511**

TRANSPORTATION: Drake, Chair; Jensen and Kibbie

**House File 2514**

HUMAN RESOURCES: Redwine, Chair; Boettger and Szymoniak

**AMENDMENT FILED**

S-5153      S.F.    2216      David Miller

## AFTERNOON SESSION

The Senate reconvened at 1:11 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 42 present, 8 absent, and a quorum present.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2216.

**Senate File 2216**

On motion of Senator Miller, **Senate File 2216**, a bill for an act relating to substance abuse by pregnant women by providing for civil commitment of certain chronic substance abusers, with report of committee recommending passage, was taken up for consideration.

Senator Miller offered amendment S-5153, filed by him from the floor to page 2 and to the title page of the bill, and moved its adoption.

Amendment S-5153 was adopted by a voice vote.

Senator Dvorsky asked and received unanimous consent that action on **Senate File 2216** be **deferred**.

The Senate stood at ease at 1:34 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:38 p.m., President Kramer presiding.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2328 and 2318.

**Senate File 2328**

On motion of Senator Shearer, **Senate File 2328**, a bill for an act relating to reports of assault and sexual abuse occurring on community college and university campuses, was taken up for consideration.

Senator Shearer offered amendment S-5107, filed by him on March 8, 2000, striking everything after the enacting clause of the bill, and moved its adoption.

Amendment S-5107 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?" (S.F. 2328), 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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he arrives, on request of Senator Dvorsky.

**Senate File 2318**

On motion of Senator Boettger, **Senate File 2318**, a bill for an act relating to the establishment of Iowa charter schools, was taken up for consideration.

Senator Boettger offered amendment S-5141, filed by Senators Boettger and Szymoniak on March 14, 2000, striking everything after the enacting clause of the bill.

Senator Hedge took the chair at 2:57 p.m.

Senator Bolkcom offered amendment S-5159, filed by him from the floor to page 14 of amendment S-5141, and moved its adoption.

Amendment S-5159 was adopted by a voice vote.

Senator Boettger moved the adoption of amendment S-5141, as amended.

Amendment S-5141 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?" (S.F. 2318), the vote was:

Ayes, 30:

Angelo	Bartz	Behn	Boettger
Drake	Flynn	Freeman	Gaskill
Hedge	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McLaren
Miller	Redwine	Rehberg	Rife



Schuerer  
Veenstra

Sexton  
Zieman

Szymoniak

Tinsman

Nays, 19:

Black  
Deluhery  
Gronstal  
Horn  
Rittmer

Bolkcom  
Dvorsky  
Hammond  
Judge  
Shearer

Connolly  
Fink  
Hansen  
Kibbie  
Soukup

Dearden  
Fraise  
Harper  
Redfern

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.

## UNFINISHED BUSINESS (Deferred March 14, 2000)

### **Senate File 2175**

The Senate resumed consideration of **Senate File 2175**, a bill for an act providing for the establishment of a bank office in certain unincorporated areas and amendment S-5130, deferred March 14, 2000.

Senator Shearer moved the adoption of amendment S-5130.

Amendment S-5130 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2175), the vote was:

Ayes, 45:

Angelo  
Bolkcom  
Drake  
Freeman  
Harper  
Jensen

Bartz  
Connolly  
Dvorsky  
Gaskill  
Hedge  
Johnson

Behn  
Dearden  
Fink  
Hammond  
Horn  
Judge

Boettger  
Deluhery  
Flynn  
Hansen  
Iverson  
Kibbie

King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, 4:

Black	Fraise	Gronstal	Rife
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Absent or not voting, 1:

McCoy

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

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2010.

#### **Senate File 2010**

On motion of Senator Sexton, **Senate File 2010**, a bill for an act relating to the traditional livestock producer's linked investment loan program by modifying eligibility requirements, with report of committee recommending passage, 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?" (S.F. 2010), 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.

### BUSINESS PENDING

#### **Senate File 2216**

The Senate resumed consideration of **Senate File 2216**, a bill for an act relating to substance abuse by pregnant women by providing for civil commitment of certain chronic substance abusers, previously deferred.

Senator Hammond offered amendment S-5157, filed by her from the floor to page 2 and to the title page of the bill.

Senator Hammond offered amendment S-5161, filed by her from the floor to page 1 of amendment S-5157, and moved its adoption.

A non-record roll call was requested.

The ayes were 28, nays 17.

Amendment S-5161 was adopted.

President Kramer took the chair at 4:13 p.m.

Senator Hammond moved the adoption of amendment S-5157, as amended.

A record roll call was requested.

On the question "Shall amendment S-5157 be adopted?" (S.F. 2216) the vote was:

Ayes, 18:

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

Nays, 29:

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

Absent or not voting, 3:

Johnson	Lundby	McCoy
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Amendment S-5157 lost.

Senator Hammond offered amendment S-5158, filed by Senators Hammond and Harper from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5158 be adopted?" (S.F. 2216) the vote was:

Ayes, 19:

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

Nays, 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		

Absent or not voting, 1:

McCoy

Amendment S-5158 lost.

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?" (S.F. 2216), the vote was:

Ayes, 32:

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

Nays, 17:

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

Absent or not voting, 1:

McCoy

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 Files 2010, 2175, 2216, 2318, and 2328** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration Senate File 2332.

**Senate File 2332**

On motion of Senator Szymoniak, **Senate File 2332**, a bill for an act creating a council on responsible fatherhood, was taken up for consideration.

Senator Szymoniak asked and received unanimous consent to withdraw amendment S-5152, filed by her on March 14, 2000, striking everything after the enacting clause of the bill.

Senator Szymoniak offered amendment S-5160, filed by her on March 15, 2000, striking everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment S-5160 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2332), 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, none.

Absent or not voting, 1:

Rife

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

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2332** 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 March 15, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2317**, a bill for an act relating to the regulation of the sale of viatical settlements.

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

**House File 2388**, a bill for an act relating to the concurrent jurisdiction of the juvenile court and the district court relating to modification of child custody and support orders.

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

**House File 2429**, a bill for an act relating to the publication and recordkeeping duties of county officers by providing for the maintenance of permanent records by electronic means and the determination of publication rates.

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

**House File 2438**, a bill for an act extending a partial suspension of permitting requirements of facilities that deal with hazardous waste.

Read first time and referred to committee on **Natural Resources and Environment**.

**House File 2485**, a bill for an act relating to the allocation of funds within the soil and water enhancement account of the resource enhancement and protection fund.

Read first time and referred to committee on **Natural Resources and Environment**.

ALSO: That the House has on March 15, 2000, amended and passed the following bills in which the **concurrence** of the **Senate** is asked:

**Senate File 2147**, a bill for an act relating to motor vehicles, including motor vehicle enforcement, titling, and registration, the renewal of certain licenses related to selling vehicles, and motor carrier regulation, making penalties applicable, and providing effective dates. (S-5155)

**Senate File 2254**, a bill for an act relating to child support including medical support and payment of costs to financial institutions for data matching and automation program development. (S-5164)



## APPENDIX

### PRESENTATION OF VISITORS

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

Fifty high school juniors from Underwood Community Schools in Underwood, Iowa, accompanied by their teacher, Mr. Benzing. Senator Boettger.

High school seniors from Ruthven-Ayrshire Community Schools in Ruthven, Iowa, accompanied by their teacher, Jon Josephson. Senator Kibbie.

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** March 15, 2000, 11:47 a.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, Redwine, and Schuerer.

**Members Absent:** McCoy and Redfern (both excused).

**Committee Business:** Passed HF's 2205, 2248, and 2316.

**Adjourned:** 12:07 p.m.

#### TRANSPORTATION

**Convened:** March 15, 2000, 10:35 a.m.

**Members Present:** Drake, Chair; Sexton, Vice Chair; McCoy, Ranking Member; Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, Rittmer, and Zieman.

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

**Committee Business:** Passed HF's 2368, 2477, 2480, 2510, and 2511.

**Adjourned:** 11:40 a.m.

### STUDY BILLS RECEIVED

#### SSB 3219 Appropriations

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, and providing an effective date.

## **SSB 3220 Appropriations**

Relating to and making appropriations for agriculture and natural resources and providing effective dates.

### **SUBCOMMITTEE ASSIGNMENTS**

#### **House File 2206**

STATE GOVERNMENT: King, Chair; Kibbie and Lamberti

#### **House File 2317**

COMMERCE: Deluhery, Chair; Gronstal and Jensen

#### **House File 2323**

JUDICIARY: Maddox, Chair; Hansen and Lamberti

#### **House File 2376**

STATE GOVERNMENT: Kibbie, Chair; Dearden and Drake

#### **House File 2388**

JUDICIARY: Hammond, Chair; Boettger and McKean

#### **House File 2391**

JUDICIARY: Angelo, Chair; McCoy and McKean

#### **House File 2429**

LOCAL GOVERNMENT: McKibben, Chair; Bolkcom and Miller

#### **House File 2438**

NATURAL RESOURCES AND ENVIRONMENT: Fink, Chair; Johnson and Rife

#### **House File 2461**

STATE GOVERNMENT: Maddox, Chair; Connolly and Lamberti

**House File 2463**

STATE GOVERNMENT: Rittmer, Chair; Fink and Sexton

**House File 2485**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Fink and King

**House File 2518**

JUDICIARY: Redfern, Chair; Horn and McKibben

**SSB 3219**

APPROPRIATIONS: King, Chair; Deluhery and McLaren

**SSB 3220**

APPROPRIATIONS: Behn, Chair; Black and McLaren

**COMMITTEE REPORTS****AGRICULTURE**

**Final Bill Action:** HOUSE FILE 2085 (Formerly HF 2037), a bill for an act relating to health certificate requirements for breeding bulls and making penalties applicable.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Gaskill, Miller, Fraise, Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Shearer.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2277, a bill for an act relating to hunting preserves by eliminating regulations applicable to certain animals classified as livestock.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Gaskill, Miller, Fraise, Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2329 (Formerly HF 2108), a bill for an act extending the time period to qualify for certain linked investment programs and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Gaskill, Miller, Fraise, Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2393 (Formerly HF 2075), a bill for an act relating to the certification of persons as confinement site manure applicators, providing for fees, and making penalties applicable.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Gaskill, Miller, Fraise, Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Veenstra, and Zieman. Nays, 2: Shearer and Soukup. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2491, a bill for an act providing for the production of life science products, and providing for penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Gaskill, Fraise, Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Present, 1: Miller. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2494, a bill for an act providing for the application of compost material to land for use for the production of organic agricultural products.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Gaskill, Miller, Fraise, Angelo, Bartz, Behn, Black, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, none.

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

## COMMERCE

**Final Bill Action:** HOUSE FILE 2205, a bill for an act relating to electronic commerce by establishing requirements for electronic transactions and electronic records and providing penalties.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5162.

**Final Vote:** Ayes, 13: Jensen, Maddox, Deluhery, Bolkcom, Flynn, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, Redwine, and Schuerer. Nays, none. Absent or not voting, 2: McCoy and Redfern.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2248, a bill for an act relating to alternate methods of providing proof of motor vehicle financial responsibility and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Jensen, Maddox, Deluhery, Bolkcom, Flynn, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, Redwine, and Schuerer. Nays, none. Absent or not voting, 2: McCoy and Redfern.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2316, a bill for an act relating to the regulation of health organizations for purposes of solvency and establishing a measure for the risk-based capital of a health organization.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Jensen, Maddox, Deluhery, Bolkcom, Flynn, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, Redwine, and Schuerer. Nays, none. Absent or not voting, 2: McCoy and Redfern.

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

## EDUCATION

**Final Bill Action:** HOUSE FILE 2280 (Formerly HF 2159), a bill for an act requiring the director of the department of education to develop and administer an operation recognition program.

**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. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2291, a bill for an act relating to teacher shortages by creating a permanent substitute teacher license and including effective and applicability date provisions.

**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. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2435, a bill for an act repealing a provision authorizing the raising of an additional enrichment amount to fund asbestos removal projects.

**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. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2471 (Formerly HF 2406), a bill for an act directing the department of education to implement and establish criteria for recognition of performance excellence exemplified by outstanding comprehensive school improvement plans submitted by school districts.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Redfern, Rehberg, Connolly, Angelo, Boettger, Gaskill, Harper, Redwine, Sexton, Tinsman, and Veenstra. Nays, 4: Dvorsky, Fink, Shearer, and Szymoniak. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2473 (Formerly HF 522), a bill for an act providing civil and criminal immunity for a school employee related to the employee's participation in reporting and investigating violence, threats of violence, or other inappropriate activity against a school employee or student in a school building, on school grounds, or at a school-sponsored function.

**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. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2474, a bill for an act providing for the adoption of administrative rules incorporating a health services component in the general accreditation standards applicable to school districts.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Redfern, Connolly, Angelo, Dvorsky, Gaskill, Harper, Shearer, Szymoniak, and Tinsman. Nays, 4: Rehberg, Boettger, Redwine, and Veenstra. Absent or not voting, 2: Fink and Sexton.

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

## HUMAN RESOURCES

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 106, a concurrent resolution relating to support of the State of Minnesota's lawsuit against the federal government and the United States Secretary of Health and Human Services regarding disparate funding under the federal Medicare program.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2080, a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Boettger, Redwine, Szymoniak, Bartz, Dvorsky, Hammond, Shearer, Tinsman, and Veenstra. Nays, 4: Behn, Harper, Miller, and Schuerer. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2321, a bill for an act relating to medical assistance, including eligibility categories and transfer of assets.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Shearer.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2362, a bill for an act relating to the establishment of a domestic abuse death review team and providing a penalty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Shearer, Tinsman, and Veenstra. Nays, 1: Schuerer. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** \*HOUSE FILE 2377, a bill for an act providing for access to certain child abuse information by the governor and the general assembly, making penalties and remedies applicable, and including an effective date and applicability provision.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5154.

**Final Vote:** Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

**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 Human Resources Committee on House File 2377, and they were attached to the committee report.



ALSO:

**Final Bill Action:** HOUSE FILE 2505, a bill for an act relating to mental health and developmental disabilities service funding and administrative provisions and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Shearer.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2522 (Formerly HF 2342), a bill for an act relating to addresses used by persons seeking relief from domestic abuse.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Shearer.

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

## TRANSPORTATION

**Final Bill Action:** HOUSE FILE 2368, a bill for an act relating to weight restrictions on certain implements of husbandry and providing for a study.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Drake, Sexton, McCoy, Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, Rittmer, and Zieman. Nays, none. Absent or not voting, 1: McKibben.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2477, a bill for an act relating to public improvements and transportation, including procedures for condemnation and highway projects, aircraft registration, and passenger rail service, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Drake, Sexton, McCoy, Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, Rittmer, and Zieman. Nays, none. Absent or not voting, 1: McKibben.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2480, a bill for an act relating to motor vehicle registration periods and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Drake, McCoy, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, Rittmer, and Zieman. Nays, none. Absent or not voting, 3: Sexton, Fink, and McKibben.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2510, a bill for an act relating to operating while intoxicated, including ignition interlock provisions.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5156.

**Final Vote:** Ayes, 12: Drake, Sexton, McCoy, Fink, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, Rittmer, and Zieman. Nays, none. Absent or not voting, 1: McKibben.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2511 (Formerly HF 2066), a bill for an act providing that the course for drinking drivers shall be taught by community colleges and licensed substance abuse programs, requiring participation in substance abuse awareness programs by all persons under the age of twenty-one who drive with a blood alcohol concentration level of .02 or more, and making related changes.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Drake, Sexton, McCoy, Fraise, Freeman, Jensen, Judge, Kibbie, McKean, Rittmer, and Zieman. Nays, none. Absent or not voting, 2: Fink and McKibben.

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

#### AMENDMENTS FILED

S-5154	H.F. 2377	Human Resources
S-5155	S.F. 2147	House

S-5156	H.F.	2510	Transportation
S-5157	S.F.	2216	Johnie Hammond
S-5158	S.F.	2216	Johnie Hammond
			Patricia M. Harper
S-5159	S.F.	2318	Joe Bolkcom
S-5160	S.F.	2332	Elaine Szymoniak
S-5161	S.F.	2216	Johnie Hammond
S-5162	H.F.	2205	Commerce
S-5163	S.F.	2355	Patrick J. Deluhery
			Neal Schuerer
S-5164	S.F.	2254	House

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:20 p.m., until 9:00 a.m., March 16.

# JOURNAL OF THE SENATE

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SIXTY-SEVENTH CALENDAR DAY  
FORTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 16, 2000

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

Prayer was offered by the Reverend Greg Stamm, pastor of the Community Reformed Church of Clinton, Iowa, guest of Senator Rittmer.

The Journal of Wednesday, March 15, 2000, 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 March 15, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2229**, a bill for an act relating to informed consent provisions relating to an abortion and providing civil remedies and criminal penalties.

Read first time and referred to committee on **Human Resources**.

## SPECIAL GUESTS

Senator Kibbie introduced Senator Mary Jackman, M.C.C. (Fine Gael), from Newton Castletroy, Co. Limerick, accompanied by her husband Nicholas Jackman.

Her profession is a secondary school teacher, Presentation Convent Secondary School and Sexton St. Limerick. Her subjects are geography and English with particular interest in Curriculum Development programs for the less academic. She is currently a member of the Governing Authority of the University of Limerick, Castletroy, Co. Limerick. She has been a member of Limerick County Council since 1985. Her special interests are planning and the environment.

Senator Jackman addressed the Senate with brief remarks regarding the academic and technological future of Ireland and its American ties.

Senator Kibbie presented Senator Jackman with a gift in appreciation of her visit.

Senator Kibbie introduced Miss Shamrock 2000, Courtney Thu, and her parents, Craig and Karen Thu, from Ruthven, Iowa. Miss Thu was chosen to reign over the St. Patrick's Day celebration for 2000.

Senator Kibbie introduced Little Miss Lassie Heather Kline from Hospers, Iowa. Miss Kline was accompanied by her mother and grandmother.

Senator Kibbie welcomed the Little Irish Dancers who were present in the balcony and would be performing in the rotunda.

#### BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Iverson asked and received unanimous consent that the following bills be placed on the Unfinished Business Calendar:

S.F. 2114  
S.F. 2296  
S.F. 2312  
S.F. 2337  
S.F. 2361  
S.F. 2408  
S.F. 2416  
S.F. 2418

S.F. 2420

S.F. 2425

S.F. 2426

S.F. 2427

S.F. 2428

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:38, until the fall of the gavel.

## APPENDIX

### COMMUNICATION RECEIVED

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

March 15, 2000

#### AGENCY ICN REPORT

##### IOWA NATIONAL GUARD

Report on Iowa Communications Network usage for FY 1999.

### CERTIFICATE OF RECOGNITION

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

Isiserettes Drill and Drum Corps, Des Moines – For your outstanding achievements and for your 20th anniversary celebration on April 29, 2000. Senator Szymoniak (03/16/00).

### REPORTS OF COMMITTEE MEETINGS

#### EDUCATION

**Convened:** March 15, 2000, 9:56 a.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's 2280, 2291, 2378, 2433, 2435, 2436 (as amended), 2437 (as amended), 2471, 2473, 2474, and 2496.

**Recessed:** 11:15 a.m.

**Reconvened:** March 16, 2000, 12:15 p.m.

**Adjourned:** 1:00 p.m.

**HUMAN RESOURCES**

**Convened:** March 15, 2000, 11:20 a.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra.

**Members Absent:** None.

**Committee Business:** Passed HCR 106 and HF's 2321, 2505, and 2522.

**Adjourned:** 11:45 a.m.

**JUDICIARY**

**Convened:** March 15, 2000, 5:25 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman.

**Members Absent:** None.

**Committee Business:** Subcommittee assignments. Passed HF's 2170, 2420, 2470, 2519 (as amended), and 2525.

**Adjourned:** 5:48 p.m.

**LOCAL GOVERNMENT**

**Convened:** March 15, 2000, 6:05 p.m.

**Members Present:** Angelo, Chair; Bartz, Vice Chair; Bolcom, Ranking Member; Fraise, Gaskill, Hammond, Judge, McCoy, McKean, McKibben, Miller, Rife, and Zieman.

**Members Absent:** None.

**Committee Business:** Subcommittee assignments.

**Adjourned:** 6:25 p.m.

**COMMERCE**

**Convened:** March 16, 2000, 12:07 p.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Deluhery, Ranking Member; Bolcom, Flynn, Gronstal, Johnson, King, Lamberti, McCoy, Redfern, Redwine, and Schuerer.

**Members Absent:** Hansen and Lundby (both excused).



**Committee Business:** Passed HF's 2148 and 2317.

**Adjourned:** 12:11 p.m.

## **HUMAN RESOURCES**

**Convened:** March 16, 2000, 8:11 a.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Miller, Schuerer, Shearer, Tinsman, and Veenstra.

**Members Absent:** Hammond and Harper (both excused).

**Committee Business:** Passed HF 2229.

**Recessed:** 8:52 a.m.

**Reconvened:** 9:45 a.m.

**Adjourned:** 9:50 a.m.

## **LOCAL GOVERNMENT**

**Convened:** March 16, 2000, 10:45 a.m.

**Members Present:** Angelo, Chair; Bartz, Vice Chair; Bolkcom, Ranking Member; Fraise, Gaskill, Hammond, Judge, McCoy, McKean, McKibben, Miller, Rife, and Ziemann.

**Members Absent:** None.

**Committee Business:** Passed HF's 2027, 2327, 2429, 2492 (as amended), 2502, and 2531.

**Adjourned:** 11:05 a.m.

## **NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** March 16, 2000, 10:00 a.m.

**Members Present:** Bartz, Chair; King, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife.

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

**Committee Business:** Passed HF's 2438, 2485, and 2486.

**Adjourned:** 10:22 a.m.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** March 16, 2000, 10:07 a.m.

**Members Present:** Lundby, Chair; Behn, Vice Chair; Shearer, Ranking Member; Boettger, Flynn, Hansen, Judge, Rittmer, Sexton, Soukup, Veenstra, and Ziemann.

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

**Committee Business:** Passed HF's 2422 and 2423.

**Adjourned:** 10:17 a.m.

ALSO:

**Convened:** March 16, 2000, 1:05 p.m.

**Members Present:** Lundby, Chair; Behn, Vice Chair; Shearer, Ranking Member; Boettger, Flynn, Judge, Rittmer, Sexton, Soukup, Tinsman, and Ziemann.

**Members Absent:** Hansen and Veenstra (both excused).

**Committee Business:** Passed HF 2458.

**Adjourned:** 1:07 p.m.

**STATE GOVERNMENT**

**Convened:** March 16, 2000, 11:06 a.m.

**Members Present:** Rittmer, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak.

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

**Committee Business:** Subcommittee assignments. Passed HF's 2206, 2376, 2394, 2442, 2461, and 2463 (as amended).

**Adjourned:** 12:05 p.m.

**SUBCOMMITTEE ASSIGNMENT****House File 2394**

STATE GOVERNMENT: Kibbie, Chair; Dearden and Sexton

COMMITTEE REPORTS

HUMAN RESOURCES

**Final Bill Action:** HOUSE FILE 2229, a bill for an act relating to informed consent provisions relating to an abortion and providing civil remedies and criminal penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Boettger, Redwine, Bartz, Behn, Miller, Schuerer, and Veenstra. Nays, none. Absent or not voting, 6: Szymoniak, Dvorsky, Hammond, Harper, Shearer, and Tinsman.

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

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Final Bill Action:** HOUSE FILE 2422 (Formerly HF 2233), a bill for an act relating to funding of the local housing assistance program and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Lundby, Behn, Shearer, Boettger, Flynn, Hansen, Judge, Rittmer, Sexton, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Tinsman.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2423, a bill for an act creating a brownfield redevelopment program and fund and a brownfield redevelopment advisory council.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Lundby, Behn, Shearer, Boettger, Flynn, Hansen, Judge, Rittmer, Sexton, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Tinsman.

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

AMENDMENTS FILED

S-5165	H.F.	2519	Judiciary
S-5166	H.F.	2474	Michael W. Connolly
S-5167	H.F.	2511	Richard F. Drake
			John P. Kibbie

S-5168	H.F. 2492	Local Government
S-5169	H.F. 2437	Education
S-5170	H.F. 2436	Education

### AFTERNOON SESSION

The Senate reconvened at 1:56 p.m., Senator Rittmer 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 March 16, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2148**, a bill for an act prohibiting the use of a telephone listing that misrepresents the name and location of a business and making penalties applicable.

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

**House File 2162**, a bill for an act relating to the development of a methodology to be used for reimbursement of psychiatric medical institutions for children under the medical assistance program.

Read first time and referred to committee on **Human Resources**.

**House File 2394**, a bill for an act to eliminate the regulation of frozen food locker plants by the department of agriculture and land stewardship.

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

**House File 2439**, a bill for an act relating to motor vehicle regulation and making penalties applicable.

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

**APPENDIX****REPORT OF COMMITTEE MEETING****JUDICIARY**

**Convened:** March 16, 2000, 1:36 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Redfern, and Tinsman.

**Members Absent:** Boettger and Miller.

**Committee Business:** Passed HF's 2254, 2388, 2391, 2425, 2513 (as amended), 2518, and 2521.

**Adjourned:** 2:29 p.m.

**STUDY BILL RECEIVED****SSB 3220.1 Appropriations**

Relating to and making appropriations for agriculture and natural resources and providing effective dates.

**SUBCOMMITTEE ASSIGNMENTS****House File 2148**

COMMERCE: Jensen, Chair; Gronstal and Johnson

**House File 2229**

HUMAN RESOURCES: Redwine, Chair; Boettger and Szymoniak

**SSB 3220.1**

APPROPRIATIONS: Behn, Chair; Black and McLaren

**COMMITTEE REPORTS****COMMERCE**

**Final Bill Action:** HOUSE FILE 2148, a bill for an act prohibiting the use of a telephone listing that misrepresents the name and location of a business and making penalties applicable.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Jensen, Maddox, Deluhery, Bolkcom, Flynn, Gronstal, Johnson, King, Lamberti, McCoy, Redfern, Redwine, and Schuerer. Nays, none. Absent or not voting, 2: Hansen and Lundby.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2317, a bill for an act relating to the regulation of the sale of viatical settlements.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Jensen, Maddox, Deluhery, Bolkcom, Flynn, Gronstal, Johnson, Lamberti, McCoy, Redfern, Redwine, and Schuerer. Nays, none. Absent or not voting, 3: Hansen, King, and Lundby.

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

## EDUCATION

**Final Bill Action:** HOUSE FILE 2378, a bill for an act relating to requirements of and authorizations for schools and area education agencies, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Redfern, Connolly, Angelo, Boettger, Dvorsky, Gaskill, Harper, Redwine, Shearer, Szymoniak, and Tinsman. Nays, 4: Rehberg, Fink, Sexton, and Veenstra. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2433 (Formerly HF 2180), a bill for an act relating to community college governance.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Redfern, Rehberg, Connolly, Angelo, Boettger, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, 1: Dvorsky. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2436, a bill for an act delaying the repeal of the school finance formula.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5170.

**Final Vote:** Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Harper, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2437 (Formerly HF 2156), a bill for an act relating to disclosure by a postsecondary education institution of information to the parent or guardian of a student.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5169.

**Final Vote:** Ayes, 14: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Redwine, Sexton, Shearer, Szymoniak, Tinsman, and Veenstra. Nays, 1 Harper. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2496, a bill for an act providing supplementary weighting for determining enrollment in school districts involved in district-to-district or district-to-community-college sharing programs, and at-risk programs, and providing an effective date.

**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. Absent or not voting, none.

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

## JUDICIARY

**Final Bill Action:** HOUSE FILE 2170, a bill for an act regarding application of the margin of error for chemical test evidence used in operating while intoxicated prosecutions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McKean, Lamberti, Hansen, Angelo, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Boettger.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2254, a bill for an act relating to actions on certain older claims to real estate.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: McKean, Lamberti, Hansen, Angelo, Fraise, Hammond, Horn, Maddox, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 4: Boettger, Dvorsky, McCoy, and Miller.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2388, a bill for an act relating to the concurrent jurisdiction of the juvenile court and the district court relating to modification of child custody and support orders.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: McKean, Lamberti, Hansen, Angelo, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 2: Boettger and Miller.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2391, a bill for an act establishing a criminal offense relating to theft detection shielding devices and theft detection devices and providing a penalty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: McKean, Lamberti, Hansen, Angelo, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 2: Boettger and Miller.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2420, a bill for an act relating to the statute of limitations for filing a sexual abuse or sexual exploitation criminal indictment or information.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, 1: Maddox. Absent or not voting, none.



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

ALSO:

**Final Bill Action:** HOUSE FILE 2425, a bill for an act relating to knowledge of limitations on authority of managers of limited liability companies by persons dealing with such companies.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: McKean, Lamberti, Hansen, Angelo, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 2: Boettger and Miller.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2470, a bill for an act relating to the office of the state public defender including indigent defense costs and the appropriation of indigent defense funds.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McKean, Lamberti, Hansen, Angelo, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Boettger.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2518, a bill for an act relating to probate law, including assessment of court costs, certain notification provisions, certain distributions to minors, the effect of dissolution of marriage on will provisions, and powers of attorney.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: McKean, Lamberti, Angelo, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Redfern, and Tinsman. Nays, 1: Hansen. Absent or not voting, 2: Boettger and Miller.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2519, a bill for an act relating to the repeal of the sixth judicial district pilot project concerning probation revocation hearings, and providing an effective date.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5165.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2521, a bill for an act relating to mandatory mediation of certain farm disputes prior to initiation of related litigation.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: McKean, Lamberti, Hansen, Angelo, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 2: Boettger and Miller.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2525 (Formerly HF 2031), a bill for an act relating to limitations on recoverable noneconomic damages in legal actions arising out of motor vehicle accidents.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

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

## LOCAL GOVERNMENT

**Final Bill Action:** HOUSE FILE 2027, a bill for an act relating to the construction or acquisition of infrastructure by rural water districts by providing for financing and exempting certain debt instruments from taxation.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Angelo, Bartz, Fraise, Gaskill, Hammond, Judge, McKibben, Miller, Rife, and Zieman. Nays, none. Absent or not voting, 3: Bolkcom, McCoy, and McKean.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2327, a bill for an act relating to county levy and expenditure authority involving the risk pool and county mental health, mental retardation, and developmental disabilities services fund by authorizing appropriations from the fund for capital assets used exclusively for purposes of the services fund, authorizing associated county general fund levies and expenditures, and including transition, effective, and applicability dates, and other related provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Angelo, Bartz, Bolcom, Fraise, Gaskill, Hammond, Judge, McKean, McKibben, Miller, Rife, and Ziemann. Nays, none. Absent or not voting, 1: McCoy.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2429, a bill for an act relating to the publication and recordkeeping duties of county officers by providing for the maintenance of permanent records by electronic means and the determination of publication rates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Angelo, Bartz, Bolcom, Fraise, Gaskill, Hammond, Judge, McCoy, McKean, McKibben, Miller, Rife, and Ziemann. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2492 (Formerly HF 2133), a bill for an act relating to certain state and municipal agencies by making changes relating to the provision of and training for fire protection service and emergency medical service and by amending the powers and duties of townships and township officers.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5168.

**Final Vote:** Ayes, 13: Angelo, Bartz, Bolcom, Fraise, Gaskill, Hammond, Judge, McCoy, McKean, McKibben, Miller, Rife, and Ziemann. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2502 (Formerly HF 2242), a bill for an act relating to fee-supported services provided by a county including the payment of county law enforcement salaries and expenses.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Angelo, Bartz, Bolkcom, Fraise, Gaskill, Judge, McKibben, Miller, Rife, and Zieman. Nays, 2: Hammond and McCoy. Absent or not voting, 1: McKean.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2531, a bill for an act relating to services provided by county officers including funding for emergency medical services and the disposition of lost property.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Angelo, Bartz, Bolkcom, Fraise, Gaskill, Hammond, Judge, McKean, McKibben, Miller, Rife, and Zieman. Nays, none. Absent or not voting, 1: McCoy.

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

## NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** HOUSE FILE 2438, a bill for an act extending a partial suspension of permitting requirements of facilities that deal with hazardous waste.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife. Nays, none. Absent or not voting, 1: Drake.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2485, a bill for an act relating to the allocation of funds within the soil and water enhancement account of the resource enhancement and protection fund.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife. Nays, none. Absent or not voting, 1: Drake.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2486, a bill for an act relating to the taking of fish and game by establishing residency requirements and methods of taking fish and subjecting violators to an existing penalty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Bartz, King, Fink, Black, Bolkcom, Dearden, Deluhery, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife. Nays, none. Absent or not voting, 1: Drake.

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

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Final Bill Action:** HOUSE FILE 2458 (Formerly HF 2289), a bill for an act relating to aviation transportation and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Lundby, Behn, Shearer, Boettger, Flynn, Judge, Rittmer, Sexton, Soukup, Tinsman, and Zieman. Nays, none. Absent or not voting, 2: Hansen and Veenstra.

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

### **STATE GOVERNMENT**

**Final Bill Action:** HOUSE FILE 2206, a bill for an act providing for the waiver or variance of administrative rules by state agencies.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 2: Lundby and McLaren.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2376, a bill for an act relating to veterans preference in public employment.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Maddox, Sexton, and Szymoniak. Nays, none. Absent or not voting, 3: Lundby, McLaren, and Schuerer.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2394, a bill for an act to eliminate the regulation of frozen food locker plants by the department of agriculture and land stewardship.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 2: Lundby and McLaren.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2442, a bill for an act relating to international relations including the creation of an international relations advisory council and the designation of legislative and executive branch protocol officers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 1: McLaren.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2461, a bill for an act relating to redistricting by providing for senatorial elections subsequent to redistricting, the relationship of legislative and congressional district boundaries, and multi-director school district terms.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 1: McLaren.

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

#### AMENDMENTS FILED

S-5171	H.F.	2496	William Fink Michael W. Connolly
S-5172	H.F.	2502	Matt McCoy

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:58 p.m., until 1:00 p.m., Monday, March 20, 2000.

# JOURNAL OF THE SENATE

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SEVENTY-FIRST CALENDAR DAY  
FORTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 20, 2000

The Senate met in regular session at 1:07 p.m., President Kramer presiding.

Prayer was offered by Monsignor Gerald Stessman, pastor of the Holy Trinity Church of Des Moines, Iowa, guest of Senator Szymoniak.

The Journal of Thursday, March 16, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Fink, for the day, on request of Senator Black; Senator Rehberg, for the day, on request of Senator King; Senator McLaren, for the day, on request of Senator Jensen; Senator Boettger, for the day, on request of Senator Iverson; Senators Flynn and Gronstal, until they arrive, on request of Senator Shearer; Senator Angelo, until he arrives, on request of Senator Iverson; and Senator McKean, until he arrives, on request of Senator Redfern.

## BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that the following bills be referred from the Regular Calendar to committee:

S.J.R.	2004	State Government
S.F.	31	Local Government
S.F.	422	Judiciary
S.F.	438	Natural Resources and Environment
S.F.	2009	Local Government
S.F.	2045	Local Government
S.F.	2084	Transportation



S.F.	2125	Human Resources
S.F.	2163	Education
S.F.	2180	State Government
S.F.	2201	Small Business, Economic Development, and Tourism
S.F.	2237	Commerce
S.F.	2244	Natural Resources and Environment
S.F.	2250	Judiciary
S.F.	2259	Human Resources
S.F.	2297	State Government
S.F.	2298	State Government
S.F.	2301	Agriculture
S.F.	2309	Judiciary
S.F.	2310	Agriculture
S.F.	2311	Natural Resources and Environment
S.F.	2343	Commerce
S.F.	2345	Commerce
S.F.	2347	Agriculture
S.F.	2352	Education
S.F.	2354	Agriculture
S.F.	2355	Commerce
S.F.	2356	Agriculture
S.F.	2357	Small Business, Economic Development, and Tourism
S.F.	2358	Judiciary
S.F.	2359	Business and Labor Relations
S.F.	2362	Natural Resources and Environment
S.F.	2363	Judiciary
S.F.	2374	Judiciary
S.F.	2387	Natural Resources and Environment
S.F.	2394	State Government
S.F.	2407	Commerce
S.F.	2410	Human Resources
S.F.	2412	Commerce
S.F.	2413	Appropriations
S.F.	2415	State Government
S.F.	2417	State Government

## HOUSE AMENDMENT CONSIDERED

### Senate File 2147

Senator Sexton called up for consideration Senate File 2147, a bill for an act relating to motor vehicles, including motor vehicle

enforcement, titling, and registration, the renewal of certain licenses related to selling vehicles, and motor carrier regulation, making penalties applicable, and providing effective dates, amended by the House, and moved that the Senate concur in House amendment S-5155, filed March 15, 2000.

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

Senator Sexton 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. 2147), the vote was:

Ayes, 42:

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

Nays, none.

Absent or not voting, 8:

Angelo	Boettger	Fink	Flynn
Gronstal	McKean	McLaren	Rehberg

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

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2240, 2330, 2329, 2277, and 2220.

**House File 2240**

On motion of Senator Miller, **House File 2240**, a bill for an act relating to notice and the appointment of counsel in guardianship and conservatorship proceedings, with report of committee recommending passage, was taken up for consideration.

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. 2240), the vote was:

Ayes, 42:

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

Nays, none.

Absent or not voting, 8:

Angelo	Boettger	Fink	Flynn
Gronstal	McKean	McLaren	Rehberg

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

**House File 2330**

On motion of Senator Kibbie, **House File 2330**, a bill for an act relating to directional signs visible from the street at polling places, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2330), the vote was:

Ayes, 42:

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

Nays, none.

Absent or not voting, 8:

Angelo	Boettger	Fink	Flynn
Gronstal	McKean	McLaren	Rehberg

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

## House File 2329

On motion of Senator Sexton, **House File 2329**, a bill for an act extending the time period to qualify for certain linked investment programs and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak asked and received unanimous consent that action on **House File 2329** be **deferred**.

## House File 2277

On motion of Senator Hedge, **House File 2277**, a bill for an act relating to hunting preserves by eliminating regulations applicable to certain animals classified as livestock, 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. 2277), the vote was:

Ayes, 43:

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

Nays, none.

Absent or not voting, 7:

Angelo	Boettger	Fink	Flynn
McKean	McLaren	Rehberg	

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

## House File 2220

On motion of Senator King, **House File 2220**, a bill for an act relating to the confidentiality of internet protocol numbers associated with public information requests, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2220), the vote was:

Ayes, 43:

Bartz	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake

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

Nays, none.

Absent or not voting, 7:

Angelo	Boettger	Fink	Flynn
McKean	McLaren	Rehberg	

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

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2147** and **House Files 2220, 2240, 2277, and 2330** be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2317 and 620.

#### **House File 2317**

On motion of Senator Deluhery, **House File 2317**, a bill for an act relating to the regulation of the sale of viatical settlements, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **House File 2317** be **deferred**.

**House File 620**

On motion of Senator McCoy, **House File 620**, a bill for an act relating to persons with disabilities by providing for the use of wheelchair parking cones, providing for persons with disabilities registration plates for trailers, and providing for penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Drake offered amendment S-5006, filed by the committee on Transportation on February 3, 2000, to pages 1-4 of the bill, and moved its adoption.

Amendment S-5006 was adopted by a voice vote.

Senator McCoy offered amendment S-5016, filed by Senators McCoy and Drake on February 21, 2000, to page 5 of the bill, and moved its adoption.

Amendment S-5016 was adopted by a voice vote.

Senator McCoy 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. 620), the vote was:

Ayes, 43:

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

Nays, none.

Absent or not voting, 7:

Angelo	Boettger	Fink	Flynn
McKean	McLaren	Rehberg	

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

## UNFINISHED BUSINESS

### Senate File 2418

On motion of Senator Maddox, **Senate File 2418**, a bill for an act relating to certification of property taxes by townships and providing an effective date, placed on the Unfinished Business Calendar on March 16, 2000, 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?" (S.F. 2418), the vote was:

Ayes, 42:

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

Nays, none.

Absent or not voting, 8:

Angelo	Boettger	Fink	Flynn
McKean	McLaren	Rehberg	Szymoniak

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



CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2136.

**House File 2136**

On motion of Senator Hansen, **House File 2136**, a bill for an act relating to nonsubstantive Code corrections, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McKean offered amendment S-5072, filed by the committee on Judiciary on March 7, 2000, to pages 2, 6, and 24 of the bill, and moved its adoption.

Amendment S-5072 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2136), the vote was:

Ayes, 43:

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

Nays, none.

Absent or not voting, 7:

Angelo	Boettger	Fink	Flynn
McKean	McLaren	Rehberg	

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

## UNFINISHED BUSINESS

### Senate File 2420

On motion of Senator Maddox, **Senate File 2420**, a bill for an act relating to the administration and enforcement of the replacement tax imposed on the generation, transmission, and delivery, consumption, and use of electricity and natural gas, providing for the Act's retroactive applicability, and providing an effective date, placed on the Unfinished Business Calendar on March 16, 2000, was taken up for consideration.

Senator Bartz took the chair at 2:21 p.m.

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

On the question "Shall the bill pass?" (S.F. 2420), the vote was:

Ayes, 43:

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

Nays, none.

Absent or not voting, 7:

Angelo	Boettger	Fink	Flynn
McKean	McLaren	Rehberg	

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

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2239.

**House File 2239**

On motion of Senator McKibben, **House File 2239**, a bill for an act relating to limited partnerships by providing for such partnerships to become limited liability limited partnerships, providing for related matters, and providing an effective date, 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. 2239), the vote was:

Ayes, 43:

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

Nays, none.

Absent or not voting, 7:

Angelo	Boettger	Fink	Flynn
McKean	McLaren	Rehberg	

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

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2418, 2420, and House Files 620, 2136, and 2239** be **immediately messaged** to the House.

## BUSINESS PENDING

**House File 2329**

The Senate resumed consideration of **House File 2329**, a bill for an act extending the time period to qualify for certain linked investment programs and providing an effective date, previously deferred.

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. 2329), the vote was:

Ayes, 43:

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

Nays, none.

Absent or not voting, 7:

Angelo	Boettger	Fink	Flynn
McKean	McLaren	Rehberg	

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

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2173, 2218, 2179, and 683.

**House File 2173**

On motion of Senator Redfern, **House File 2173**, a bill for an act providing for inheritance by great-grandparents, great-aunts and uncles, and second cousins of intestate decedents, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2173), the vote was:

Ayes, 43:

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

Nays, none.

Absent or not voting, 7:

Angelo	Boettger	Fink	Flynn
McKean	McLaren	Rehberg	

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

## House File 2218

On motion of Senator Schuerer, **House File 2218**, a bill for an act creating a county and state mutual insurance guaranty association and providing penalties, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2218), the vote was:

Ayes, 43:

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

Nays, none.

Absent or not voting, 7:

Angelo	Boettger	Fink	Flynn
McKean	McLaren	Rehberg	

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

## House File 2179

On motion of Senator Hansen, **House File 2179**, a bill for an act relating to the certified school to career program, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2179), the vote was:

Ayes, 43:

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

Nays, none.

Absent or not voting, 7:

Angelo	Boettger	Fink	Flynn
McKean	McLaren	Rehberg	

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

### House File 683

On motion of Senator Tinsman, **House File 683**, a bill for an act relating to mediation services related to custody, visitation, and support of a child, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Tinsman offered amendment S-5139, filed by the committee on Judiciary on March 14, 2000, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5139 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 683), the vote was:

Ayes, 44:

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

Nays, none.

Absent or not voting, 6:

Angelo	Boettger	Fink	McKean
McLaren	Rehberg		

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 683, 2173, 2179, 2218, and 2329** be **immediately messaged** to the House.



APPENDIX

CERTIFICATES OF RECOGNITION

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

Jenna Anderson, Council Bluffs – For being a first place-winner in the “Write Women Back Into History” Essay Contest — Women in Science and Engineering, 8th and 9th grades. Senator Gronstal (03/20/00).

Jacob Cantu, McGregor – For achieving the rank of Eagle Scout. Senator Zieman (03/20/00).

Derek DuCharme, McGregor – For achieving the rank of Eagle Scout. Senator Zieman (03/20/00).

Coach Matt Klemesrud and the Blue and White Wolverines, Dike-New Hartford – For winning the third place trophy in the Boys’ Class 2A State Basketball Tournament. Senator Jensen (03/20/00).

Davenport Assumption Knights, Davenport – For winning first place in the Boys’ Class 3A State Basketball Tournament. Senator Tinsman (03/20/00).

Jason Sinclair, McGregor – For achieving the rank of Eagle Scout. Senator Zieman (03/20/00).

Peter Strutt, McGregor – For achieving the rank of Eagle Scout. Senator Zieman (03/20/00).

APPOINTMENTS FROM THE GOVERNOR

The following appointees were submitted by the Governor to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

TERM

ACCOUNTANCY EXAMINING BOARD (Sec. 542C.3)	
Susan Boe, Des Moines	05/01/2000 – 04/30/2003
Ronald Nielsen, Waukee	05/01/2000 – 04/30/2003
David Vaudt, Des Moines	05/01/2000 – 04/30/2003
AFRICAN-AMERICANS, COMMISSION ON THE STATUS OF (Sec. 216A.142)	
Theresa Clark-Kline, Fort Madison	05/01/2000 – 04/30/2004
Angela Gravely-Smith, Iowa City	05/01/2000 – 04/30/2004
Joseph McGill, Cedar Rapids	05/01/2000 – 04/30/2004

Joyce McGlory, Des Moines	05/01/2000 – 04/30/2004
Jerome Thomas, Dubuque	05/01/2000 – 04/30/2004
AGRICULTURAL DEVELOPMENT AUTHORITY (Sec. 175.3)	
Frank Carroll, Des Moines	05/01/2000 – 04/30/2006
Timothy Galm, Everly	05/01/2000 – 04/30/2006
Fred Lundt, Rockwell	05/01/2000 – 04/30/2006
ALCOHOLIC BEVERAGES COMMISSION (Sec. 123.5)	
Patricia Drumeller, Sioux City	05/01/2000 – 04/30/2005
ARCHITECTURAL EXAMINING BOARD (Sec. 544A.1)	
Kevin Monson, Iowa City	05/01/2000 – 04/30/2003
Jeffrey Morgan, Des Moines	05/01/2000 – 04/30/2003
ATHLETIC TRAINING, BOARD OF EXAMINERS FOR (Sec. 152D.7)	
Thomas Greenwald, Ames	05/01/2000 – 04/30/2003
Susan Tiernan, Marion	05/01/2000 – 04/30/2003
BARBER EXAMINERS, BOARD OF (Sec. 147.14)	
Laura Chadima-Beer, Cedar Rapids	05/01/2000 – 04/30/2003
Barbara Martin, Luzerne	05/01/2000 – 04/30/2003
BEHAVIORAL SCIENCE EXAMINERS, BOARD OF (Sec. 147.14)	
Dorothy Anderson, Urbandale	05/01/2000 – 04/30/2003
David Brown, Boone	03/15/2000 – 04/30/2002
Thorald Davidson, Des Moines	05/01/2000 – 04/30/2003
Timothy Ruppert, Marion	05/01/2000 – 04/30/2003
BLIND, COMMISSION FOR THE (Sec. 216B.2)	
Robert Martin, Davenport	05/01/2000 – 04/30/2003
CHIROPRACTIC EXAMINERS, BOARD OF (Sec. 147.14)	
Charles Follett, West Des Moines	03/14/2000 – 04/30/2000
Charles Follett, West Des Moines	05/01/2000 – 04/30/2003
Elizabeth Kressin, Spencer	05/01/2000 – 04/30/2004
Valorie Pahl, Cedar Falls	05/01/2000 – 04/30/2003
COMMUNITY ACTION AGENCIES, COMMISSION ON (Sec. 216A.92A)	
Thomas Letsche, Remsen	03/14/2000 – 04/30/2000
Thomas Letsche, Remsen	05/01/2000 – 04/30/2003
Loren Wakefield, Waterloo	05/01/2000 – 04/30/2003
COSMETOLOGY ARTS AND SCIENCES EXAMINERS, BOARD OF (Sec. 147.14)	
Curtis Stamp, Des Moines	05/01/2000 – 04/30/2003
COUNTY FINANCE COMMITTEE (Sec. 333A.2)	
Krista Odendahl, Manning	01/20/2000 – 04/30/2004
CREDIT UNION REVIEW BOARD (Sec. 533.53)	
John Bentler, Burlington	05/01/2000 – 04/30/2003
Michael Harvey, Buckingham	05/01/2000 – 04/30/2003
Roger Reiser, Johnston	05/01/2000 – 04/30/2003

DEAF, COMMISSION ON THE (Sec. 216A.112)	
Jack Purcell, Algona	05/01/2000 – 04/30/2003
DENTAL EXAMINERS, BOARD OF (Sec. 147.14)	
Elizabeth Brennan, Clive	05/01/2000 – 04/30/2003
Suzan Stewart, Sioux City	05/01/2000 – 04/30/2002
LeRoy Strohman, Algona	05/01/2000 – 04/30/2003
DIETETIC EXAMINERS, BOARD OF (Sec. 147.14)	
Rachel Dunn, Fort Dodge	05/01/2000 – 04/30/2003
George Price, West Des Moines	05/01/2000 – 04/30/2002
Elvin Soll, Murray	05/01/2000 – 04/30/2003
DRUG ABUSE PREVENTION AND EDUCATION ADVISORY COUNCIL (Sec. 80E.2)	
Pamela Dettmann, Sac City	12/28/1999 – 04/30/2001
ECONOMIC DEVELOPMENT, DIRECTOR OF THE DEPARTMENT OF (Sec. 15.105)	
Claudia Jean "CJ" Niles, Carroll	05/01/2000 – Pleasure of Governor
ECONOMIC DEVELOPMENT BOARD, IOWA (Sec. 15.103)	
Sandra Bailen-Scott, Denison	05/01/2000 – 04/30/2004
Julie Carlson, Spencer	05/01/2000 – 04/30/2004
EDUCATION, STATE BOARD OF (Sec. 256.3)	
Charles Edwards, Des Moines	05/01/2000 – 04/30/2006
Sally Frudden, Charles City	05/01/2000 – 04/30/2006
Gregory McClain, Cedar Falls	05/01/2000 – 04/30/2006
Donald Roby, Decorah	02/07/2000 – 04/30/2004
ELDER AFFAIRS, COMMISSION OF (Sec. 231.11)	
Lois Buckingham, Pacific Junction	05/01/2000 – 04/30/2004
Craig Downing, Sigourney	05/01/2000 – 04/30/2004
EMERGENCY RESPONSE COMMISSION, IOWA (Sec. 30.2)	
John Krogh, Ankeny	05/01/2000 – 04/30/2002
EMPLOYMENT APPEAL BOARD (Sec. 10A.601)	
Elizabeth Seiser, Des Moines	05/01/2000 – 04/30/2006
Mary Spicer, Des Moines	05/01/2000 – 04/30/2002
EMPOWERMENT BOARD, IOWA (Sec. 28.3 (6))	
Kevin Cameron, Des Moines	05/01/2000 – 04/30/2003
Clemmye Jackson, Ames	05/01/2000 – 04/30/2003
Barbara Kaiman, Glenwood	05/01/2000 – 04/30/2003
Robert Koob, Cedar Falls	05/01/2000 – 04/30/2003
Thomas Wilson, Davenport	05/01/2000 – 04/30/2003
C. Arthur Wittmack, Des Moines	05/01/2000 – 04/30/2003
ENGINEERING AND LAND SURVEYING EXAMINING BOARD (Sec. 542B.3)	
Susan Long, Fairfield	05/01/2000 – 04/30/2003

## ENVIRONMENTAL PROTECTION COMMISSION (Sec. 455A.6)

Darrell Hanson, Manchester 03/03/2000 – 04/30/2001

## FOSTER CARE REVIEW BOARD, STATE CITIZEN (Sec. 237.16)

Connie Bear King, Sioux City 03/14/2000 – 04/30/2001

## HEALTHY AND WELL KIDS IN IOWA (HAWK-I) BOARD (Sec. 514I.4)

Diane Briest, Storm Lake 05/01/2000 – 04/30/2002

Barry Cleveland, Council Bluffs 05/01/2000 – 04/30/2002

Eldon Huston, Des Moines 05/01/2000 – 04/30/2002

Susan Poulton, Iowa City 05/01/2000 – 04/30/2002

## HEARING AID DEALERS, BOARD OF EXAMINERS FOR THE LICENSING AND REGULATION OF (Sec. 154A.2)

Glen Meier, Clive 05/01/2000 – 04/30/2003

Stacey Warren, Altoona 03/15/2000 – 04/30/2002

## HIGHER EDUCATION LOAN AUTHORITY, IOWA (Sec. 261A.5)

Carol Burns, Cedar Rapids 01/18/2000 – 04/30/2006

James Weinman, Indianola 05/01/2000 – 04/30/2005

## HUMAN INVESTMENT, IOWA COUNCIL ON (Sec. 8A.2)

Martin Applebaum, Des Moines 05/01/2000 – 04/30/2003

Betty Jean Furgerson, Waterloo 05/01/2000 – 04/30/2003

Austin Turner, Corning 05/01/2000 – 04/30/2003

## JUDICIAL QUALIFICATIONS, COMMISSION ON (Sec. 602.2102)

Mary Curran, Cedar Rapids 03/14/2000 – 04/30/2003

## LANDSCAPE ARCHITECTURAL EXAMINING BOARD (Sec. 544B.3)

David Biehl, Iowa City 05/01/2000 – 04/30/2003

Catherine Brown, Ames 05/01/2000 – 04/30/2003

## LAW ENFORCEMENT ACADEMY COUNCIL, IOWA (Sec. 80B.6)

Roxanne Johnson, Council Bluffs 05/01/2000 – 04/30/2004

Lynne Wright, Osage 05/01/2000 – 04/30/2004

## LOTTERY BOARD (Sec. 99E.5)

Timothy Clausen, Sioux City 05/01/2000 – 04/30/2004

## MASSAGE THERAPY, BOARD OF EXAMINERS FOR (Sec. 147.14)

E. Howard Sonksen, Clear Lake 05/01/2000 – 04/30/2002

## MEDICAL EXAMINERS, BOARD OF (Sec. 147.14)

Bruce Hughes, Des Moines 05/01/2000 – 04/30/2003

Donna Norman, Bettendorf 05/01/2000 – 04/30/2003

Stephen Quirk, Sioux City 03/14/2000 – 04/30/2001

Janece Valentine, Fort Dodge 05/01/2000 – 04/30/2003

## MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES COMMISSION (Sec. 225C.5)

Cherie Clark, Cedar Rapids 05/01/2000 – 04/30/2003

Linda Kellen, Sioux City 05/01/2000 – 04/30/2003

Lannie Miller, West Bend	05/01/2000 – 04/30/2003
Herbert Neubauer, Amana	05/01/2000 – 04/30/2003
Dennis Ryan, Melrose	05/01/2000 – 04/30/2003
Jerry Stubbe, Rock Rapids	05/01/2000 – 04/30/2003

## MENTAL HEALTH RISK POOL (Sec. 426B.5)

Miles Butler, Webster City	10/27/1999 – 04/30/2003
Judy Clark, Clarinda	10/27/1999 – 04/30/2001
Lynn Ferrell, Des Moines	10/27/1999 – 04/30/2002
Andy Nielsen, Ankeny	10/27/1999 – 04/30/2003
Karen Strawn, Storm Lake	10/27/1999 – 04/30/2002
Sally Stutsman, Riverside	10/27/1999 – 04/30/2001
David Van Ningen, Rock Valley	10/27/1999 – 04/30/2003
Kelly Yeggy, Riverside	10/27/1999 – 04/30/2002

## MORTUARY SCIENCE EXAMINERS, BOARD OF (Sec. 147.14)

Ruth Ohde, Manning	05/01/2000 – 04/30/2003
Diane Palmer, Des Moines	05/01/2000 – 04/30/2003

## NURSING EXAMINERS, BOARD OF (Sec. 147.14)

M. Ann Aulwes-Allison, Ottumwa	05/01/2000 – 04/30/2003
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NURSING HOME ADMINISTRATORS, STATE BOARD OF EXAMINERS FOR  
(Sec. 155.2)

Terry Cooper, Winterset	05/01/2000 – 04/30/2003
Marilyn Finch, Grinnell	05/01/2000 – 04/30/2003
Mary Nielsen, Johnston	05/01/2000 – 04/30/2003
William Thayer, Madrid	05/01/2000 – 04/30/2003

## OPTOMETRY EXAMINERS, BOARD OF (Sec. 147.14)

Barbara Scheetz, West Des Moines	05/01/2000 – 04/30/2003
Robert Weiland, Greenfield	05/01/2000 – 04/30/2003

## PAROLE, BOARD OF (Sec. 904A.3)

Elizabeth Walker-Ford, Des Moines	05/01/2000 – 04/30/2004
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## PHARMACY EXAMINERS, BOARD OF (Sec. 147.14)

Katherine Linder, Manson	05/01/2000 – 04/30/2003
Leman Olson, Mason City	05/01/2000 – 04/30/2003

## PHYSICAL AND OCCUPATIONAL THERAPY EXAMINERS, BOARD OF (Sec. 147.14)

Alice Price, Knoxville	05/01/2000 – 04/30/2003
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## PHYSICIAN ASSISTANT EXAMINERS, BOARD OF (Sec. 147.14)

Diane Cardwell, Ames	05/01/2000 – 04/30/2003
William Connet, Des Moines	05/01/2000 – 04/30/2003
Rita Taylor, Cedar Rapids	05/01/2000 – 04/30/2003

## PODIATRY EXAMINERS, BOARD OF (Sec. 147.14)

Ann Osterhaus, Maquoketa	05/01/2000 – 04/30/2003
Rickey Salocker, Fort Dodge	05/01/2000 – 04/30/2003

## PSYCHOLOGY EXAMINERS, BOARD OF (Sec. 147.14)

Ana Lopez-Dawson, Reasnor	05/01/2000 – 04/30/2003
Scott Shafer, Des Moines	05/01/2000 – 04/30/2003

## PUBLIC EMPLOYMENT RELATIONS BOARD (Sec. 20.5)

James Riordan, West Des Moines	05/01/2000 – 04/30/2004
M. Sue Warner, Johnston	05/01/2000 – 04/30/2004

## RACING AND GAMING COMMISSION, STATE (Sec. 99D.5)

Diane Hamilton, Storm Lake	05/01/2000 – 04/30/2003
James Hassenfritz, Sperry	05/01/2000 – 04/30/2003

## RAILWAY FINANCE AUTHORITY, IOWA (Sec. 327I.6)

Susan Cosner, Panora	05/01/2000 – 04/30/2006
Catherine Johnson, Iowa City	05/01/2000 – 04/30/2006

## REAL ESTATE APPRAISER EXAMINING BOARD (Sec. 543D.4)

David Erickson, West Des Moines	05/01/2000 – 04/30/2003
Sandra Glenn, Cedar Falls	05/01/2000 – 04/30/2003
Beth Weeks, Toledo	05/01/2000 – 04/30/2003

## REAL ESTATE COMMISSION (Sec. 543B.8)

James Hughes, Independence	05/01/2000 – 04/30/2003
Evelyn Rank, Clarinda	05/01/2000 – 04/30/2003

## RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE (Sec. 159A.4)

JoAnn Brincks, Carroll	05/01/2000 – 04/30/2003
Greg Hayes, Ottumwa	05/01/2000 – 04/30/2003
David Holmes, Johnston	05/01/2000 – 04/30/2003
Yvonne Wente, Waverly	05/01/2000 – 04/30/2003

## RESPIRATORY CARE, STATE BOARD FOR (Sec. 152B.13)

William Niedert, Hudson	05/01/2000 – 04/30/2003
Sally Steffen, Ottumwa	02/14/2000 – 04/30/2000
Sally Steffen, Ottumwa	05/01/2000 – 04/30/2003

## SCHOOL BUDGET REVIEW COMMITTEE (Sec. 257.30)

Wayne Drexler, Dyersville	05/01/2000 – 04/30/2003
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## SMALL BUSINESS ADVISORY COUNCIL (Sec. 15.108)

Frances Fleck, West Des Moines	05/01/2000 – 04/30/2003
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## SOCIAL WORK EXAMINERS, BOARD OF (Sec. 147.14)

Joan Hester, Honey Creek	03/14/2000 – 04/30/2000
Joan Hester, Honey Creek	05/01/2000 – 04/30/2003
James Yeast, Dubuque	05/01/2000 – 04/30/2003

## SPEECH PATHOLOGY AND AUDIOLOGY EXAMINERS, BOARD OF (Sec. 147.14)

Alison Lemke, Newton	05/01/2000 – 04/30/2003
J. Antonio Prieto, Des Moines	05/01/2000 – 04/30/2003
Kent Webb, Red Oak	05/01/2000 – 04/30/2003

## STATE-FEDERAL RELATIONS, DIRECTOR OF THE OFFICE FOR (Sec. 7F.1)

Philip Buchan, Silver Spring, Maryland

08/02/1999 – Pleasure of Governor

## TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, CHAIRPERSON OF THE IOWA (Sec. 8D.3)

Mary Brandsgard, Davenport

05/01/2000 – 04/30/2002

## TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA (Sec. 8D.3)

Mary Brandsgard, Davenport

05/01/2000 – 04/30/2006

## TRANSPORTATION COMMISSION, STATE (Sec. 307.3)

Suzan Boden, Sioux City

05/01/2000 – 04/30/2004

Barbara Mac Gregor, Mason City

05/01/2000 – 04/30/2004

## VETERANS AFFAIRS, COMMISSION OF (Sec. 35A.2)

Larry Bowden, Norwalk

05/01/2000 – 04/30/2004

Barry Remington, Cedar Falls

05/01/2000 – 04/30/2004

## VETERINARY MEDICINE, IOWA BOARD OF (Sec. 169.5)

Bruce Van Zee, Oakland

05/01/2000 – 04/30/2003

Theresa Wallace, Des Moines

05/01/2000 – 04/30/2003

## WOMEN, COMMISSION ON THE STATUS OF (Sec. 216A.52)

Judge Brown, Fort Dodge

05/01/2000 – 04/30/2004

Francis Giunta, Dubuque

05/01/2000 – 04/30/2004

Shawn Mullen, Des Moines

05/01/2000 – 04/30/2004

Marcia Nichols, Des Moines

05/01/2000 – 04/30/2004

Kimberly Painter, Iowa City

05/01/2000 – 04/30/2004

## WORKFORCE DEVELOPMENT BOARD (Sec. 84A.1A)

Denise Baldwin, Dunlap

03/14/2000 – 04/30/2000

Denise Baldwin, Dunlap

05/01/2000 – 04/30/2004

Sarah Falb, West Union

05/01/2000 – 04/30/2003

Daniel Purcell, Algona

05/01/2000 – 04/30/2003

Ken Sagar, Pleasant Hill

05/01/2000 – 04/30/2004

John Watson, Iowa City

05/01/2000 – 04/30/2004

APPOINTMENT BY THE  
IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

## TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, EXECUTIVE DIRECTOR OF THE IOWA (Sec. 8D.4)

Harold M. Thompson, Johnston

05/01/2000 – Pleasure of Commission

The appointments were referred to the committee on **Rules and Administration.**

## REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on March 20, 2000:

### **AGRICULTURE**

Frank Carroll – Agricultural Development Authority  
Timothy Galm – Agricultural Development Authority  
Fred Lundt – Agricultural Development Authority

### **BUSINESS AND LABOR RELATIONS**

Elizabeth Seiser – Employment Appeal Board  
Mary Spicer – Employment Appeal Board

James Riordan – Public Employment Relations Board  
M. Sue Warner – Public Employment Relations Board

Denise Baldwin – Iowa Workforce Development Board (Appointment)  
Denise Baldwin – Iowa Workforce Development Board (Reappointment)  
Sarah Falb – Iowa Workforce Development Board  
Daniel Purcell – Iowa Workforce Development Board  
Ken Sagar – Iowa Workforce Development Board  
John Watson – Iowa Workforce Development Board

### **COMMERCE**

John Bentler – Credit Union Review Board  
Michael Harvey – Credit Union Review Board  
Roger Reiser – Credit Union Review Board

Mary Brandsgard – Chairperson of the Iowa Telecommunications and Technology Commission

Harold M. Thompson – Executive Director of the Iowa Telecommunications and Technology Commission

Mary Brandsgard – Iowa Telecommunications and Technology Commission

### **EDUCATION**

Charles Edwards – State Board of Education  
Sally Frudden – State Board of Education  
Gregory McClain – State Board of Education  
Donald Roby – State Board of Education



Carol Burns – Iowa Higher Education Loan Authority  
James Weinman – Iowa Higher Education Loan Authority

Wayne Drexler – School Budget Review Committee

### **HUMAN RESOURCES**

Thomas Greenwald – Board of Examiners for Athletic Training  
Susan Tiernan – Board of Examiners for Athletic Training

Dorothy Anderson – Board of Behavioral Science Examiners  
David Brown – Board of Behavioral Science Examiners  
Thorald Davidson – Board of Behavioral Science Examiners  
Timothy Ruppert – Board of Behavioral Science Examiners

Robert Martin – Commission for the Blind

Thomas Letsche – Commission on Community Action Agencies (Appointment)  
Thomas Letsche – Commission on Community Action Agencies (Reappointment)  
Loren Wakefield – Commission on Community Action Agencies

Jack Purcell – Commission on the Deaf

Lois Buckingham – Commission of Elder Affairs  
Craig Downing – Commission of Elder Affairs

Kevin Cameron – Iowa Empowerment Board  
Clemmye Jackson – Iowa Empowerment Board  
Barbara Kaiman – Iowa Empowerment Board  
Robert Koob – Iowa Empowerment Board  
Thomas Wilson – Iowa Empowerment Board  
C. Arthur Wittmack – Iowa Empowerment Board

Connie Bear King – State Citizen Foster Care Review Board

Diane Briest – Healthy and Well Kids in Iowa (HAWK-I) Board  
Barry Cleveland – Healthy and Well Kids in Iowa (HAWK-I) Board  
Eldon Huston – Healthy and Well Kids in Iowa (HAWK-I) Board  
Susan Poulton – Healthy and Well Kids in Iowa (HAWK-I) Board

Martin Applebaum – Iowa Council on Human Investment  
Betty Jean Furgerson – Iowa Council on Human Investment  
Austin Turner – Iowa Council on Human Investment

Cherie Clark – Mental Health and Developmental Disabilities Commission  
Linda Kellen – Mental Health and Developmental Disabilities Commission  
Lannie Miller – Mental Health and Developmental Disabilities Commission  
Herbert Neubauer – Mental Health and Developmental Disabilities Commission  
Dennis Ryan – Mental Health and Developmental Disabilities Commission  
Jerry Stubbe – Mental Health and Developmental Disabilities Commission

Diane Cardwell – Board of Physician Assistant Examiners  
William Connet – Board of Physician Assistant Examiners  
Rita Taylor – Board of Physician Assistant Examiners

Judge Brown – Commission on the Status of Women  
Francis Giunta – Commission on the Status of Women  
Shawn Mullen – Commission on the Status of Women  
Marcia Nichols – Commission on the Status of Women  
Kimberly Painter – Commission on the Status of Women

### **JUDICIARY**

Pamela Dettmann – Drug Abuse Prevention and Education Advisory Council

Mary Curran – Commission on Judicial Qualifications

Elizabeth Walker-Ford – Board of Parole

### **LOCAL GOVERNMENT**

Krista Odendahl – County Finance Committee

Miles Butler – Mental Health Risk Pool Board  
Judy Clark – Mental Health Risk Pool Board  
Lynn Ferrell – Mental Health Risk Pool Board  
Andy Nielsen – Mental Health Risk Pool Board  
Karen Strawn – Mental Health Risk Pool Board  
Sally Stutsman – Mental Health Risk Pool Board  
David Van Ningen – Mental Health Risk Pool Board  
Kelly Yeggy – Mental Health Risk Pool Board

### **NATURAL RESOURCES AND ENVIRONMENT**

Darrell Hanson – Environmental Protection Commission

JoAnn Brincks – Renewable Fuels and Coproducts Advisory Committee  
Greg Hayes – Renewable Fuels and Coproducts Advisory Committee  
David Holmes – Renewable Fuels and Coproducts Advisory Committee  
Yvonne Wente – Renewable Fuels and Coproducts Advisory Committee

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

Sandra Bailen-Scott – Iowa Economic Development Board  
Julie Carlson – Iowa Economic Development Board

Claudia Jean "CJ" Niles – Director of the Department of Economic Development

Frances Fleck – Small Business Advisory Council

Philip Buchan – Director of the Office for State-Federal Relations

**STATE GOVERNMENT**

Susan Boe – Accountancy Examining Board  
Ronald Nielsen – Accountancy Examining Board  
David Vaudt – Accountancy Examining Board

Theresa Clark-Kline – Commission on the Status of African-Americans  
Joseph McGill – Commission on the Status of African-Americans  
Joyce McGlory – Commission on the Status of African-Americans  
Angela Gravely-Smith – Commission on the Status of African-Americans  
Jerome Thomas – Commission on the Status of African-Americans

Patricia Drumeller – Alcoholic Beverages Commission

Kevin Monson – Architectural Examining Board  
Jeffrey Morgan – Architectural Examining Board

Laura Chadima-Beer – Board of Barber Examiners  
Barbara Martin – Board of Barber Examiners

Charles Follett – Board of Chiropractic Examiners (Appointment)  
Charles Follett – Board of Chiropractic Examiners (Reappointment)  
Elizabeth Kressin – Board of Chiropractic Examiners  
Valorie Prah – Board of Chiropractic Examiners

Curtis Stamp – Board of Cosmetology Arts and Sciences Examiners

Elizabeth Brennan – Board of Dental Examiners  
Suzan Stewart – Board of Dental Examiners  
LeRoy Strohman – Board of Dental Examiners

Rachel Dunn – Board of Dietetic Examiners  
George Price – Board of Dietetic Examiners  
Elvin Soll – Board of Dietetic Examiners

John Krogh – Iowa Emergency Response Commission

Susan Long – Engineering and Land Surveying Examining Board

Glen Meier – Board for the Licensing and Regulation of Hearing Aid Dealers  
Stacey Warren – Board for the Licensing and Regulation of Hearing Aid Dealers

David Biehl – Landscape Architectural Examining Board  
Catherine Brown – Landscape Architectural Examining Board

Timothy Clausen – Lottery Board

E. Howard Sonksen – Board of Examiners for Massage Therapy

Bruce Hughes – Board of Medical Examiners  
Donna Norman – Board of Medical Examiners  
Stephen Quirk – Board of Medical Examiners  
Janece Valentine – Board of Medical Examiners

Ruth Ohde – Board of Mortuary Science Examiners  
Diane Palmer – Board of Mortuary Science Examiners

M. Ann Aulwes-Allison – Board of Nursing Examiners

Terry Cooper – State Board of Examiners for Nursing Home Administrators  
Marilyn Finch – State Board of Examiners for Nursing Home Administrators  
Mary Nielsen – State Board of Examiners for Nursing Home Administrators  
William Thayer – State Board of Examiners for Nursing Home Administrators

Barbara Scheetz – Board of Optometry Examiners  
Robert Weiland – Board of Optometry Examiners

Katherine Linder – Board of Pharmacy Examiners  
Leman Olson – Board of Pharmacy Examiners

Alice Price – Board of Physical and Occupational Therapy Examiners

Ann Osterhaus – Board of Podiatry Examiners  
Rickey Salocker – Board of Podiatry Examiners

Ana Lopez-Dawson – Board of Psychology Examiners  
Scott Shafer – Board of Psychology Examiners

Diane Hamilton – State Racing and Gaming Commission  
James Hassenfritz – State Racing and Gaming Commission

David Erickson – Real Estate Appraiser Examining Board  
Sandra Glenn – Real Estate Appraiser Examining Board  
Beth Weeks – Real Estate Appraiser Examining Board

James Hughes – Real Estate Commission  
Evelyn Rank – Real Estate Commission

William Niedert – State Board for Respiratory Care  
Sally Steffen – State Board for Respiratory Care (Appointment)  
Sally Steffen – State Board for Respiratory Care (Reappointment)

Joan Hester – Board of Social Work Examiners (Appointment)  
Joan Hester – Board of Social Work Examiners (Reappointment)  
James Yeast – Board of Social Work Examiners

Alison Lemke – Board of Speech Pathology and Audiology Examiners  
J. Antonio Prieto – Board of Speech Pathology and Audiology Examiners  
Kent Webb – Board of Speech Pathology and Audiology Examiners

Larry Bowden – Commission of Veterans Affairs  
Barry Remington – Commission of Veterans Affairs

Bruce Van Zee – Iowa Board of Veterinary Medicine  
Theresa Wallace – Iowa Board of Veterinary Medicine

**TRANSPORTATION**

Roxanne Johnson – Iowa Law Enforcement Academy Council  
Lynne Wright – Iowa Law Enforcement Academy Council

Suzan Boden – State Transportation Commission  
Barbara Mac Gregor – State Transportation Commission

**WAYS AND MEANS**

Susan Cosner – Iowa Railway Finance Authority  
Catherine Johnson – Iowa Railway Finance Authority

**GOVERNOR'S DEFERRAL LETTERS**

The following letters from the Governor were received in the office of the Secretary of the Senate on March 15, 2000:

The position previously filled by Swenda Naylor of Webster County on the Commission of the Status of African-Americans has been deferred because a suitable replacement could not be found.

The position previously filled by James Lawrence of Black Hawk County on the City Development Board has been deferred because a suitable replacement could not be found.

The position previously filled by Arlyn Danker of Pottawattamie County on the Commission on Community Action Agencies has been deferred because a suitable replacement could not be found.

The position previously filled by Terry Martin of Polk County on the Engineering and Land Surveying Examining Board has been deferred because a suitable replacement could not be found.

The position previously filled by Gloria Kalbach Pezzetti of Guthrie County on the Board of Examiners for Massage Therapy has been deferred because a suitable replacement could not be found.

The position previously filled by Ralph Stephens of Linn County on the Board of Examiners for Massage Therapy has been deferred because a suitable replacement could not be found.

The position previously filled by Gary Kirchhof of Howard County on the State Board of Examiners for Nursing Home Administrators has been deferred because a suitable replacement could not be found.

The position previously filled by Phyllis Olson of Polk County on the Board of Pharmacy Examiners has been deferred because a suitable replacement could not be found.

The position previously filled by James Hughes of Howard County on the Board of Physical and Occupational Therapy Examiners has been deferred because a suitable replacement could not be found.

The position previously filled by Cheryl Semerad of Dallas County on the Board of Podiatry Examiners has been deferred because a suitable replacement could not be found.

Sincerely,  
THOMAS J. VILSACK  
Governor

### BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 16, 2000, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2373 – Relating to workers' compensation concerning service of notices on nonresident employers, the calculation of weekly earnings, and the approval of related liens.

### EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on March 20, 2000, when the votes were taken on Senate Files 2147, 2418, and 2420 and House Files 620, 2136, 2173, 2179, 2218, 2220, 2240, 2277, 2329, and 2330. Had I been present, I would have voted "Aye," on all.

TOM FLYNN

### REPORT OF COMMITTEE MEETING

#### RULES AND ADMINISTRATION

**Convened:** March 20, 2000, 3:07 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Dvorsky, Harper, Jensen, Redfern, and Rittmer.

**Members Absent:** Fink, Lundby, and Rehberg (all excused).

**Committee Business:** Governor's appointments assigned to standing committees. Passed SCRs 108 and 109 and HCR 15.

**Adjourned:** 3:12 p.m.

## COMMITTEE REPORTS

## JUDICIARY

**Final Bill Action:** HOUSE FILE 2513, a bill for an act providing for secured transactions under the uniform commercial code, by adopting new Article 9, eliminating conflicting provisions, and providing an effective date.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5179.

**Final Vote:** Ayes, 13: McKean, Lamberti, Hansen, Angelo, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 2: Boettger and Miller.

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

## RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 108, a concurrent resolution recognizing the accomplishments of John Fletcher Lacey and commemorating the one-hundredth-year anniversary of the Lacey Act.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Iverson, Kramer, Gronstal, Dvorsky, Harper, Jensen, Redfern, and Rittmer. Nays, none. Absent or not voting, 3: Fink, Lundby, and Rehberg.

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

ALSO:

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 109, a concurrent resolution encouraging state and local governments, business interests, health care professionals, and individuals with interest in good health to help in educating the public to raise awareness regarding osteoporosis prevention, detection, and treatment.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Iverson, Kramer, Gronstal, Dvorsky, Harper, Jensen, Redfern, and Rittmer. Nays, none. Absent or not voting, 3: Fink, Lundby, and Rehberg.

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

ALSO:

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 15, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 state quarters program.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Iverson, Kramer, Gronstal, Dvorsky, Harper, Jensen, Redfern, and Rittmer. Nays, none. Absent or not voting, 3: Fink, Lundby, and Rehberg.

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

## STATE GOVERNMENT

**Final Bill Action:** HOUSE FILE 2463, a bill for an act relating to the department of personnel by providing for the duties of the department, the administration of the department, and benefits provided state employees, and providing effective and retroactive applicability dates.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENTS-5173.

**Final Vote:** Ayes, 14: Rittmer, Lamberti, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak. Nays, none. Absent or not voting, 1: McLaren.

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

## AMENDMENTS FILED

S-5173	H.F.	2463	State Government
S-5174	H.F.	2378	Michael W. Connolly
S-5175	H.F.	2376	John P. Kibbie Richard F. Drake
S-5176	H.F.	2477	Jeff Angelo
S-5177	H.F.	2317	Michael E. Gronstal
S-5178	H.F.	2317	Michael E. Gronstal
S-5179	H.F.	2513	Judiciary

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 3:03 p.m., until 9:00 a.m., Tuesday, March 21, 2000.



# JOURNAL OF THE SENATE

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SEVENTY-SECOND CALENDAR DAY  
FORTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 21, 2000

The Senate met in regular session at 9:07 a.m., President Kramer presiding.

Prayer was offered by the Reverend Phillip Olson, pastor of the Ridgeway Lutheran Parish of Ridgeway, Iowa, guest of Senator Soukup. His wife, Reverend Ginny Olson, and their children, Ana, Martha, Andrew, and Amy, accompanied Reverend Olson.

The Journal of Monday, March 20, 2000, was approved.

## SPECIAL GUESTS

Senator Boettger and Eleanor Verwers, Chairperson of the Iowa/Cherkasy Sister State Committee, welcomed the following visitors from our Sister State of Cherkasy, Ukraine:

Mr. Petro Yevich, President of the Cherkasy/Iowa Sister State Committee, is President of the JSC AgroRos company, which engages in crop protection chemicals for Ukraine. He is interested in the latest farm technology.

Mr. Oleksandr Cherevko, Director is representing the Department of the National Bank of Ukraine. He will be visiting several of our banking systems and hopes to develop future banking exchanges.

Dr. Svetlana Zhurba is the Deputy Head Physician of Cherkasy Regional Multi-Profile Hospital and served as the Deputy of the Regional Commission of Public Health. She will spend this week visiting hospitals and clinics in central Iowa.

The Honorable Gennadyi Kapralov is Vice Governor of the Cherkasy Oblast Regional Administration. Mr. Kapralov is here at the invitation of Governor Vilsack and Iowa Sister States to observe the daily operational procedures that support and maintain our democratic government.

Mr. Vadim Melnekov is the Deputy Head of District Administration in Korsun. He first visited Iowa in 1988 with the Soviet-American Peace Walks. Mr. Melnekov has returned to Iowa twice and continues to work on joint projects which will be of mutual benefit to each of our states.

Mr. Melnekov served as interpreter as Vice Governor Kapralov addressed the Senate with brief remarks.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fink, until he arrives, on request of Senator Hansen.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2253, 2172, 2425, 2480, 2168, 2368, and 2420.

#### **House File 2253**

On motion of Senator Lamberti, **House File 2253**, a bill for an act relating to state criminal jurisdiction and to the crimes of escape and absence from custody, with report of committee recommending passage, 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?" (H.F. 2253), the vote was:

Ayes, 49:

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

Fink

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

### **House File 2172**

On motion of Senator Fraise, **House File 2172**, a bill for an act relating to polygraph examinations of applicants for certain law enforcement or correctional facility positions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McKean offered amendment S-5115, filed by the committee on Judiciary on March 9, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5115 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2172), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Deluhery	Drake
Flynn	Fraise	Freeman	Gaskill
Gronstal	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, 4:

Bolkcom	Dearden	Dvorsky	Hammond
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Absent or not voting, 1:

Fink

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

### House File 2425

On motion of Senator Lamberti, **House File 2425**, a bill for an act relating to knowledge of limitations on authority of managers of limited liability companies by persons dealing with such companies, with report of committee recommending passage, was taken up for consideration.

Senator McKean took the chair at 9:42 a.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. 2425), the vote was:

Ayes, 49:

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

Fink

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

### House File 2480

On motion of Senator Freeman, **House File 2480**, a bill for an act relating to motor vehicle registration periods and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2480), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	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
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Fink                      Soukup

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

## House File 2168

On motion of Senator Lamberti, **House File 2168**, a bill for an act relating to the exceptions to the requirement of holding a hearing in a dissolution of marriage action, with report of committee recommending passage, 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?" (H.F. 2168), the vote was:

Ayes, 49:

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

Fink

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

## House File 2368

On motion of Senator Sexton, **House File 2368**, a bill for an act relating to weight restrictions on certain implements of husbandry and providing for a study, with report of committee recommending passage, 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. 2368), the vote was:

Ayes, 49:

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

Fink

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

## House File 2420

On motion of Senator Lamberti, **House File 2420**, a bill for an act relating to the statute of limitations for filing a sexual abuse or sexual exploitation criminal indictment or information, with report of committee recommending passage, 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?" (H.F. 2420), the vote was:

Ayes, 49:

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

Fink

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

### IMMEDIATELY MESSAGED

Senator Angelo asked and received unanimous consent that **House Files 2168, 2172, 2253, 2368, 2420, 2425, and 2480** be **immediately messaged** to the House.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2248, 2431, 2531, 2316, 2113, and 2525.



**House File 2248**

On motion of Senator Redwine, **House File 2248**, a bill for an act relating to alternate methods of providing proof of motor vehicle financial responsibility and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question “Shall the bill pass?” (H.F. 2248), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	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, none.

Absent or not voting, 2:

Fink                      Rife

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

**House File 2431**

On motion of Senator Lamberti, **House File 2431**, a bill for an act relating to ethics and campaign disclosure board procedures and to conflicts of interest of public officers and employees, with report of committee recommending passage, 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?" (H.F. 2431), the vote was:

Ayes, 49:

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

Fink

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

### House File 2531

On motion of Senator Miller, **House File 2531**, a bill for an act relating to services provided by county officers including funding for emergency medical services and the disposition of lost property, with report of committee recommending passage, was taken up for consideration.

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. 2531), the vote was:

Ayes, 49:

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

Fink

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

### House File 2316

On motion of Senator Lamberti, **House File 2316**, a bill for an act relating to the regulation of health organizations for purposes of solvency and establishing a measure for the risk-based capital of a health organization, with report of committee recommending passage, was taken up for consideration.

Senator Hammond asked and received unanimous consent that action on **House File 2316** be **deferred**.

### House File 2113

On motion of Senator Drake, **House File 2113**, a bill for an act relating to eligibility for United States armed forces retired special motor vehicle license plates, with report of committee recommending passage, was taken up for consideration.

Senator Drake offered amendment S-5183, filed by Senators Drake, et al., from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5183 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2113), the vote was:

Ayes, 49:

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

Fink

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

## House File 2525

On motion of Senator Lamberti, **House File 2525**, a bill for an act relating to limitations on recoverable noneconomic damages in legal actions arising out of motor vehicle accidents, with report of committee recommending passage, was taken up for consideration.

Senator Lamberti offered amendment S-5182, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5182 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. 2525), the vote was:

Ayes, 49:

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

Fink

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

#### IMMEDIATELY MESSAGED

Senator Angelo asked and received unanimous consent that **House Files 2113, 2248, 2431, 2525, and 2531** be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 723 and 2169.

## House File 723

On motion of Senator Miller, **House File 723**, a bill for an act prohibiting the mistreatment of persons and animals and providing for penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Miller asked and received unanimous consent that action on **House File 723** be **deferred**.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

## House File 2169

On motion of Senator Zieman, **House File 2169**, a bill for an act relating to the appointment of emergency management coordinators, with report of committee recommending passage, was taken up for consideration.

Senator Zieman 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. 2169), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Flynn
Fraise	Freeman	Gaskill	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:

Fink

Gronstal

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

**CONSIDERATION OF BILLS**  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2321 and 2365.

**House File 2321**

On motion of Senator Hammond, **House File 2321**, a bill for an act relating to medical assistance, including eligibility categories and transfer of assets, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman offered amendment S-5184, filed by her from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5184 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2321), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Flynn
Fraise	Freeman	Gaskill	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:

Fink	Gronstal	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 File 2365

On motion of Senator Miller, **House File 2365**, a bill for an act providing for review of deaths of children under the age of eighteen by the child death review team, with report of committee recommending passage, was taken up for consideration.

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. 2365), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Flynn
Fraise	Freeman	Gaskill	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:

Fink	Gronstal	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.



## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2169, 2321, and 2365** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS  
(Individual Confirmation Calendar)

Senator Iverson called up the appointment of Allan Thoms, as Chair of Utilities Board, placed on the Individual Confirmation Calendar on February 10, 2000, and found on page 250 of the Senate Journal.

Senator Jensen moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Flynn
Fraise	Freeman	Gaskill	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:

Fink                      Gronstal

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Frederick Stilwill, as Director of the Department of Education, placed on the Individual

Confirmation Calendar on February 28, 2000, and found on page 453 of the Senate Journal.

Senator Redfern moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Flynn
Fraise	Freeman	Gaskill	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:

Fink                      Gronstal

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Thomas G. Becker, as State Public Defender, placed on the Individual Confirmation Calendar on February 3, 2000, and found on page 188 of the Senate Journal.

Senator Maddox moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

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

Fraise	Freeman	Gaskill	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:

Fink                      Gronstal

The appointee, having received a two-thirds vote, was declared to have been confirmed by 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 March 20, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2089**, a bill for an act relating to collection of the physical plant and equipment property tax levy in certain urban renewal areas and providing an applicability date.(S-5180)

ALSO: That the House has on March 21, 2000, adopted the following resolution in which the **concurrence** of the **Senate** is asked:

**House Concurrent Resolution 115**, a concurrent resolution urging citizen participation in and cooperation with the conducting of the year 2000 census.

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

ALSO: That the House has on March 21, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 324**, a bill for an act relating to certain franchise agreements and the rights and responsibilities of the parties under such agreements.(S-5185)

## RECESS

On motion of Senator Iverson, the Senate recessed at 11:13 a.m., until 2:00 p.m.

**APPENDIX**

## REPORT OF COMMITTEE MEETING

**APPROPRIATIONS**

**Convened:** March 20, 2000, 3:42 p.m.

**Members Present:** Kramer, Vice Chair; Flynn, Ranking Member; Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rife, Schuerer, Soukup, and Tinsman.

**Members Absent:** McLaren, Chair; and Rehberg (both excused).

**Committee Business:** Approved SSBs 3216 (as amended) and 3220.1 (as amended).

**Adjourned:** 6:02 p.m.

## INTRODUCTION OF BILLS

**Senate File 2429**, by committee on Appropriations, 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 effective dates and retroactive applicability provisions.

Read first time under Rule 28 and placed on **Appropriations calendar**.

**Senate File 2430**, by committee on Appropriations, a bill for an act relating to and making appropriations for agriculture and natural resources and providing effective dates.

Read first time under Rule 28 and placed on **Appropriations calendar**.

## COMMITTEE REPORTS

## APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 2429 (SSB 3216), 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 effective dates and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Kramer, Behn, Freeman, Hedge, Jensen, Johnson, King, Lamberti, Maddox, Redwine, Rife, Schuerer, and Tinsman. Nays, 9: Flynn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Hammond, McCoy, and Soukup. Absent or not voting, 3: McLaren, Horn, and Rehberg.

**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 2429, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2430 (SSB 3220.1), a bill for an act relating to and making appropriations for agriculture and natural resources and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Kramer, Behn, Freeman, Hedge, Jensen, Johnson, King, Lamberti, Maddox, Redwine, Rife, Schuerer, and Tinsman. Nays, 10: Flynn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Hammond, Horn, McCoy, and Soukup. Absent or not voting, 2: McLaren and Rehberg.

**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 2430, and they were attached to the committee report.

## AMENDMENTS FILED

S-5180	S.F.	2089	House
S-5181	S.F.	2254	Ken Veenstra
S-5182	H.F.	2525	Jeff Lamberti
S-5183	H.F.	2113	Richard F. Drake
			John W. Jensen

			Eugene S. Fraise
			John P. Kibbie
S-5184	H.F.	2321	Maggie Tinsman
S-5185	S.F.	324	House
S-5186	H.F.	2377	David Miller
S-5187	H.F.	2316	Johnie Hammond
S-5188	S.F.	2308	House

## AFTERNOON SESSION

The Senate reconvened at 2:21 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 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 March 21, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2308**, a bill for an act relating to harassment via electronic communications and making penalties applicable.(S-5188)

ALSO: That the House has on March 21, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2533**, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated and providing an effective date.

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

**House File 2538**, a bill for an act relating to and making transportation and other infrastructure-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, and including fees for certain registration plates, allowing the department to conduct a pilot project, and providing for the nonreversion of certain moneys.

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

The Senate stood at ease at 2:27 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:20 p.m., President Kramer presiding.

## BUSINESS PENDING

### House File 2316

The Senate resumed consideration of **House File 2316**, a bill for an act relating to the regulation of health organizations for purposes of solvency and establishing a measure for the risk-based capital of a health organization, previously deferred.

Senator Hammond offered amendment S-5187, filed by her from the floor to page 1 of the bill.

Senator Lamberti raised the point of order that amendment S-5187 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5187 out of order.

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. 2316), the vote was:

Ayes, 47:

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

Shearer  
Veenstra

Soukup  
Zieman

Szymoniak

Nays, none.

Absent or not voting, 3:

Fink

McCoy

McLaren

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

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2385.

#### House File 2385

On motion of Senator Boettger, **House File 2385**, a bill for an act providing for establishment of a statewide organ and tissue donor registry, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2385), the vote was:

Ayes, 47:

Angelo  
Boettger  
Deluhery  
Fraise  
Hammond  
Horn  
Judge  
Lamberti  
McLaren  
Rehberg  
Sexton  
Tinsman

Bartz  
Bolkcom  
Drake  
Freeman  
Hansen  
Iverson  
Kibbie  
Maddox  
Miller  
Rife  
Shearer  
Veenstra

Behn  
Connolly  
Dvorsky  
Gaskill  
Harper  
Jensen  
King  
McKean  
Redfern  
Rittmer  
Soukup  
Zieman

Black  
Dearden  
Flynn  
Gronstal  
Hedge  
Johnson  
Kramer  
McKibben  
Redwine  
Schuerer  
Szymoniak

Nays, none.

Absent or not voting, 3:

Fink                      Lundby                      McCoy

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 2254**

Senator Veenstra called up for consideration Senate File 2254, a bill for an act relating to child support including medical support and payment of costs to financial institutions for data matching and automation program development, amended by the House in House amendment S-5164, filed March 15, 2000.

Senator Veenstra offered amendment S-5181, filed him from the floor to page 1 and to the title provisions of House amendment S-5164, and moved its adoption.

Amendment S-5181 was adopted by a voice vote.

Senator Veenstra 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 Veenstra 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. 2254), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	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, 2:

Fink

McCoy

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

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2510.

#### **House File 2510**

On motion of Senator McKean, **House File 2510**, a bill for an act relating to operating while intoxicated, including ignition interlock provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McKean offered amendment S-5156, filed by the committee on Transportation on March 15, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5156 was adopted by a voice vote.

Senator Redfern asked and received unanimous consent that action on **House File 2510** be **deferred**.

### UNFINISHED BUSINESS

#### **Senate File 2428**

On motion of Senator Schuerer, **Senate File 2428**, a bill for an act appropriating funds to the department of economic development,

certain board of regents institutions, the department of workforce development, the public employment relations board, and making related statutory changes, and providing an effective date provision, placed on the Unfinished Business Calendar on March 16, 2000, was taken up for consideration.

Senator Soukup offered amendment S-5192, filed by her from the floor to pages 1, 5, 6, 8-12, and 15 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5192 be adopted?" (S.F. 2428) the vote was:

Ayes, 19:

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

Nays, 29:

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

Absent or not voting, 2:

Fink	Redfern
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Amendment S-5192 lost.

Senator Shearer offered amendment S-5198, filed by Senators Shearer, et al., from the floor to pages 1 and 2 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5198 be adopted?" (S.F. 2428) the vote was:

Ayes, 19:

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

Nays, 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		

Absent or not voting, 1:

Fink

Amendment S-5198 lost.

Senator Judge offered amendment S-5197, filed by Senators Judge, et al., from the floor to pages 3-5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5197 be adopted?" (S.F. 2428) the vote was:

Ayes, 20:

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

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Redfern

Redwine  
Schuerer  
Zieman

Rehberg  
Sexton

Rife  
Tinsman

Rittmer  
Veenstra

Absent or not voting, 1:

Fink

Amendment S-5197 lost.

Senator Soukup offered amendment S-5193, filed by Senators Soukup, et al., from the floor to page 6 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5193 be adopted?" (S.F. 2428) the vote was:

Ayes, 19:

Black  
Deluhery  
Gronstal  
Horn  
Shearer

Bolkcom  
Dvorsky  
Hammond  
Judge  
Soukup

Connolly  
Flynn  
Hansen  
Kibbie  
Szymoniak

Dearden  
Fraise  
Harper  
McCoy

Nays, 30:

Angelo  
Drake  
Iverson  
Kramer  
McKean  
Redfern  
Rittmer  
Veenstra

Bartz  
Freeman  
Jensen  
Lamberti  
McKibben  
Redwine  
Schuerer  
Zieman

Behn  
Gaskill  
Johnson  
Lundby  
McLaren  
Rehberg  
Sexton

Boettger  
Hedge  
King  
Maddox  
Miller  
Rife  
Tinsman

Absent or not voting, 1:

Fink

Amendment S-5193 lost.

Senator Flynn offered amendment S-5194, filed by Senators Flynn, et al., from the floor to page 12 of the bill.

Senator Hedge took the chair at 5:19 p.m.

Senator Flynn moved the adoption of amendment S-5194.

A record roll call was requested.

On the question "Shall amendment S-5194 be adopted?" (S.F. 2428) the vote was:

Ayes, 20:

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

Nays, 29:

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

Absent or not voting, 1:

Fink

Amendment S-5194 lost.

Senator Soukup offered amendment S-5195, filed by Senators Soukup, et al., from the floor to pages 12 and 13 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5195 be adopted?" (S.F. 2428) the vote was:

Ayes, 19:

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

Nays, 29:

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

Absent or not voting, 2:

Bolkcom                      Fink

Amendment S-5195 lost.

Senator Soukup offered amendment S-5196, filed by Senators Soukup, et al., from the floor to pages 12 and 14 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5196 be adopted?" (S.F. 2428) the vote was:

Ayes, 18:

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

Nays, 31:

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	Szymoniak
Tinsman	Veenstra	Zieman	

Absent or not voting, 1:

Fink

Amendment S-5196 lost.



Senator Schuerer offered amendment S-5189, filed by Senators Schuerer, et al., from the floor to pages 18, 20, and to the title page of the bill, and moved its adoption.

Amendment S-5189 was adopted by a voice vote.

President Kramer took the chair at 6:15 p.m.

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

On the question "Shall the bill pass?" (S.F. 2428), 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, 19:

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

Absent or not voting, 1:

Fink

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 2316, 2385, Senate Files 2254 and 2428** 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 March 21, 2000, amended and passed the following bills in which the **concurrence** of the **Senate** is asked:

**Senate File 2111**, a bill for an act providing for a one hundred percent budget guarantee for school districts, and providing an effective date.(S-5202)

**Senate File 2314**, a bill for an act relating to communicable and infectious diseases and providing penalties.(S-5203)

ALSO: That the House has on March 21, 2000, passed the following bill in which the **concurrence** of the **House** was asked:

**Senate File 2203**, an act to allow the assignment of benefits under an insurance policy or contract, or health benefit plan to the provider of health care services.

## **APPENDIX**

### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 21, 2000, to investigate the appointment and reappointment of the following appointees:

#### **AGRICULTURE**

As members of the Agricultural Development Authority:

FRANK CARROLL – Miller, Chair; Behn and Black  
TIMOTHY GALM – Veenstra, Chair; Kibbie and Sexton  
FRED LUNDT – Bartz, Chair; Soukup and Zieman

#### **BUSINESS AND LABOR RELATIONS**

As members of the Employment Appeal Board:

ELIZABETH SEISER – Rife, Chair; Horn and Schuerer  
MARY SPICER – Behn, Chair; Fraise and Freeman

As members of the Public Employment Relations Board:

JAMES RIORDAN – Freeman, Chair; Behn and Dearden  
M. SUE WARNER – King, Chair; Hansen and Hedge

As members of the Iowa Workforce Development Board:

DENISE BALDWIN – King, Chair; Hedge and Horn (Appointment)  
DENISE BALDWIN – King, Chair; Hedge and Horn (Reappointment)  
SARAH FALB – Schuerer, Chair; King and Rife  
DANIEL PURCELL – Fraise, Chair; Behn and Freeman  
KEN SAGAR – Dearden, Chair; Hedge and Schuerer  
JOHN WATSON – Horn, Chair; McKibben and Rife

#### **COMMERCE**

As members of the Credit Union Review Board:

JOHN BENTLER – Gronstal, Chair; Johnson and Redfern  
MICHAEL HARVEY – Gronstal, Chair; Johnson and Redfern  
ROGER REISER – Gronstal, Chair; Johnson and Redfern

As Chairperson of the Iowa Telecommunications and Technology Commission:

MARY BRANDSGARD – King, Chair; Hansen and Lundby

As a member of the Iowa Telecommunications and Technology Commission:

MARY BRANDSGARD – King, Chair; Hansen and Lundby

As Executive Director of the Iowa Telecommunications and Technology Commission:

HAROLD M. THOMPSON – Jensen, Chair; Deluhery and Schuerer

### **EDUCATION**

As members of the State Board of Education:

CHARLES EDWARDS – Redfern, Chair; Sexton and Szymoniak

SALLY FRUDDEN – Rehberg, Chair; Boettger and Gaskill

GREGORY McCLAIN – Redfern, Chair; Angelo and Harper

DONALD ROBY – Harper, Chair; Rehberg and Veenstra

As members of the Iowa Higher Education Loan Authority:

CAROL BURNS – Dvorsky, Chair; Redwine and Tinsman

JAMES WEINMAN – Fink, Chair; Angelo and Veenstra

As a member of the School Budget Review Committee:

WAYNE DREXLER – Connolly, Chair; Boettger and Rehberg

### **HUMAN RESOURCES**

As members of the Board of Examiners for Athletic Training:

THOMAS GREENWALD – Hammond, Chair; Miller and Tinsman

SUSAN TIERNAN – Hammond, Chair; Miller and Tinsman

As members of the Board of Behavioral Science Examiners:

DOROTHY ANDERSON – Harper, Chair; Bartz and Veenstra

DAVID BROWN – Harper, Chair; Bartz and Veenstra

THORALD DAVIDSON – Harper, Chair; Bartz and Veenstra

TIMOTHY RUPPERT – Hammond, Chair; Miller and Tinsman

As a member of the Commission for the Blind:

ROBERT MARTIN – Shearer, Chair; Behn and Boettger

As members of the Commission on Community Action Agencies:

THOMAS LETSCHE – Shearer, Chair; Behn and Boettger (Appointment)

THOMAS LETSCHE – Shearer, Chair; Behn and Boettger (Reappointment)

LOREN WAKEFIELD – Shearer, Chair; Behn and Boettger

As a member of the Commission on the Deaf:

JACK PURCELL – Miller, Chair; Behn and Szymoniak

As members of the Commission of Elder Affairs:

LOIS BUCKINGHAM – Dvorsky, Chair; Behn and Miller  
CRAIG DOWNING – Miller, Chair; Behn and Szymoniak

As members of the Iowa Empowerment Board:

KEVIN CAMERON – Boettger, Chair; Redwine and Szymoniak  
CLEMMYE JACKSON – Tinsman, Chair; Dvorsky and Schuerer  
BARBARA KAIMAN – Tinsman, Chair; Dvorsky and Schuerer  
ROBERT KOOB – Tinsman, Chair; Dvorsky and Schuerer  
THOMAS WILSON – Dvorsky, Chair; Behn and Miller  
C. ARTHUR WITTMACK – Dvorsky, Chair; Behn and Miller

As a member of the State Citizen Foster Care Review Board:

CONNIE BEAR KING – Boettger, Chair; Redwine and Szymoniak

As members of the Healthy and Well Kids in Iowa (HAWK-I) Board:

DIANE BRIEST – Redwine, Chair; Boettger and Szymoniak  
BARRY CLEVELAND – Redwine, Chair; Boettger and Szymoniak  
ELDON HUSTON – Redwine, Chair; Boettger and Szymoniak  
SUSAN POULTON – Boettger, Chair; Redwine and Szymoniak

As members of the Iowa Council on Human Investment:

MARTIN APPLEBAUM – Szymoniak, Chair; Boettger and Redwine  
BETTY JEAN FURGERSON – Szymoniak, Chair; Boettger and Redwine  
AUSTIN TURNER – Szymoniak, Chair; Boettger and Redwine

As members of the Mental Health and Developmental Disabilities Commission:

CHERIE CLARK – Behn, Chair; Dvorsky and Miller  
LINDA KELLEN – Behn, Chair; Dvorsky and Miller  
LANNIE MILLER – Behn, Chair; Dvorsky and Miller  
HERBERT NEUBAUER – Bartz, Chair; Harper and Veenstra  
DENNIS RYAN – Bartz, Chair; Harper and Veenstra  
JERRY STUBBE – Bartz, Chair; Harper and Veenstra

As members of the Board of Physician Assistant Examiners:

DIANE CARDWELL – Schuerer, Chair; Dvorsky and Tinsman  
WILLIAM CONNET – Schuerer, Chair; Dvorsky and Tinsman  
RITA TAYLOR – Schuerer, Chair; Dvorsky and Tinsman

As members of the Commission on the Status of Women:

JUDGE BROWN – Miller, Chair; Behn and Szymoniak  
FRANCIS GIUNTA – Harper, Chair; Bartz and Veenstra  
SHAWN MULLEN – Veenstra, Chair; Schuerer and Shearer  
MARCIA NICHOLS – Veenstra, Chair; Schuerer and Shearer  
KIMBERLY PAINTER – Veenstra, Chair; Schuerer and Shearer

**JUDICIARY**

As a member of the Drug Abuse Prevention and Education Advisory Council:

PAMELA DETTMANN – Tinsman, Chair; Hammond and McKean

As a member of the Commission on Judicial Qualifications:

MARY CURRAN – Horn, Chair; Dvorsky and McKean

As a member of the Board of Parole:

ELIZABETH WALKER-FORD – McCoy, Chair; Maddox and McKibben

**LOCAL GOVERNMENT**

As a member of the County Finance Committee:

KRISTA ODENDAHL – Judge, Chair; McKibben and Miller

As members of the Mental Health Risk Pool Board:

MILES BUTLER – Hammond, Chair; McKean and Zieman

JUDY CLARK – Bartz, Chair; Angelo and Judge

LYNN FERRELL – McCoy, Chair; McKean and McKibben

ANDY NIELSEN – McKibben, Chair; Hammond and McCoy

KAREN STRAWN – McKean, Chair; Judge and Zieman

SALLY STUTSMAN – Bolcom, Chair; McKean and Zieman

DAVID VAN NINGEN – Bartz, Chair; Angelo and Hammond

KELLY YEGGY – Miller, Chair; Bolcom and Zieman

**NATURAL RESOURCES AND ENVIRONMENT**

As a member of the Environmental Protection Commission:

DARRELL HANSON – Rehberg, Chair; Black and Rife

As members of the Renewable Fuels and Coproducts Advisory Committee:

JOANN BRINCKS – King, Chair; Drake and Fink

GREG HAYES – Miller, Chair; Bartz and Dearden

DAVID HOLMES – Dearden, Chair; Freeman and Johnson

YVONNE WENTE – Rehberg, Chair; Deluhery and Gaskill

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

As Director of the Department of Economic Development:

CLAUDIA JEAN "CJ" NILES – Behn, Chair; Hansen and Lundby

As members of the Iowa Economic Development Board:

SANDRA BAILEN-SCOTT – Veenstra, Chair; Boettger and Shearer  
JULIE CARLSON – Veenstra, Chair; Boettger and Soukup

As a member of the Small Business Advisory Council:

FRANCES FLECK – Tinsman, Chair; Lundby and Shearer

As Director of the Office for State-Federal Relations:

PHILIP BUCHAN – Hansen, Chair; Lundby and Sexton

### **STATE GOVERNMENT**

As members of the Accountancy Examining Board:

SUSAN BOE – Szymoniak, Chair; Lamberti and Maddox  
RONALD NIELSEN – Maddox, Chair; King and Szymoniak  
DAVID VAUDT – Lamberti, Chair; Dearden and Maddox

As members of the Commission on the Status of African-Americans:

THERESA CLARK-KLINE – Deluhery, Chair; Drake and King  
ANGELA GRAVELY-SMITH – Drake, Chair; Connolly and Lundby  
JOSEPH MCGILL – Lundby, Chair; Deluhery and Schuerer  
JOYCE MCGLODY – Dearden, Chair; Lamberti and Sexton  
JEROME THOMAS – Connolly, Chair; Drake and Schuerer

As a member of the Alcoholic Beverages Commission:

PATRICIA DRUMELLER – King, Chair; Kibbie and Sexton

As members of the Architectural Examining Board:

KEVIN MONSON – Connolly, Chair; King and Schuerer  
JEFFREY MORGAN – Dearden, Chair; Maddox and Szymoniak

As members of the Board of Barber Examiners:

LAURA CHADIMA-BEER – Lundby, Chair; Connolly and Schuerer  
BARBARA MARTIN – Schuerer, Chair; Fink and Sexton

As members of the Board of Chiropractic Examiners:

CHARLES B. FOLLETT – Dearden, Chair; Maddox and Sexton (Appointment)  
CHARLES B. FOLLETT – Dearden, Chair; Maddox and Sexton (Reappointment)  
ELIZABETH KRESSIN – King, Chair; Kibbie and Lundby  
VALORIE PRAHL – Schuerer, Chair; Kibbie and Rittmer

As a member of the Board of Cosmetology Arts and Sciences Examiners:

CURTIS STAMP – Rittmer, Chair; Dearden and Drake

As members of the Board of Dental Examiners:

ELIZABETH BRENNAN – Dearden, Chair; Lamberti and Szymoniak  
SUZAN STEWART – King, Chair; Fink and Maddox  
LEROY STROHMAN – Kibbie, Chair; King and Sexton

As members of the Board of Dietetic Examiners:

RACHEL DUNN – Sexton, Chair; Dearden and Lamberti  
GEORGE PRICE – Maddox, Chair; King and Szymoniak  
ELVIN SOLL – McLaren, Chair; Fink and King

As a member of the Iowa Emergency Response Commission:

JOHN KROGH – Lamberti, Chair; Dearden and Sexton

As a member of the Engineering and Land Surveying Examining Board:

SUSAN LONG – Fink, Chair; King and McLaren

As members of the Board for the Licensing and Regulation of Hearing Aid Dealers:

GLEN MEIER – Sexton, Chair; Maddox and Szymoniak  
STACEY WARREN – Lamberti, Chair; Dearden and Maddox

As members of the Landscape Architectural Examining Board:

DAVID BIEHL – Lundby, Chair; Deluhery and Drake  
CATHERINE BROWN – Sexton, Chair; Kibbie and King

As a member of the Lottery Board:

TIMOTHY CLAUSEN – Kibbie, Chair; King and Lamberti

As a member of the Board of Examiners for Massage Therapy:

E. HOWARD SONKSEN – Kibbie, Chair; Lundby and Sexton

As members of the Board of Medical Examiners:

BRUCE HUGHES – Dearden, Chair; Fink and Maddox  
DONNA NORMAN – Rittmer, Chair; Deluhery and Drake  
STEPHEN QUIRK – Szymoniak, Chair; King and Sexton  
JANECE VALENTINE – Sexton, Chair; Kibbie and Lamberti

As members of the Board of Mortuary Science Examiners:

RUTH OHDE – Kibbie, Chair; King and Sexton  
DIANE PALMER – Szymoniak, Chair; Lundby and Sexton

As members of the Board of Nursing Examiners:

M. ANN AULWES-ALLISON – Fink, Chair; Lundby and Schuerer



As members of the State Board of Examiners for Nursing Home Administrators:

TERRY COOPER – Fink, Chair; Lundby and McLaren  
MARILYN FINCH – Lundby, Chair; Sexton and Szymoniak  
MARY NIELSEN – Szymoniak, Chair; King and Maddox  
WILLIAM THAYER – Dearden, Chair; Sexton and Szymoniak

As members of the Board of Optometry Examiners:

BARBARA SCHEETZ – Szymoniak, Chair; Maddox and McLaren  
ROBERT WEILAND – Kibbie, Chair; Deluhery and King

As members of the Board of Pharmacy Examiners:

KATHERINE LINDER – Sexton, Chair; Drake and Kibbie  
LEMAN OLSON – King, Chair; Drake and Kibbie

As a member of the Board of Physical and Occupational Therapy Examiners:

ALICE PRICE – Lundby, Chair; Connolly and Schuerer

As members of the Board of Podiatry Examiners:

ANN OSTERHAUS – Connolly, Chair; Rittmer and Schuerer  
RICKEY SALOCKER – Sexton, Chair; Fink and King

As members of the Board of Psychology Examiners:

ANA LOPEZ-DAWSON – Lamberti, Chair; Dearden and Drake  
SCOTT SHAFER – Szymoniak, Chair; Dearden and Lamberti

As members of the State Racing and Gaming Commission:

DIANE HAMILTON – Connolly, Chair; King and Maddox  
JAMES HASSENFRTZ – Dearden, Chair; Connolly and Lundby

As members of the Real Estate Appraiser Examining Board:

DAVID ERICKSON – Lamberti, Chair; King and Szymoniak  
SANDRA GLENN – Kibbie, Chair; Connolly and Lundby  
BETH WEEKS – Schuerer, Chair; Deluhery and Kibbie

As members of the Real Estate Commission:

JAMES HUGHES – Dearden, Chair; Fink and Maddox  
EVELYN RANK – McLaren, Chair; Fink and Schuerer

As members of the State Board for Respiratory Care:

WILLIAM NIEDERT – Lundby, Chair; Kibbie and Sexton  
SALLY STEFFEN – Dearden, Chair; Drake and Szymoniak (Appointment)  
SALLY STEFFEN – Dearden, Chair; Drake and Szymoniak (Reappointment)

As members of the Board of Social Work Examiners:

JOAN HESTER – McLaren, Chair; King and Szymoniak (Appointment)  
JOAN HESTER – McLaren, Chair; King and Szymoniak (Reappointment)  
JAMES YEAST – Connolly, Chair; Drake and Lundby

As members of the Board of Speech Pathology and Audiology Examiners:

ALISON LEMKE – Dearden, Chair; Lamberti and Szymoniak  
J. ANTONIO PRIETO – Szymoniak, Chair; Dearden and Lamberti  
KENT WEBB – McLaren, Chair; Fink and Sexton

As members of the Commission of Veterans Affairs:

LARRY BOWDEN – Dearden, Chair; Drake and Kibbie  
BARRY REMINGTON – Drake, Chair; Dearden and Kibbie

As members of the Iowa Board of Veterinary Medicine:

BRUCE VAN ZEE – McLaren, Chair; Fink and King  
THERESA WALLACE – Dearden, Chair; Fink and Lamberti

### **TRANSPORTATION**

As members of the Iowa Law Enforcement Academy Council:

ROXANNE JOHNSON – Fraise, Chair; Drake and McKean  
LYNNE WRIGHT – McKean, Chair; Drake and Fraise

As members of the State Transportation Commission:

SUZAN BODEN – Drake, Chair; Jensen and Kibbie  
BARBARA Mac GREGOR – Sexton, Chair; Judge and Rittmer

### **WAYS AND MEANS**

As members of the Iowa Railway Finance Authority:

SUSAN COSNER – Johnson, Chair; Flynn and Hedge  
CATHERINE JOHNSON – Bolkcom, Chair; McLaren and Redwine

### **CERTIFICATES OF RECOGNITION**

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

Coach Steve Bergman and the Iowa City West High School Trojans, Iowa City – For winning the Boys' Class 4A State Basketball Championship. Senator Dvorsky (03/21/00).

Joseph B. Larsen, Brandon – For achieving the rank of Eagle Scout. Senator Rehberg (03/21/00).

Coach Jeff Simpson and the Johnston Dragons, Johnston – Runner-up in the Boys' Class 4A State Basketball Tournament. Senator Maddox (03/21/00).

INTRODUCTION OF RESOLUTION

**Senate Resolution 112**, by McKibben, a resolution honoring the Story City firefighter who died in the line of duty.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILL RECEIVED

**SSB 3221      Ways and Means**

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

SUBCOMMITTEE ASSIGNMENT

**SSB 3221**

WAYS AND MEANS: McKibben, Chair; Bolkcom and Johnson

AMENDMENTS FILED

S-5189	S.F.	2428	Neal Schuerer Joe Bolkcom Derryl McLaren Michael E. Gronstal
S-5190	H.F.	2362	David Miller
S-5191	H.F.	723	Mary A. Lundby Matt McCoy
S-5192	S.F.	2428	Betty A. Soukup
S-5193	S.F.	2428	Betty A. Soukup Patrick J. Deluhery Joe Bolkcom Patricia Harper Johnie Hammond

			Robert E. Dvorsky
			Elaine Szymoniak
			Eugene Fraise
			Michael E. Gronstal
			Wally E. Horn
			Dennis H. Black
S-5194	S.F.	2428	Tom Flynn
			Patrick J. Deluhery
			Joe Bolkcom
			Patricia Harper
			Johnie Hammond
			Dick Dearden
			Steve Hansen
			Robert E. Dvorsky
			Eugene Fraise
			Michael E. Gronstal
			Dennis H. Black
			Betty A. Soukup
			Wally E. Horn
S-5195	S.F.	2428	Betty A. Soukup
			Patrick J. Deluhery
			Tom Flynn
			Michael W. Connolly
			John Judge
			Steve Hansen
			Dick Dearden
			Wally E. Horn
			Dennis H. Black
S-5196	S.F.	2428	Betty A. Soukup
			Mark Shearer
			John Judge
			Michael W. Connolly
			Tom Flynn
			Patrick J. Deluhery
			Joe Bolkcom
			Patricia Harper
S-5197	S.F.	2428	John Judge
			Patrick J. Deluhery
			Michael W. Connolly
			Tom Flynn
			Steve Hansen

			Dick Dearden
			Mark Shearer
			Betty A. Soukup
			Johnie Hammond
			Patricia Harper
			Joe Bolkcom
S-5198	S.F.	2428	Mark Shearer
			Patrick J. Deluhery
			Tom Flynn
			Michael W. Connolly
			John Judge
			Steve Hansen
			Dick Dearden
			Betty A. Soukup
			Robert E. Dvorsky
			Johnie Hammond
			Patricia Harper
			Joe Bolkcom
S-5199	H.F.	2519	Jeff Angelo
S-5200	S.F.	2239	Larry McKibben
S-5201	H.F.	723	Mary A. Lundby
S-5202	S.F.	2111	House
S-5203	S.F.	2314	House

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:02 p.m., until 9:00 a.m., Wednesday, March 22, 2000.

# JOURNAL OF THE SENATE

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SEVENTY-THIRD CALENDAR DAY  
FORTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 22, 2000

The Senate met in regular session at 9:07 a.m., President Kramer presiding.

Prayer was offered by the Reverend Clayton George, pastor of the Apostolic Assembly Church of Anamosa, Iowa, guest of Senator McKean.

The Journal of Tuesday, March 21, 2000, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fink, for the day, on request of Senator Black.

## BILLS SENT TO UNFINISHED BUSINESS CALENDAR

Senator Iverson asked and received unanimous consent that the following bills be referred to the Unfinished Business Calendar:

Senate File 2035

Senate File 2345

Senate File 2429

Senate File 2430

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 102.

**Senate Resolution 102**

On motion of Senator Jensen, **Senate Resolution 102**, a resolution requesting that Congress grant states the authority to regulate automatic teller machine or satellite terminal charges assessed by financial institutions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Jensen offered amendment S-5003, filed by the committee on Commerce on February 1, 2000, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5003 was adopted by a voice vote.

Senator Jensen moved the adoption of Senate Resolution 102, as amended, which motion prevailed by a voice vote, and the resolution was adopted.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2085.

**House File 2085**

On motion of Senator Behn, **House File 2085**, a bill for an act relating to health certificate requirements for breeding bulls and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2085), the vote was:

Ayes, 49:

Angelo  
Boettger  
Deluhery

Bartz  
Bolkcom  
Drake

Behn  
Connolly  
Dvorsky

Black  
Dearden  
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:

Fink

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

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2085** be **immediately messaged** to the House.

#### RECESS

On motion of Senator Iverson, the Senate recessed at 10:04 a.m., until 3:00 p.m.



## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** March 22, 2000, 8:49 a.m.

**Members Present:** Gaskill, Chair; Miller, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Behn, Hedge, Judge, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman.

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

**Committee Business:** Recommended confirmation of Governor's appointees.

**Adjourned:** 8:55 a.m.

#### JUDICIARY

**Convened:** March 22, 2000, 11:29 a.m.

**Members Present:** McKean, Chair; Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, McKibben, Miller, and Redfern.

**Members Absent:** Lamberti, Vice Chair; Hansen, Ranking Member; Maddox, McCoy, and Tinsman (all excused).

**Committee Business:** Subcommittee assignment. Approved subcommittee assignments for Governor's appointees. Recommended confirmation of Governor's appointee.

**Adjourned:** 11:31 a.m.

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** March 22, 2000, 10:52 a.m.

**Members Present:** Bartz, Chair; King, Vice Chair; Black, Bolcom, Dearden, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Miller, Rehberg, and Rife.

**Members Absent:** Fink, Ranking Member (excused).

**Committee Business:** Recommended confirmation of Governor's appointees for En Bloc Calendar; one appointee to Individual Calendar without recommendation.

**Adjourned:** 11:08 a.m.

## SUBCOMMITTEE ASSIGNMENT

**House File 2439**

JUDICIARY: McKibben, Chair; Angelo and McCoy

## COMPANION BILL RECEIVED

On March 22, 2000, **House File 2197** was received and attached to companion **Senate File 2345** on the Senate calendar.

## EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on March 20, 2000, when the votes were taken on Senate Files 2147, 2418, 2420, House Files 620, 683, 2136, 2173, 2179, 2218, 2220, 2239, 2240, 2277, 2329, and 2330. Had I been present, I would have voted "Aye" on all.

JEFF ANGELO

## PETITION

The following petition was presented and placed on file:

From 792 residents of various counties in Iowa favoring legislation to establish an Iowa state commission on the status of Asian and Pacific Islanders. Senator Bolkcom.

GOVERNOR'S APPOINTEES PLACED  
ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

**AGRICULTURE**

Frank Carroll – Agricultural Development Authority  
Timothy Galm – Agricultural Development Authority  
Fred Lundt – Agricultural Development Authority

**JUDICIARY**

Mary Curran – Commission on Judicial Qualifications

### **NATURAL RESOURCES AND ENVIRONMENT**

Darrell Hanson – Environmental Protection Commission

Greg Hayes – Renewable Fuels and Coproducts Advisory Committee

David Holmes – Renewable Fuels and Coproducts Advisory Committee

Yvonne Wente – Renewable Fuels and Coproducts Advisory Committee

### **GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar without recommendation for confirmation:

### **NATURAL RESOURCES AND ENVIRONMENT**

JoAnn Brincks – Renewable Fuels and Coproducts Advisory Committee

### **AMENDMENTS FILED**

S-5204	H.F.	2327	Joe Bolkcom
S-5205	H.F.	2135	David Miller
S-5206	H.F.	2511	Richard F. Drake
			John P. Kibbie
S-5207	S.F.	428	House
S-5208	H.F.	2491	Ken Veenstra
S-5209	H.F.	2331	Jeff Lamberti
S-5210	S.F.	2344	House
S-5211	S.F.	2430	Jerry Behn
			Derryl McLaren
			John P. Kibbie
			H. Kay Hedge

## AFTERNOON SESSION

The Senate reconvened at 3:44 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 March 22, 2000, adopted the following resolution in which the **concurrence** of the **Senate** is asked:

**House Concurrent Resolution 111**, a concurrent resolution encouraging state and local governments, business interests, health care professionals, and individuals with interest in good health to help in educating the public to raise awareness regarding osteoporosis prevention, detection, and treatment.

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

ALSO: That the House has on March 22, 2000, amended and passed the following bills in which the **concurrence** of the **Senate** is asked:

**Senate File 428**, a bill for an act relating to the authority of cities and counties to adopt rent control ordinances.(S-5207)

**Senate File 2253**, a bill for an act relating to certain county officers' duties relating to property transfer instruments, records of fees paid to a county, notice of certification of utility liens, and notice of mobile homes departing and entering mobile home parks.(S-5212)

**Senate File 2344**, a bill for an act relating to child and family services administered by the department of human services.(S-5210)

ALSO: That the House has on March 22, 2000, passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 2048**, a bill for an act providing for the appointment and length of terms for members added to a hospital board of trustees.

**Senate File 2061**, a bill for an act relating to the registration and licensing duties of the county recorder and providing for other properly related matters.

**Senate File 2164**, a bill for an act relating to expenditure of primary road fund moneys for dust control on certain municipal streets.

**Senate File 2200**, a bill for an act providing for the establishment of protected cells by domestic insurers.

**Senate File 2256**, a bill for an act establishing a pilot project requiring that the state department of transportation purchase soydiesel fuel for use in some of its vehicles, and providing for contingent effectiveness.

**Senate File 2372**, a bill for an act relating to certain providers of consumer services by eliminating the registration requirement for physical exercise clubs, making social referral service providers subject to provisions relating to door-to-door sales, and making penalties applicable.

**Senate File 2388**, a bill for an act relating to the filing of reports with the secretary of state by corporate entities.

**Senate File 2409**, a bill for an act relating to the operation and regulation of insurance companies, mutual insurance associations, benevolent associations, health maintenance organizations, and other insurance or risk-assuming entities, including the rights and duties of such entities and the powers and authority of the insurance commissioner and providing effective dates.

ALSO: That the House has on March 22, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2197**, a bill for an act relating to the determination of fair value of the shares of dissenting shareholders of a bank or bank holding company.

Read first time and attached to **companion Senate File 2345**.

ALSO: That the House has on March 22, 2000, concurred in the Senate amendment and passed the following bills in which the **concurrence** of the **House** was asked:

**House File 2113**, a bill for an act relating to eligibility for United States armed forces retired special motor vehicle license plates.

**House File 2136**, a bill for an act relating to nonsubstantive Code corrections.

**House File 2525**, a bill for an act relating to limitations on recoverable noneconomic damages in legal actions arising out of motor vehicle accidents.

#### QUORUM CALL

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

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

The Senate stood at ease at 3:58 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:09 p.m., President Kramer presiding.

#### UNFINISHED BUSINESS

##### **Senate File 2430**

On motion of Senator Behn, **Senate File 2430**, a bill for an act relating to and making appropriations for agriculture and natural resources and providing effective dates, placed on the Unfinished Business Calendar on March 22, 2000, was taken up for consideration.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Flynn, until he arrives, on request of Senator Dvorsky; and Senator Rife, for the remainder of the day, on request of Senator Jensen.

## BUSINESS PENDING

**Senate File 2430**

The Senate resumed consideration of Senate File 2430.

Senator Black offered amendment S-5221, filed by Senators Black, et al., from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5221 be adopted?" (S.F. 2430) the vote was:

Ayes, 19:

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

Nays, 28:

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

Absent or not voting, 3:

Fink	Flynn	Rife
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Amendment S-5221 lost.

Senator Behn offered amendment S-5211, filed by Senators Behn, et al., from the floor to pages 2, 3, 18, and 19 of the bill, and moved its adoption.

Amendment S-5211 was adopted by a voice vote.

Senator Black offered amendment S-5222, filed by Senators Black, et al., from the floor to pages 6, 7, 9, and 12-14 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5222 be adopted?" (S.F. 2430) the vote was:

Ayes, 19:

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

Nays, 29:

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

Absent or not voting, 2:

Fink	Rife
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Amendment S-5222 lost.

Senator Behn offered amendment S-5216, filed by him from the floor to pages 6, 10, and 13 of the bill, and moved its adoption.

Amendment S-5216 was adopted by a voice vote.



President Kramer called up amendment S-5213, filed by Senator Rife from the floor to pages 16 and 19 of the bill.

Senator Iverson asked and received unanimous consent that action on amendment S-5213 be deferred.

Senator Zieman asked and received unanimous consent to withdraw amendment S-5217, filed by Senators Zieman and Fraise from the floor to pages 16 and 19 of the bill.

Senator Iverson offered amendment S-5219, filed by him from the floor to pages 16 and 19 of the bill.

Senator Behn raised the point of order that amendment S-5219 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5219 out of order.

With the ruling of germaneness on amendment S-5219, the Chair ruled amendment S-5213, filed by Senator Rife from the floor to pages 16 and 19 of the bill, out of order.

Senator Fraise offered amendment S-5220, filed by him from the floor to pages 16 and 19 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5220 be adopted?" (S.F. 2430) the vote was:

Ayes, 20:

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

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King

Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra

Absent or not voting, 2:

Fink	Rife
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Amendment S-5220 lost.

Senator Soukup asked and received unanimous consent to withdraw amendment S-5223, filed by Senators Soukup, et al., from the floor to pages 16 and 19 of the bill.

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?" (S.F. 2430), the vote was:

Ayes, 29:

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

Nays, 19:

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

Absent or not voting, 2:

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

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2430** be **immediately messaged** to the House.

## APPENDIX

## COMMUNICATION RECEIVED

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

March 22, 2000

## IOWA DEPARTMENT OF PUBLIC HEALTH

February 2000 Scope of Practice Review Committee Pilot Project Final Report, pursuant to 1997 Iowa Acts, chapter 203.

## REPORT OF COMMITTEE MEETING

## WAYS AND MEANS

**Convened:** March 22, 2000, 1:10 p.m.

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

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

**Committee Business:** Approved SSBs 3046 (as amended), 3215, and 3221. Recommended confirmation of Governor's appointees.

**Adjourned:** 1:55 p.m.

## INTRODUCTION OF BILLS

**Senate File 2431**, by committee on Ways and Means, a bill for an act providing for a tax levy for a county hospital fund in certain counties and providing an applicability and effective date.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate File 2432**, 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 and including an effective date.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

## COMMITTEE REPORTS

### WAYS AND MEANS

**Final Bill Action:** SENATE FILE 2431 (SSB 3215), a bill for an act providing for a tax levy for a county hospital fund in certain counties and providing an applicability and effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Flynn, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup. Nays, none. Absent or not voting, 1: Drake.

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

ALSO:

**Final Bill Action:** SENATE FILE 2432 (SSB 3221), a bill for an act exempting from the state sales and use taxes certain equipment used in transmitting telecommunications services and including an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Flynn, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup. Nays, none. Absent or not voting, 1: Drake.

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

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

### WAYS AND MEANS

Susan Cosner – Iowa Railway Finance Authority  
Catherine Johnson – Iowa Railway Finance Authority

## AMENDMENTS FILED

S-5212	S.F.	2253	House
S-5213	S.F.	2430	Jack Rife
S-5214	S.F.	2429	Elaine Szymoniak
S-5215	H.F.	2135	Mary A. Lundby
S-5216	S.F.	2430	Jerry Behn
S-5217	S.F.	2430	Lyle E. Zieman Eugene Fraise
S-5218	H.F.	2391	Jeff Angelo
S-5219	S.F.	2430	Stewart E. Iverson, Jr.
S-5220	S.F.	2430	Eugene Fraise
S-5221	S.F.	2430	Dennis H. Black Michael W. Connolly Tom Flynn Joe Bolkcom Patricia Harper
S-5222	S.F.	2430	Dennis H. Black Mark Shearer John Judge Betty A. Soukup Patrick J. Deluhery Michael W. Connolly Tom Flynn Joe Bolkcom Patricia Harper Johnie Hammond Robert E. Dvorsky Elaine Szymoniak Eugene Fraise Michael E. Gronstal John P. Kibbie Dick Dearden
S-5223	S.F.	2430	Betty A. Soukup Eugene Fraise Johnie Hammond Patricia Harper Joe Bolkcom Michael W. Connolly Tom Flynn

			Mark Shearer
			John Judge
S-5224	H.F.	723	Mary A. Lundby
			Matt McCoy
S-5225	H.F.	2477	Jeff Angelo

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:45 p.m., until 9:00 a.m., Thursday, March 23, 2000.

# JOURNAL OF THE SENATE

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SEVENTY-FOURTH CALENDAR DAY  
FORTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 23, 2000

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

Prayer was offered by the Reverend Bob Welsh, pastor of the First Christian Church of Iowa City, Iowa, guest of Senator Bolkcom.

The Journal of Wednesday, March 22, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Fink, until he arrives, on request of Senator Flynn; Senators Bolkcom, Dvorsky, and McCoy, until they arrive, on request of Senator Gronstal; and Senator Lundby, until she arrives, on request of Senator Freeman.

## UNFINISHED BUSINESS (Deferred March 21, 2000)

### House File 2510

The Senate resumed consideration of **House File 2510**, a bill for an act relating to operating while intoxicated, including ignition interlock provisions, deferred March 21, 2000.

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

On the question "Shall the bill pass?" (H.F. 2510), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Drake	Flynn	Fraise	Freeman
Gaskill	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, 5:

Bolkcom	Dvorsky	Fink	Lundby
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 Hammond, until she arrives, on request of Senator Harper.

### UNFINISHED BUSINESS

#### **Senate File 2416**

On motion of Senator Black, **Senate File 2416**, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds, placed on the Unfinished Business Calendar on March 16, 2000, was taken up for consideration.

Senator Black 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. 2416), the vote was:



Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Drake	Flynn	Fraise	Freeman
Gaskill	Gronstal	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, 4:

Bolkcom	Dvorsky	Fink	Hammond
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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

### Senate File 2429

On motion of Senator Rife, **Senate File 2429**, 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 effective dates and retroactive applicability provisions, placed on the Unfinished Business Calendar on March 22, 2000, was taken up for consideration.

The Senate stood at ease at 9:31 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:10 a.m., Senator Bartz presiding.

Senator Szymoniak offered amendment S-5214, filed by her on March 22, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5214 lost by a voice vote.

Senator Gronstal offered amendment S-5231, filed by Senators Gronstal, et al., from the floor to page 3 of the bill.

Senator Gronstal asked and received unanimous consent that action on amendment S-5231 be deferred.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren, until he arrives, on request of Senator Iverson.

### BUSINESS PENDING

### Senate File 2429

The Senate resumed consideration of Senate File 2429.

Senator Bolkcom offered amendment S-5230, filed by Senators Bolkcom, et al., from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5230 be adopted?" (S.F. 2429) the vote was:

Ayes, 21:

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

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKibben	Miller	Redfern	Redwine

Rehberg  
Sexton

Rife  
Tinsman

Rittmer  
Veenstra

Schuerer  
Zieman

Absent or not voting, 1:

McLaren

Amendment S-5230 lost.

Senator Judge offered amendment S-5229, filed by Senators Judge, et al., from the floor to pages 15 and 16 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5229 be adopted?" (S.F. 2429) the vote was:

Ayes, 22:

Black  
Deluhery  
Fraise  
Harper  
McCoy  
Soukup

Bolkcom  
Dvorsky  
Gronstal  
Horn  
McKean  
Szymoniak

Connolly  
Fink  
Hammond  
Judge  
McKibben

Dearden  
Flynn  
Hansen  
Kibbie  
Shearer

Nays, 28:

Angelo  
Drake  
Iverson  
Kramer  
McLaren  
Rehberg  
Sexton

Bartz  
Freeman  
Jensen  
Lamberti  
Miller  
Rife  
Tinsman

Behn  
Gaskill  
Johnson  
Lundby  
Redfern  
Rittmer  
Veenstra

Boettger  
Hedge  
King  
Maddox  
Redwine  
Schuerer  
Zieman

Absent or not voting, none.

Amendment S-5229 lost.

President Kramer took the chair at 10:55 a.m.

Senator Deluhery offered amendment S-5232, filed by Senators Deluhery, et al., from the floor to page 18 of the bill.

Senator Rife raised the point of order that amendment S-5232 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5232 out of order.

The Senate resumed consideration of amendment S-5231, previously deferred.

Senator Boettger took the chair at 11:12 a.m.

Senator Gronstal moved the adoption of amendment S-5231.

A record roll call was requested.

On the question "Shall amendment S-5231 be adopted?" (S.F. 2429) the vote was:

Ayes, 22:

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

Nays, 28:

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

Absent or not voting, none.

Amendment S-5231 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

## BUSINESS PENDING

**Senate File 2429**

The Senate resumed consideration of Senate File 2429.

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

On the question "Shall the bill pass?" (S.F. 2429), 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, 19:

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

Absent or not voting, 1:

Fraise

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

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2510, Senate Files 2416, and 2429** 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 March 22, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2545**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

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

## RECESS

On motion of Senator Iverson, the Senate recessed at 11:47 a.m., until 2:30 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** March 22, 2000, 2:10 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSB 3219, as amended.

**Adjourned:** 3:35 p.m.

#### STATE GOVERNMENT

**Convened:** March 22, 2000, 11:13 a.m.

**Members Present:** Rittmer, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, Deluhery, Drake, King, Lundby, Maddox, McLaren, Schuerer, Sexton, and Szymoniak.

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

**Committee Business:** Approved subcommittee appointments for Governor's appointees. Recommended confirmation of Governor's appointees.

**Adjourned:** 11:55 a.m.

## PETITION

The following petition was presented and placed on file:

From 1,000 residents of Dubuque County, Iowa, favoring legislation to create a pharmaceutical assistance program to provide assistance with the prescription drug costs for seniors over 65 years of age. Senator Flynn.

## INTRODUCTION OF BILL

**Senate File 2433**, by committee on Appropriations, 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, and providing an effective date.

Read first time under Rule 28 and placed on **Appropriations calendar**.

## SUBCOMMITTEE ASSIGNMENTS

### House File 2533

APPROPRIATIONS: Tinsman, Chair; Hammond and Kramer

### House File 2538

APPROPRIATIONS: Freeman, Chair; Connolly and McLaren

## COMMITTEE REPORT

### APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 2433 (SSB 3219), 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, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: McLaren, Kramer, Behn, Freeman, Hedge, Jensen, Johnson, King, Lamberti, Maddox, Redwine, Rehberg, Rife, Schuerer, and Tinsman. Nays, 9: Flynn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Hammond, Horn, and Soukup. Absent or not voting, 1: McCoy.

**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 2433, and they were attached to the committee report.

## AMENDMENTS FILED

S-5226	H.F.	2528	Jeff Angelo
S-5227	H.F.	2511	Richard F. Drake
			John P. Kibbie



S-5228	H.F.	2538	Michael W. Connolly
S-5229	S.F.	2429	John Judge
			Michael E. Gronstal
			Dennis H. Black
			Robert E. Dvorsky
			Mark Shearer
			Michael W. Connolly
			Tom Flynn
			Patrick J. Deluhery
			Dick Dearden
			Wally E. Horn
			John P. Kibbie
			Joe Bolkcom
			Patricia Harper
			Betty A. Soukup
			Elaine Szymoniak
			Eugene Fraise
			Johnie Hammond
S-5230	S.F.	2429	Joe Bolkcom
			Michael E. Gronstal
			Dennis H. Black
			Robert E. Dvorsky
			Mark Shearer
			John Judge
			Michael W. Connolly
			Tom Flynn
			Patrick J. Deluhery
			John P. Kibbie
			Dick Dearden
			Wally E. Horn
			Patricia Harper
			Betty A. Soukup
			Elaine Szymoniak
			Eugene Fraise
			Johnie Hammond
S-5231	S.F.	2429	Michael E. Gronstal
			Dennis H. Black
			Robert E. Dvorsky
			Mark Shearer
			John Judge

			Michael W. Connolly
			Tom Flynn
			Patrick J. Deluhery
			John P. Kibbie
			Dick Dearden
			Wally E. Horn
			Joe Bolkcom
			Patricia Harper
			Betty A. Soukup
			Elaine Szymoniak
			Eugene Fraise
			Johnie Hammond
S-5232	S.F.	2429	Patrick J. Deluhery
			Michael E. Gronstal
			Dennis H. Black
			Robert E. Dvorsky
			Tom Flynn
			Mark Shearer
			John Judge
			Michael W. Connolly
			Johnie Hammond
			John P. Kibbie
			Dick Dearden
			Wally E. Horn
			Joe Bolkcom
			Patricia Harper
			Betty A. Soukup
			Elaine Szymoniak
			Eugene Fraise
S-5233	H.F.	2331	Larry McKibben
S-5234	S.F.	2111	Jeff Angelo

## AFTERNOON SESSION

The Senate reconvened at 3:30 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 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 March 23, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2411**, a bill for an act relating to public retirement systems and providing implementation, applicability, and effective dates.(S-5236)

ALSO: That the House has on March 23, 2000, concurred in the Senate amendment and passed the following bills in which the **concurrence** of the **House** was asked:

**House File 2172**, a bill for an act relating to polygraph examinations of applicants for certain law enforcement or correctional facility positions.

**House File 2321**, a bill for an act relating to medical assistance, including eligibility categories and transfer of assets.

ALSO: That the House has on March 23, 2000, 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 683**, a bill for an act relating to mediation services related to custody, visitation, and support of a child.(S-5237)

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gaskill, for the remainder of the day, on request of Senator Sexton; Senator Lundby, for the remainder of the day, on request of Senator Iverson; and Senator Horn, until he returns, on request of Senator Shearer.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2512.

**House File 2512**

On motion of Senator Fink, **House File 2512**, a bill for an act relating to certain violations attributed to motor vehicles rented from motor vehicle rental companies, with report of committee recommending passage, was taken up for consideration.

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. 2512), the vote was:

Ayes, 46:

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

Gaskill

Horn

Lundby

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

## UNFINISHED BUSINESS

### **Senate File 2296**

On motion of Senator Veenstra, **Senate File 2296**, a bill for an act eliminating the regulation of certain dairy trade practices, placed on the Unfinished Business Calendar on March 16, 2000, was taken up for consideration.

Senator Veenstra asked and received unanimous consent that **House File 2328** be **substituted** for **Senate File 2296**.

### **House File 2328**

On motion of Senator Veenstra, **House File 2328**, a bill for an act eliminating the regulation of certain dairy trade practices, was taken up for consideration.

Senator Bartz asked and received unanimous consent that action on **House File 2328** be **deferred**.

## HOUSE AMENDMENT CONSIDERED

### **Senate File 2111**

Senator Angelo called up for consideration, **Senate File 2111**, a bill for an act providing for a one hundred percent budget guarantee for school districts, and providing an effective date, amended by the House in House amendment S-5202, filed March 21, 2000.

Senator Angelo asked and received unanimous consent that action on House amendment S-5202 and **Senate File 2111** be **deferred**.

The Senate stood at ease at 3:55 p.m. until the fall of the gavel.

The Senate resumed session at 4:28 p.m., Senator Hedge presiding.

#### BILLS SENT TO UNFINISHED BUSINESS CALENDAR

Senator Iverson asked and received unanimous consent that the following bills be placed on the Unfinished Business Calendar:

House File	475
House File	2008
House File	2027
House File	2080
House File	2135
House File	2145
House File	2146
House File	2148
House File	2153
House File	2170
House File	2198
House File	2205
House File	2206
House File	2229
House File	2254
House File	2279
House File	2280
House File	2291
House File	2315
House File	2327
House File	2331
House File	2362
House File	2376
House File	2377
House File	2378
House File	2388
House File	2391
House File	2393
House File	2394
House File	2419
House File	2422
House File	2423
House File	2424

House File	2429
House File	2433
House File	2435
House File	2436
House File	2437
House File	2438
House File	2442
House File	2458
House File	2461
House File	2463
House File	2470
House File	2471
House File	2473
House File	2474
House File	2477
House File	2485
House File	2486
House File	2491
House File	2492
House File	2494
House File	2496
House File	2502
House File	2505
House File	2511
House File	2513
House File	2518
House File	2519
House File	2521
House File	2522
House File	2528

#### 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 March 23, 2000, passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 2036**, a bill for an act to repeal the upper Mississippi riverway compact.

**Senate File 2212**, a bill for an act concerning the administration of clerk of court offices.

**Senate File 2266**, a bill for an act relating to the department of public defense by changing the number and qualifications of general officers in the Iowa national guard and increasing the membership of the emergency response commission and providing an effective date.

ALSO: That the House has on March 23, 2000, amended and passed the following bills in which the **concurrence** of the **Senate** is asked:

**Senate File 228**, a bill for an act authorizing school districts and nonpublic schools to perform certain criminal and abuse record checks.(S-5240)

**Senate File 2303**, a bill for an act relating to judicial administration by providing for benefits applicable to judicial branch employees, the allocation of magistrates, and the manner of making certain noncourt and administrative appointments.(S-5241)

**Senate File 2371**, a bill for an act relating to the establishment of a water quality initiative program by the department of agriculture and land stewardship and the department of natural resources, defining and providing for the use of credible data for quality control and assurance procedures, and providing for other properly related matters, and providing an applicability date.(S-5239)



## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** March 23, 2000, 2:15 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSB 3222, as amended.

**Adjourned:** 3:25 p.m.

#### COMMERCE

**Convened:** March 23, 2000, 12:37 p.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Gronstal, Hansen, Johnson, King, Lamberti, Redfern, Redwine, and Schuerer.

**Members Absent:** Lundby and McCoy (both excused).

**Committee Business:** Presentation by DNR. Recommended confirmation of Governor's appointees.

**Adjourned:** 1:10 p.m.

#### EDUCATION

**Convened:** March 23, 2000, 11:47 a.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:** Recommended confirmation of Governor's appointees.

**Adjourned:** 12:00 p.m.

#### HUMAN RESOURCES

**Convened:** March 23, 2000, 1:15 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, Tinsman, and Veenstra.

**Members Absent:** None.

**Committee Business:** Recommended confirmation of Governor's appointees.

**Adjourned:** 1:40 p.m.

## **TRANSPORTATION**

**Convened:** March 23, 2000, 1:04 p.m.

**Members Present:** Drake, Chair; Sexton, Vice Chair; Fink, Freeman, Judge, Kibbie, McKean, McKibben, Rittmer, and Zieman.

**Members Absent:** McCoy, Ranking Member; Fraise and Jensen (all excused).

**Committee Business:** Recommended confirmation of Governor's appointees.

**Adjourned:** 1:14 p.m.

## **EXPLANATION OF VOTES**

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on March 21, 2000, when the vote was taken on Senate File 2428 and on March 22, 2000, when the vote was taken on Senate File 2430. Had I been present, I would have voted "Nay" on both.

BILL FINK

## **GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

### **EDUCATION**

Charles Edwards – State Board of Education  
Sally Frudden – State Board of Education  
Gregory McClain – State Board of Education  
Donald Roby – State Board of Education

Carol Burns – Iowa Higher Education Loan Authority  
James Weinman – Iowa Higher Education Loan Authority

Wayne Drexler – School Budget Review Committee

**STATE GOVERNMENT**

Susan Boe – Accountancy Examining Board  
Ronald Nielsen – Accountancy Examining Board  
David Vaudt – Accountancy Examining Board

Angela Gravely-Smith – Commission on the Status of African-Americans  
Joseph McGill – Commission on the Status of African-Americans  
Joyce McGlory – Commission on the Status of African-Americans  
Jerome Thomas – Commission on the Status of African-Americans

Patricia Drumeller – Alcoholic Beverages Commission

Kevin Monson – Architectural Examining Board  
Jeffrey Morgan – Architectural Examining Board

Laura Chadima-Beer – Board of Barber Examiners

Charles B. Follett – Board of Chiropractic Examiners (Appointment)  
Charles B. Follett – Board of Chiropractic Examiners (Reappointment)  
Elizabeth Kressin – Board of Chiropractic Examiners

Curtis Stamp – Board of Cosmetology Arts and Sciences Examiners

Elizabeth Brennan – Board of Dental Examiners  
Suzan Stewart – Board of Dental Examiners  
LeRoy Strohman – Board of Dental Examiners

Rachel Dunn – Board of Dietetic Examiners  
George Price – Board of Dietetic Examiners  
Elvin Soll – Board of Dietetic Examiners

John Krogh – Iowa Emergency Response Commission

Stacey Warren – Board for the Licensing and Regulation of Hearing Aid Dealers

David Biehl – Landscape Architectural Examining Board  
Catherine Brown – Landscape Architectural Examining Board

Timothy Clausen – Lottery Board

E. Howard Sonksen – Board of Examiners for Massage Therapy

Bruce Hughes – Board of Medical Examiners  
Donna Norman – Board of Medical Examiners  
Stephen Quirk – Board of Medical Examiners  
Janece Valentine – Board of Medical Examiners

Ruth Ohde – Board of Mortuary Science Examiners  
Diane Palmer – Board of Mortuary Science Examiners

Marilyn Finch – State Board of Examiners for Nursing Home Administrators  
Mary Nielsen – State Board of Examiners for Nursing Home Administrators  
William Thayer – State Board of Examiners for Nursing Home Administrators

Barbara Scheetz – Board of Optometry Examiners  
Robert Weiland – Board of Optometry Examiners

Katherine Linder – Board of Pharmacy Examiners  
Leman Olson – Board of Pharmacy Examiners

Alice Price – Board of Physical and Occupational Therapy Examiners

Ann Osterhaus – Board of Podiatry Examiners  
Rickey Salocker – Board of Podiatry Examiners

Ana Lopez-Dawson – Board of Psychology Examiners  
Scott Shafer – Board of Psychology Examiners

Diane Hamilton – State Racing and Gaming Commission  
James Hassenfritz – State Racing and Gaming Commission

David Erickson – Real Estate Appraiser Examining Board  
Sandra Glenn – Real Estate Appraiser Examining Board

James Hughes – Real Estate Commission  
Evelyn Rank – Real Estate Commission

William Niedert – State Board for Respiratory Care  
Sally Steffen – State Board for Respiratory Care (Appointment)  
Sally Steffen – State Board for Respiratory Care (Reappointment)

Joan Hester – Board of Social Work Examiners (Appointment)  
Joan Hester – Board of Social Work Examiners (Reappointment)  
James Yeast – Board of Social Work Examiners

Alison Lemke – Board of Speech Pathology and Audiology Examiners  
J. Antonio Prieto – Board of Speech Pathology and Audiology Examiners  
Kent Webb – Board of Speech Pathology and Audiology Examiners

Larry Bowden – Commission of Veterans Affairs  
Barry Remington – Commission of Veterans Affairs

Bruce Van Zee – Iowa Board of Veterinary Medicine  
Theresa Wallace – Iowa Board of Veterinary Medicine

### **TRANSPORTATION**

Roxanne Johnson – Iowa Law Enforcement Academy Council  
Lynne Wright – Iowa Law Enforcement Academy Council

Suzan Boden – State Transportation Commission  
Barbara Mac Gregor – State Transportation Commission

## STUDY BILLS RECEIVED

**SSB 3222      Appropriations**

Relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, providing effective dates, and providing for retroactive applicability.

**SSB 3223      Ways and Means**

Relating to the exemption from the sales and use taxes of the furnishing, sale, or rental of information or data services, providing refunds, and including an effective and applicability date provision.

## SUBCOMMITTEE ASSIGNMENTS

**SSB 3222**

APPROPRIATIONS: Tinsman, Chair; Hammond and McLaren

**SSB 3223**

WAYS AND MEANS: Lamberti, Chair; Flynn and Maddox

## INTRODUCTION OF BILLS

**Senate File 2434**, by committee on Ways and Means, a bill for an act relating to the inclusion of territory in urban renewal areas.

Read first time under Rule 28 and placed on **Ways And Means calendar**.

**Senate File 2435**, by committee on Appropriations, 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, providing effective dates, and providing for retroactive applicability.

Read first time under Rule 28 and placed on **Appropriations calendar**.

COMMITTEE REPORTS

APPROPRIATIONS

**Final Bill Action:** \*Senate File 2435 (SSB 3222), 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, providing effective dates, and providing for retroactive applicability.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 25: McLaren, Kramer, Flynn, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, none.

**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 2435, and they were attached to the committee report.

WAYS AND MEANS

**Final Bill Action:** \*SENATE FILE 2434 (SSB 3046), a bill for an act relating to the inclusion of territory in urban renewal areas.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Flynn, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup. Nays, none. Absent or not voting, 1: Drake.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2434, and they were attached to the committee report.

AMENDMENTS FILED

S-5235	H.F.	2511	Tom Flynn
S-5236	S.F.	2411	House
S-5237	H.F.	683	House
S-5238	H.F.	2519	Jeff Angelo
S-5239	S.F.	2371	House
S-5240	S.F.	228	House
S-5241	S.F.	2303	House

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:30 p.m., until 1:00 p.m., Monday, March 27, 2000.

# JOURNAL OF THE SENATE

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SEVENTY-EIGHTH CALENDAR DAY  
FORTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 27, 2000

The Senate met in regular session at 1:10 p.m., President Kramer presiding.

Prayer was offered by Father John Hemann, pastor of the St. Wenceslaus Catholic and St. Boniface Catholic Church of Duncan and Garner, Iowa, guest of Senator Gaskill.

The Journal of Thursday, March 22, 2000, was approved.

## SPECIAL GUEST

Senator Iverson welcomed renowned singer Simon Estes.

Mr. Estes addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

## 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 March 23, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2079**, a bill for an act relating to the prohibition of shipping or importing into the state, or the offering for sale, selling, transporting, distributing, or possessing within the state, of cigarettes and tobacco products which were previously exported from or which are manufactured for use outside the United States, making penalties applicable, and providing an effective date.(S-5242)



ALSO: That the House has on March 27, 2000, passed the following bill in which the **concurrence** of the **House** was asked:

**Senate File 2215**, a bill for an act striking a mandatory leave of absence for a civil service officer or employee, or a deputy sheriff who is a candidate for partisan public office, and providing an effective date.

ALSO: That the House has on March 27, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2548**, 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, sales and use, hotel and motel, real estate transfer, environmental protection charge on petroleum diminution, property, motor fuel, special fuel, cigarette and tobacco products, and inheritance taxes, treatment of motor fuel under the local option taxes, and authorizing tax agreements with Indian tribes, and including effective and retroactive applicability date provisions.

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

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rehberg, for the day, on request of Senator Zieman; and Senator McCoy, until he arrives, on request of Senator Dvorsky.

#### UNFINISHED BUSINESS

#### **House File 2438**

On motion of Senator Fink, **House File 2438**, a bill for an act extending a partial suspension of permitting requirements of facilities that deal with hazardous waste, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

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. 2438), the vote was:

Ayes, 46:

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	Maddox	McKean
McKibben	Miller	Redfern	Redwine
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Jensen	McCoy	McLaren	Rehberg
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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 2435

On motion of Senator Dvorsky, **House File 2435**, a bill for an act repealing a provision authorizing the raising of an additional enrichment amount to fund asbestos removal projects, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, 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. 2435), 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	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	Miller	Redfern
Redwine	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

McCoy	McLaren	Rehberg
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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 2279

On motion of Senator Harper, **House File 2279**, a bill for an act relating to the renewal date for a license issued by the board of educational examiners, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Harper 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. 2279), 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	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	Miller	Redfern
Redwine	Rife	Rittmer	Schuerer

Sexton  
Tinsman

Shearer  
Veenstra

Soukup  
Zieman

Szymoniak

Nays, none.

Absent or not voting, 3:

McCoy

McLaren

Rehberg

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

## UNFINISHED BUSINESS

### House File 2422

On motion of Senator Soukup, **House File 2422**, a bill for an act relating to funding of the local housing assistance program and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Soukup 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. 2422), the vote was:

Ayes, 47:

Angelo  
Boettger  
Deluhery  
Flynn  
Gronstal  
Hedge  
Johnson  
Kramer  
McKean  
Redwine  
Sexton  
Tinsman

Bartz  
Bolkcom  
Drake  
Fraise  
Hammond  
Horn  
Judge  
Lamberti  
McKibben  
Rife  
Shearer  
Veenstra

Behn  
Connolly  
Dvorsky  
Freeman  
Hansen  
Iverson  
Kibbie  
Lundby  
Miller  
Rittmer  
Soukup  
Zieman

Black  
Dearden  
Fink  
Gaskill  
Harper  
Jensen  
King  
Maddox  
Redfern  
Schuerer  
Szymoniak

Nays, none.

Absent or not voting, 3:

McCoy

McLaren

Rehberg

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

## UNFINISHED BUSINESS

### House File 2254

On motion of Senator Redfern, **House File 2254**, a bill for an act relating to actions on certain older claims to real estate, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, 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. 2254), 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	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	Miller	Redfern
Redwine	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

McCoy

McLaren

Rehberg

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

## UNFINISHED BUSINESS

**House File 2494**

On motion of Senator Hedge, **House File 2494**, a bill for an act providing for the application of compost material to land for use for the production of organic agricultural products, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, 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. 2494), 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	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

McCoy	Miller	Rehberg
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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 2314**

Senator Redwine called up for consideration Senate File 2314, a bill for an act relating to communicable and infectious diseases and providing penalties, amended by the House, and moved that the Senate concur in House amendment S-5203, filed March 21, 2000.

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. 2314), 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	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rife	Rittmer
Schuerer	Sexton	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, 1:

Shearer

Absent or not voting, 2:

McCoy                      Rehberg

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

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2314, House Files 2254, 2279, 2422, 2435, 2438, 2494, and 2512** be **immediately messaged** to the House.

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 3:53 p.m., Senator Redfern presiding.

HOUSE AMENDMENT CONSIDERED  
(Deferred March 23, 2000)**Senate File 2111**

The Senate resumed consideration of Senate File 2111, a bill for an act providing for a one hundred percent budget guarantee for school districts, and providing an effective date, amended by the House in House amendment S-5202, filed March 21, 2000, and deferred March 23, 2000.

Senator Angelo offered amendment S-5234, filed by him on March 23, 2000, to pages 1 and 2 of House amendment S-5202, and moved its adoption.

Amendment S-5234 was adopted by a voice vote.

Senator Angelo 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 Angelo 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. 2111), 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	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy                      Rehberg

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 2089

Senator Johnson called up for consideration Senate File 2089, a bill for an act relating to collection of the physical plant and equipment property tax levy in certain urban renewal areas and providing an applicability date, amended by the House, and moved that the Senate concur in House amendment S-5180, filed March 21, 2000.

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

Senator Johnson 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. 2089), 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	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy                      Rehberg

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

## UNFINISHED BUSINESS

### House File 2442

On motion of Senator Szymoniak, **House File 2442**, a bill for an act relating to international relations including the creation of an international relations advisory council and the designation of legislative and executive branch protocol officers, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2442), 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	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy                      Rehberg

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 2031**

Senator Angelo called up for consideration Senate File 2031, a bill for an act relating to violations of the sex offender registry requirements and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S-5011, filed February 17, 2000.

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. 2031), 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	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy                      Rehberg

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

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2031, 2089, 2111, and House File 2442** be **immediately messaged** to the House.

### UNFINISHED BUSINESS

#### House File 2423

On motion of Senator Lundby, **House File 2423**, a bill for an act creating a brownfield redevelopment program and fund and a brownfield redevelopment advisory council, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2423), 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	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

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

President Kramer took the chair at 4:25 p.m.

UNFINISHED BUSINESS  
(Deferred March 20, 2000)

**House File 2317**

The Senate resumed consideration of **House File 2317**, a bill for an act relating to the regulation of the sale of viatical settlements, deferred March 20, 2000.

Senator Gronstal offered amendment S-5178, filed by him on March 20, 2000, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5178 was adopted by a voice vote.

Senator Gronstal offered amendment S-5177, filed by him on March 20, 2000, to page 2 of the bill, and moved its adoption.

Amendment S-5177 was adopted by a voice vote.

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.F. 2317), 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	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy                      Rehberg

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

## UNFINISHED BUSINESS

### House File 2327

On motion of Senator Bolkcom, **House File 2327**, a bill for an act relating to county levy and expenditure authority involving the risk pool and county mental health, mental retardation, and developmental disabilities services fund by authorizing

appropriations from the fund for capital assets used exclusively for purposes of the services fund, authorizing associated county general fund levies and expenditures, and including transition, effective, and applicability dates, and other related provisions, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Bolkcom asked and received unanimous consent to withdraw amendment S-5204, filed by him on March 22, 2000, to pages 1, 3, 4, and to the title page of the bill.

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. 2327), 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	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rife	Rittmer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

McCoy	Rehberg	Schuerer
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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 2317, 2327, and 2423** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

**Senate File 2344**

Senator Bartz called up for consideration Senate File 2344, a bill for an act relating to child and family services administered by the department of human services, amended by the House, and moved that the Senate concur in House amendment S-5210, filed March 22, 2000.

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

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

On the question “Shall the bill pass?” (S.F. 2344), 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	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rife	Rittmer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

McCoy	Rehberg	Schuerer
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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 2146

On motion of Senator Sexton, **House File 2146**, a bill for an act relating to the authority of the board of educational examiners over certification and licensing of para-educators and practitioners, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Sexton offered amendment S-5244, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5244 was adopted 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. 2146), 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	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy

Rehberg

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 2303

Senator Maddox called up for consideration Senate File 2303, a bill for an act relating to judicial administration by providing for benefits applicable to judicial branch employees, the allocation of magistrates, and the manner of making certain noncourt and administrative appointments, amended by the House, and moved that the Senate concur in House amendment S-5241, filed March 23, 2000.

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. 2303), 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	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy

Rehberg

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

## UNFINISHED BUSINESS

### House File 2135

On motion of Senator Miller, **House File 2135**, a bill for an act relating to the designated date of withholding of support by payors of income and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Miller offered amendment S-5205, filed by him on March 22, 2000, to page 1 and to the title page of the bill.

Senator Lundby offered amendment S-5215, filed by her on March 22, 2000, to page 1 of amendment S-5205, and moved its adoption.

Amendment S-5215 was adopted by a voice vote.

Senator Miller moved the adoption of amendment S-5205, as amended.

Amendment S-5205 was adopted by a voice vote.

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. 2135), the vote was:

Ayes, 48:

Angelo  
Boettger  
Deluhery  
Flynn  
Gronstal  
Hedge

Bartz  
Bolkcom  
Drake  
Fraise  
Hammond  
Horn

Behn  
Connolly  
Dvorsky  
Freeman  
Hansen  
Iverson

Black  
Dearden  
Fink  
Gaskill  
Harper  
Jensen

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

Nays, none.

Absent or not voting, 2:

McCoy                      Rehberg

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 Files 2303, 2344, House Files 2135 and 2146** be **immediately messaged** to the House.

### HOUSE AMENDMENT CONSIDERED

#### **Senate File 182**

Senator Szymoniak called up for consideration Senate File 182, a bill for an act requiring licensure to practice acupuncture, amended by the House, and moved that the Senate concur in House amendment S-5019, filed February 22, 2000.

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

Senator Szymoniak 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. 182), 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	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy                      Rehberg

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

### House File 2492

On motion of Senator Bartz, **House File 2492**, a bill for an act relating to certain state and municipal agencies by making changes relating to the provision of and training for fire protection service and emergency medical service and by amending the powers and duties of townships and township officers, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Bartz offered amendment S-5168, filed by the committee on Local Government on March 16, 2000, to pages 9 and 10 of the bill, and moved its adoption.

Amendment S-5168 was adopted by a voice vote.

Senator Bartz offered amendment S-5247, filed by him from the floor to page 14 of the bill, and moved its adoption.

Amendment S-5247 was adopted by a voice vote.

Senator Bartz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2492), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Fink	Flynn
Fraise	Freeman	Gaskill	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McLaren	Miller	Redfern	Redwine
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, 2:

Dvorsky                      Gronstal

Absent or not voting, 2:

McCoy                      Rehberg

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 2419.

### **Senate File 2419**

On motion of Senator McKibben, **Senate File 2419**, a bill for an act providing for limitations on investments by city hospitals, 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?" (S.F. 2419), the vote was:

Ayes, 47:

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	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, 1:

Deluhery

Absent or not voting, 2:

McCoy                      Rehberg

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

### House File 2394

On motion of Senator Kibbie, **House File 2394**, a bill for an act to eliminate the regulation of frozen food locker plants by the department of agriculture and land stewardship, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2394), 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	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy                      Rehberg

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 182, 2419, House Files 2394, and 2492** be **immediately messaged** to the House.

### UNFINISHED BUSINESS

#### **Senate File 2114**

On motion of Senator Bartz, **Senate File 2114**, a bill for an act relating to land restoration requirements for interstate natural gas pipeline construction projects, placed on the Unfinished Business Calendar on March 16, 2000, was taken up for consideration.

Senator Bartz asked and received unanimous consent that **House File 2247** be **substituted** for **Senate File 2114**.



**House File 2247**

On motion of Senator Bartz, **House File 2247**, a bill for an act relating to land restoration requirements for interstate natural gas pipeline construction projects, 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. 2247), 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	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy                      Rehberg

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 2114** be **withdrawn** from further consideration of the Senate.

**CONSIDERATION OF BILL**  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2424.

**Senate File 2424**

On motion of Senator McKibben, **Senate File 2424**, a bill for an act updating the Iowa Code references to the Internal Revenue Code, amending the earned income credit, amending requirements for nonresident taxpayers, providing tax benefits to military personnel in hazardous duty areas, and providing effective and retroactive applicability dates, 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?" (S.F. 2424), 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	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy                      Rehberg

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

**UNFINISHED BUSINESS****Senate File 2426**

On motion of Senator Maddox, **Senate File 2426**, a bill for an act relating to the designation, valuation, and taxation of property in a horizontal property regime and including an effective date, placed on

the Unfinished Business Calendar on March 16, 2000, 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?" (S.F. 2426), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra		

Nays, 2:

Hammond                      Zieman

Absent or not voting, 2:

McCoy                      Rehberg

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### SPECIAL GUEST

Senator McLaren welcomed James Yuen, Director of the Chicago Hong Kong Trade Development Council.

### UNFINISHED BUSINESS

#### House File 2280

On motion of Senator Gaskill, **House File 2280**, a bill for an act requiring the director of the department of education to develop and administer an operation recognition program, with report of

committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, 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. 2280), 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	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy                      Rehberg

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2424, 2426, House Files 2247, and 2280** be **immediately messaged** to the House.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Lynn M. Walding, as Administrator of the Alcoholic Beverages Division, placed on the

Individual Confirmation Calendar on February 10, 2000, and found on page 250 of the Senate Journal.

Senator Dearden moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" 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	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy                      Rehberg

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Holmes Foster, as Superintendent of Banking, placed on the Individual Confirmation Calendar on February 10, 2000, and found on page 250 of the Senate Journal.

Senator Lamberti moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" 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	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy                      Rehberg

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Marilyn Turner, as Administrator of the Division of Persons with Disabilities, placed on the Individual Confirmation Calendar on February 28, 2000, and found on page 453 of the Senate Journal.

Senator Szymoniak moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" 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	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy                      Rehberg

The appointee having received a two-thirds vote was declared to have been confirmed by 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 March 27, 2000, passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 2156**, a bill for an act relating to the use of blue lights on authorized emergency vehicles.

**Senate File 2315**, a bill for an act relating to the motor vehicle lemon law, making an administrative fine applicable, and providing an effective date.

ALSO: That the House has on March 27, 2000, amended and passed the following bills in which the **concurrence** of the **Senate** is asked:

**Senate File 2194**, a bill for an act relating to the vacation of roads and road rights-of-way.(S-5249)

**Senate File 2348**, a bill for an act relating to the loess hills development and conservation authority by creating a hungry canyons alliance and providing membership guidelines for board of directors of the conservation authority and loess hills alliance. (S-5248)

**APPENDIX****REPORT OF COMMITTEE MEETING****HUMAN RESOURCES**

**Convened:** March 27, 2000, 6:15 p.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Shearer, and Tinsman.

**Members Absent:** Veenstra (excused).

**Committee Business:** Recommended confirmation of Governor's appointees.

**Adjourned:** 6:20 p.m.

**COMMUNICATIONS RECEIVED**

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

March 27, 2000

**IOWA COLLEGE STUDENT AID COMMISSION**

1998–1999 Annual Report.

**DEPARTMENT OF PUBLIC SAFETY**

1998 Iowa Uniform Crime Report, as pursuant to Iowa Code section 692.15.

**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Jaime Liljequist, Davenport – For achieving the highest award for Senior Girl Scouts, "The Gold Award." Senator Flynn (03/27/00).

Rose Krause Meyers – For celebrating your 101st birthday on April 1, 2000, and for living in three centuries and two millennia. Senator Gaskill (03/27/00).

Matthew Ternus, Vinton – For being named one of Iowa's top youth volunteers in the Prudential Spirit of Community Awards for 2000. Senator Schuerer (03/27/00).



## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2147, the following correction was made:

1. Page 18, line 6, the words "REGULAR ROUTE" were changed to the words "REGULAR-ROUTE".

MICHAEL E. MARSHALL  
Secretary of the Senate

## 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 March, 2000:

Senate Files 2048, 2147, 2164, 2203, and 2256.

MICHAEL E. MARSHALL  
Secretary of the Senate

## EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on March 27, 2000, when the votes were taken on Senate File 2344 and House File 2327. Had I been present, I would have voted "Aye" on both.

NEAL SCHUERER

## AMENDMENTS FILED

S-5242	S.F.	2079	House
S-5243	H.F.	2511	Tom Flynn
S-5244	H.F.	2146	Mike Sexton
S-5245	S.F.	2427	Larry McKibben
S-5246	S.F.	2435	John Redwine
S-5247	H.F.	2492	Merlin E. Bartz
S-5248	S.F.	2348	House
S-5249	S.F.	2194	House

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:11 p.m., until 9:00 a.m., Tuesday, March 28, 2000.

# JOURNAL OF THE SENATE

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SEVENTY-NINTH CALENDAR DAY  
FORTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 28, 2000

The Senate met in regular session at 9:07 a.m., Senator Boettger presiding.

Prayer was offered by the Reverend Daniel Ogata, retired pastor from Grinnell, Iowa, guest of Senator Black.

The Journal of Monday, March 27, 2000, was approved.

## BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2337** be referred from the Unfinished Business Calendar to the committee on **Ways and Means**.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, until he arrives, on request of Senator Black; and Senators King, McLaren, and Rife, until they return, on request of Senator Bartz.

## UNFINISHED BUSINESS

### House File 2391

On motion of Senator Angelo, **House File 2391**, a bill for an act establishing a criminal offense relating to theft detection shielding devices and theft detection devices and providing a penalty, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Angelo offered amendment S-5218, filed by him on March 22, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5218 was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2391), the vote was:

Ayes, 46:

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	McKean
McKibben	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

King	McCoy	McLaren	Rife
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

### House File 2229

On motion of Senator Redwine, **House File 2229**, a bill for an act relating to informed consent provisions relating to an abortion and providing civil remedies and criminal penalties, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Hammond asked and received unanimous consent that action on **House File 2229** be **deferred**.

President Kramer took the chair at 9:25 a.m.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2194

Senator Jensen called up for consideration Senate File 2194, a bill for an act relating to the vacation of roads and road rights-of-way, amended by the House, and moved that the Senate concur in House amendment S-5249, filed March 27, 2000.

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. 2194), 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.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2391** and **Senate File 2194** be **immediately messaged** to the House.

### UNFINISHED BUSINESS

#### **House File 2376**

On motion of Senator Kibbie, **House File 2376**, a bill for an act relating to veterans preference in public employment, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Kibbie offered amendment S-5175, filed by Senators Kibbie and Drake on March 20, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5175 was adopted by a voice vote.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2376), the vote was:

Ayes, 49:

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  
Zieman

Szymoniak

Tinsman

Veenstra

Nays, none.

Absent or not voting, 1:

Angelo

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 2300**

Senator Bartz called up for consideration Senate File 2300, a bill for an act relating to interference with lawful hunting, fishing, or fur harvesting and providing a penalty, amended by the House, and moved that the Senate concur in House amendment S-5143, filed March 14, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Bartz moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2300), the vote was:

Ayes, 45:

Angelo  
Boettger  
Fink  
Gaskill  
Hedge  
Johnson  
Kramer  
McCoy  
Miller  
Rife  
Soukup  
Zieman

Bartz  
Dearden  
Flynn  
Gronstal  
Horn  
Judge  
Lamberti  
McKean  
Redfern  
Rittmer  
Szymoniak

Behn  
Deluhery  
Fraise  
Hansen  
Iverson  
Kibbie  
Lundby  
McKibben  
Redwine  
Schuerer  
Tinsman

Black  
Drake  
Freeman  
Harper  
Jensen  
King  
Maddox  
McLaren  
Rehberg  
Shearer  
Veenstra

Nays, 5:

Bolkcom  
Sexton

Connolly

Dvorsky

Hammond

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 2253**

Senator Fraise called up for consideration Senate File 2253, a bill for an act relating to certain county officers' duties relating to property transfer instruments, records of fees paid to a county, notice of certification of utility liens, and notice of mobile homes departing and entering mobile home parks, amended by the House, and moved that the Senate concur in House amendment S-5212, filed March 22, 2000.

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. 2253), the vote was:

Ayes, 50:

Angelo  
Boettger  
Deluhery  
Flynn  
Gronstal  
Hedge  
Johnson  
Kramer  
McCoy  
Miller  
Rife

Bartz  
Bolkcom  
Drake  
Fraise  
Hammond  
Horn  
Judge  
Lamberti  
McKean  
Redfern  
Rittmer

Behn  
Connolly  
Dvorsky  
Freeman  
Hansen  
Iverson  
Kibbie  
Lundby  
McKibben  
Redwine  
Schuerer

Black  
Dearden  
Fink  
Gaskill  
Harper  
Jensen  
King  
Maddox  
McLaren  
Rehberg  
Sexton



Shearer  
Veenstra

Soukup  
Zieman

Szymoniak

Tinsman

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 File 2376, Senate Files 2253, and 2300** be **immediately messaged** to the House.

#### UNFINISHED BUSINESS

##### **House File 2198**

On motion of Senator Gaskill, **House File 2198**, a bill for an act directing the department of education to conduct a feasibility study of reorganization and sharing incentives for school districts, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Redfern offered amendment S-5135, filed by the committee on Education on March 13, 2000, to page 1 of the bill.

Senator Gaskill asked and received unanimous consent that action on amendment S-5135 and **House File 2198** be **deferred**.

#### UNFINISHED BUSINESS

##### **House File 2148**

On motion of Senator Jensen, **House File 2148**, a bill for an act prohibiting the use of a telephone listing that misrepresents the name and location of a business and making penalties applicable, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Jensen 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. 2148), 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 2027

On motion of Senator Rife, **House File 2027**, a bill for an act relating to the construction or acquisition of infrastructure by rural water districts by providing for financing and exempting certain debt instruments from taxation, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Rife moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2027), 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 March 28, 2000, passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 2221**, a bill for an act relating to juvenile court jurisdiction and the prosecution of juveniles in juvenile and district court.

**Senate File 2349**, a bill for an act prohibiting a processor from contracting for the care and feeding of swine in this state, making penalties applicable, and providing an effective date.

## CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Angelo called up the appointment of Corlis S. Moody, as Director of the Iowa State Civil Rights Commission, placed on the Individual Confirmation Calendar on February 15, 2000, and found on page 287 of the Senate Journal.

Senator McCoy moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" 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	Sexton	Shearer
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Rife	Soukup
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The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

## IMMEDIATELY MESSAGED

Senator Angelo asked and received unanimous consent that **House Files 2027 and 2148** be **immediately messaged** to the House.

## UNFINISHED BUSINESS

**House File 2388**

On motion of Senator Hammond, **House File 2388**, a bill for an act relating to the concurrent jurisdiction of the juvenile court and the district court relating to modification of child custody and support orders, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Hammond moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2388), 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 2315**

On motion of Senator Bartz, **House File 2315**, a bill for an act concerning the payment of health and medical insurance coverage costs by cities to retired employees, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Bolkcom asked and received unanimous consent to withdraw amendment S-5257, filed by him from the floor to page 1 and to the title page of the bill.

Senator McCoy asked and received unanimous consent to withdraw amendment S-5102, filed by him on March 8, 2000, to page 1 and to the title page of the bill.

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. 2315), 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  
(Deferred March 23, 2000)

**House File 2328**

The Senate resumed consideration of **House File 2328**, a bill for an act eliminating the regulation of certain dairy trade practices, substituted for Senate File 2296 and deferred on March 23, 2000.

Senator Veenstra 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. 2328), 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 Veenstra asked and received unanimous consent that **Senate File 2296** be **withdrawn** from further consideration of the Senate.

## UNFINISHED BUSINESS

**House File 2519**

On motion of Senator Angelo, **House File 2519**, a bill for an act relating to the repeal of the sixth judicial district pilot project concerning probation revocation hearings, and providing an effective date, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator McKean offered amendment S-5165, filed by the committee on Judiciary on March 6, 2000, striking everything after the enacting clause and to the title page of the bill.

Senator Angelo offered amendment S-5199, filed by him on March 21, 2000, to page 1 of amendment S-5165, and moved its adoption.

Amendment S-5199 was adopted by a voice vote.

Senator Angelo offered amendment S-5238, filed by him on March 23, 2000, to pages 1 and 3-5 of amendment S-5165, and called for a division:

Division S-5238A: Line 4.

Division S-5238B: Lines 1-3 and 5-20.

Senator Angelo asked and received unanimous consent to withdraw division S-5238A.

Senator Tinsman asked and received unanimous consent that action on division S-5238B and **House File 2519** be **deferred**.

## BUSINESS PENDING

**House File 2229**

The Senate resumed consideration of **House File 2229**, a bill for an act relating to informed consent provisions relating to an abortion



and providing civil remedies and criminal penalties, previously deferred.

Senator Iverson asked and received unanimous consent that action on **House File 2229** be **deferred**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2315, 2328, and 2388** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:01 a.m., until 1:00 p.m.

## APPENDIX

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty fifth grade students from BCLUW Middle School. Senator Jensen.

### SUBCOMMITTEE ASSIGNMENTS

#### **Senate File 2337**

WAYS AND MEANS: Johnson, Chair; Harper and Lamberti

#### **Senate File 2370**

(Reassignment)

WAYS AND MEANS: Hedge, Chair; Harper and Johnson

#### **House File 2545**

APPROPRIATIONS: Redwine, Chair; McCoy and McLaren

### APPOINTMENT FROM THE GOVERNOR

The following appointee was submitted by the Governor to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

#### TERM

DENTAL EXAMINERS, BOARD OF (Sec. 147.14)  
Eileen Cacioppo, Davenport

05/01/2000 – 04/30/2003

### REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointment to the state board to Senate standing committee, as indicated for investigation on March 24, 2000:

#### **STATE GOVERNMENT**

Eileen Cacioppo – Board of Dental Examiners

## APPOINTMENT TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to a subcommittee of the standing committee on March 28, 2000, to investigate the appointment of the following appointee:

### STATE GOVERNMENT

As a member of the Board of Dental Examiners:

EILEEN CACIOPPO – Deluhery, Chair; Rittmer and Lundby

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

### COMMERCE

John Bentler – Credit Union Review Board

Michael Harvey – Credit Union Review Board

Roger Reiser – Credit Union Review Board

Mary Brandsgard – Chairperson of the Iowa Telecommunications and Technology Commission

Mary Brandsgard – Iowa Telecommunications and Technology Commission

### GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

### COMMERCE

Harold M. Thompson – Executive Director of the Iowa Telecommunications and Technology Commission

## AMENDMENTS FILED

S-5250	S.F.	2435	Robert E. Dvorsky Johnie Hammond
S-5251	H.F.	2437	John Redwine Robert E. Dvorsky
S-5252	S.F.	2435	Johnie Hammond
S-5253	S.F.	2435	Johnie Hammond
S-5254	S.F.	2435	Johnie Hammond
S-5255	S.F.	2435	David Miller
S-5256	H.F.	2511	Jeff Lamberti
S-5257	H.F.	2315	Joe Bolkcom
S-5258	S.F.	2435	Johnie Hammond Patricia Harper Betty A. Soukup Mark Shearer Eugene Fraise Michael W. Connolly John Judge Dennis H. Black John P. Kibbie Bill Fink Dick Dearden Wally E. Horn Joe Bolkcom Tom Flynn Robert E. Dvorsky Elaine Szymoniak Steve Hansen Michael E. Gronstal Patrick J. Deluhery
S-5259	H.F.	2378	Maggie Tinsman E. Thurman Gaskill
S-5260	H.F.	2145	Johnie Hammond Joe Bolkcom
S-5261	H.F.	2198	Kitty Rehberg
S-5262	H.F.	2198	Kitty Rehberg
S-5263	H.F.	2511	Donald B. Redfern Steve King
S-5264	H.F.	2378	Tom Flynn Donald B. Redfern

			Michael W. Connolly
			Wally E. Horn
			Kitty Rehberg
			Jeff Angelo
S-5265	S.F.	2435	Johnie Hammond
S-5266	S.F.	2435	Johnie Hammond
			Elaine Szymoniak
S-5267	S.F.	2435	Johnie Hammond
S-5268	S.F.	2435	Johnie Hammond
S-5269	S.F.	2435	Johnie Hammond
			Elaine Szymoniak
S-5270	S.F.	2435	Maggie Tinsman
S-5271	H.F.	2229	Johnie Hammond
S-5272	S.F.	2369	House
S-5273	S.F.	2435	Maggie Tinsman

## AFTERNOON SESSION

The Senate reconvened at 1:20 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 41 present, 9 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 March 28, 2000, passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 174**, a bill for an act changing a Code reference to the Iowa association of community providers and providing an effective date.

**Senate File 2007**, a bill for an act relating to responsibilities of a guardian in procuring professional services for a ward with a physical or mental disability which do not require prior court approval.

**Senate File 2015**, a bill for an act relating to the enhanced criminal penalties associated with sexually predatory offenses and providing an effective date.

**Senate File 2142**, a bill for an act relating to crime victim compensation.

**Senate File 2145**, a bill for an act relating to the national crime prevention and privacy compact.

**Senate File 2220**, a bill for an act relating to forcible entry and detainer actions in small claims court following a default on a contract for deed.

**Senate File 2326**, a bill for an act relating to funding of certain household hazardous material collection efforts and events.

ALSO: That the House has on March 28, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2369**, a bill for an act relating to the sharing of juvenile court social records or child abuse records pursuant to an interagency agreement.(S-5272)

ALSO: That the House has on March 28, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2541**, a bill for an act expanding the number of counties that may designate unincorporated areas containing private lakes as rural improvement zones and setting the limits for the standby taxes imposed in those zones.

Read first time and referred to committee on **Ways and Means**.

**House File 2542**, a bill for an act relating to distributions made to and income from missing property of certain persecuted victims of World War II and their heirs, including effective and retroactive applicability dates.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on March 28, 2000, 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 2111**, a bill for an act providing for a one hundred percent budget guarantee for school districts, and providing an effective date.

#### HOUSE AMENDMENT CONSIDERED

#### **Senate File 2248**

Senator Veenstra called up for consideration Senate File 2248, a bill for an act relating to the college student aid commission's membership, duties, and authority, and related federal employment

reports, amended by the House, and moved that the Senate concur in House amendment S-5068, filed March 7, 2000.

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. 2248), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	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, 1:

Connolly

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

### House File 2331

On motion of Senator McKibben, **House File 2331**, a bill for an act relating to operating a motorboat or sailboat while intoxicated and providing penalties, with report of committee recommending



passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator McKibben offered amendment S-5233, filed by him on March 23, 2000, to pages 16 and 20 of the bill.

Senator Rife asked and received unanimous consent that action on amendment S-5233 and **House File 2331** be **deferred**.

The Senate stood at ease at 1:50 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:15 p.m., President Kramer presiding.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen, until he returns, on request of Senator Rittmer.

#### BUSINESS PENDING

#### **House File 2331**

The Senate resumed consideration of **House File 2331**, a bill for an act relating to operating a motorboat or sailboat while intoxicated and providing penalties, previously deferred.

Senator Rife offered amendment S-5280, filed by him from the floor to pages 14-16 and 20 of the bill, and moved its adoption.

Amendment S-5280 lost by a voice vote.

The Senate resumed consideration of amendment S-5233, previously deferred.

Senator McKibben moved the adoption of amendment S-5233.

Amendment S-5233 was adopted by a voice vote.

Senator Lamberti asked and received unanimous consent to withdraw amendment S-5209, filed by him on March 22, 2000, to pages 20, 24, and to the title page of the bill.

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. 2331), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverso n	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, none.

Absent or not voting, 2:

Jensen	Rife
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## BUSINESS PENDING

### House File 2229

The Senate resumed consideration of **House File 2229**, a bill for an act relating to informed consent provisions relating to an abortion and providing civil remedies and criminal penalties, previously deferred.

Senator Soukup offered amendment S-5275, filed by her from the floor striking everything after the enacting clause and to the title page of the bill.

Senator Redwine raised the point of order that amendment S-5275 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5275 out of order.

Senator Harper offered amendment S-5281, filed by her from the floor striking everything after the enacting clause and to the title page of the bill.

Senator Redwine raised the point of order that amendment S-5281 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5281 out of order.

Senator Shearer offered amendment S-5285, filed by him from the floor to pages 2 and 3 of the bill.

Senator Shearer asked and received unanimous consent to withdraw amendment S-5285.

Senator Shearer offered amendment S-5284, filed by him from the floor to pages 2 and 3 of the bill.

Senator Shearer asked and received unanimous consent to withdraw amendment S-5284.

Senator Shearer offered amendment S-5283, filed by him from the floor to page 2 of the bill.

Senator Shearer asked and received unanimous consent to withdraw amendment S-5283.

Senator Hammond offered amendment S-5271, filed by her from the floor to page 5 and to the title page of the bill.

Senator Redwine raised the point of order that amendment S-5271 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5271 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. 2229), the vote was:

Ayes, 28:

Angelo	Bartz	Behn	Boettger
Deluhery	Drake	Flynn	Freeman
Gaskill	Hedge	Iverson	Jensen
Johnson	Judge	Kibbie	King
Lamberti	Lundby	McKean	McKibben
McLaren	Miller	Redwine	Rehberg
Schuerer	Sexton	Veenstra	Zieman

Nays, 22:

Black	Bolkcom	Connolly	Dearden
Dvorsky	Fink	Fraise	Gronstal
Hammond	Hansen	Harper	Horn
Kramer	Maddox	McCoy	Redfern
Rife	Rittmer	Shearer	Soukup
Szymoniak	Tinsman		

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 2248, House Files 2229, and 2331** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2435.

**Senate File 2435**

On motion of Senator Tinsman, **Senate File 2435**, 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, providing effective dates, and providing for retroactive applicability, was taken up for consideration.

Senator Hammond offered amendment S-5276, filed by her from the floor to pages 1, 2, 4-7, 28, and 37 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5276 be adopted?" (S.F. 2435) the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 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		

Absent or not voting, none.

Amendment S-5276 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fink, for the remainder of the day, on request of Senator Gronstal.

## BUSINESS PENDING

### **Senate File 2435**

The Senate resumed consideration of Senate File 2435.

Senator Tinsman asked and received unanimous consent to withdraw amendment S-5273, filed by her from the floor to pages 3, 4, 8, 9, 22, 24, 30, 31, 35, 38, and 51 of the bill.

Senator Tinsman asked and received unanimous consent to withdraw amendment S-5278, filed by her from the floor to pages 3, 4, 8, 9, 22, 24, 30, 31, 35, 38, 51, and 52 of the bill.

Senator Tinsman offered amendment S-5292, filed by her from the floor, to pages 3, 4, 8, 9, 16, 22, 24, 29-31, 35, 38, 39, 47, 48, 51, and 52 of the bill.

Senator Tinsman asked and received unanimous consent that action on amendment S-5292 be deferred.

Senator Miller offered amendment S-5255, filed by him from the floor to page 7 of the bill, and moved its adoption.

Amendment S-5255 was adopted by a voice vote.

Senator Hammond offered amendment S-5267, filed by her from the floor to pages 14, 16, 28-30, 36-39, 41, and 42 of the bill and moved its adoption.

Amendment S-5267 lost by a voice vote.

Senator Hammond offered amendment S-5266, filed by Senators Hammond and Szymoniak from the floor to pages 16, 29, 37-39, 47, and 48 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5266 be adopted?" (S.F. 2435) the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 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		

Absent or not voting, 1:

Fink

Amendment S-5266 lost.

Senator Redwine asked and received unanimous consent to withdraw amendment S-5246, filed by him on March 27, 2000, to page 22 of the bill.

Senator Hammond offered amendment S-5254, filed by her from the floor to pages 22 and 23 of the bill, and moved its adoption.

Amendment S-5254 lost by a voice vote.

Senator Hammond offered amendment S-5258, filed by Senators Hammond, et al., from the floor to pages 24 and 59 of the bill.

Senator Bartz took the chair at 6:45 p.m.

Senator Deluhery moved the adoption of amendment S-5258.

A record roll call was requested.

On the question "Shall amendment S-5258 be adopted?" (S.F. 2435) the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 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		

Absent or not voting, 1:

Fink

Amendment S-5258 lost.

Senator Tinsman asked and received unanimous consent to withdraw amendment S-5279, filed by her from the floor to page 24 of the bill.

Senator Hammond offered amendment S-5253, filed by her from the floor to page 25 of the bill, and moved its adoption.

Amendment S-5253 lost by a voice vote.

Senator Tinsman offered amendment S-5291, filed by her from the floor to pages 27 and 28 of the bill and moved its adoption.

Amendment S-5291 was adopted by a voice vote.



Senator Hammond offered amendment S-5265, filed by her from the floor to pages 28, 29, 38, 39, 41, and 42 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5265 be adopted?" (S.F. 2435) the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Flynn	Fraise
Freeman	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Gaskill	Hedge	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Fink	Rife
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Amendment S-5265 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rife, until he returns, on request of Senator Redwine.

## BUSINESS PENDING

## Senate File 2435

The Senate resumed consideration of Senate File 2435.

Senator Hammond offered amendment S-5268, filed by her from the floor to pages 29 and 30 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5268 be adopted?" (S.F. 2435) the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 2:

Fink	Rife
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Amendment S-5268 lost.

Senator Tinsman offered amendment S-5270, filed by her from the floor to pages 44, 48, and 49 of the bill, and moved its adoption.

Amendment S-5270 was adopted by a voice vote.

Senator Dvorsky offered amendment S-5250, filed by Senators Dvorsky and Hammond from the floor to pages 47, 48, and 62 of the bill.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5250.

Senator Dvorsky offered amendment S-5293, filed by him from the floor to page 47 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5293 be adopted?" (S.F. 2435) the vote was:

Ayes, 20:

Angelo	Black	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 29:

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			

Absent or not voting, 1:

Fink

Amendment S-5293 lost.

Senator Szymoniak offered amendment S-5269, filed by Senators Hammond and Szymoniak from the floor to page 48 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5269 be adopted?" (S.F. 2435) the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper

Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 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		

Absent or not voting, 1:

Fink

Amendment S-5269 lost.

With the adoption of amendment S-5270, the Chair ruled amendment S-5252, filed by Senator Hammond from the floor to pages 48 and 49 of the bill, out of order.

Senator Szymoniak offered amendment S-5290, filed by her from the floor to page 54 of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 19, nays 27.

Amendment S-5290 lost.

Senator Tinsman asked and received unanimous consent to withdraw amendment S-5297, filed by her from the floor to page 59 of the bill.

Senator Tinsman offered amendment S-5301, filed by her from the floor to page 59 of the bill, and moved its adoption.

Amendment S-5301 was adopted by a voice vote.

The Senate resumed consideration of amendment S-5292, previously deferred.

Senator Tinsman moved the adoption of amendment S-5292.

Amendment S-5292 was adopted by a voice vote.

Senator McKean took the chair at 7:56 p.m.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2435), the vote was:

Ayes, 35:

Angelo	Bartz	Behn	Boettger
Connolly	Drake	Flynn	Freeman
Gaskill	Hansen	Hedge	Iverson
Jensen	Johnson	Judge	Kibbie
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 14:

Black	Bolkcom	Dearden	Deluhery
Dvorsky	Fraise	Gronstal	Hammond
Harper	Horn	King	Shearer
Soukup	Szymoniak		

Absent or not voting, 1:

Fink

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 2435** be **immediately messaged** to the House.

## APPENDIX

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-six students from Forest Ridge School in Estherville, accompanied by five staff members. Senator Kibbie.

Thirty eighth grade students from Ruthven-Ayrshire Community Schools, accompanied by their teacher, Jon Josephson. Senator Kibbie.

Students from the University of Northern Iowa, Cedar Falls. Senators Bolkcom, Dvorsky, Hammond, and Harper.

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

James and Margaret Elliott, Ames – For celebrating your 70th wedding anniversary on April 5, 2000. Senator McKibben (03/28/00).

Robert H. Lounsberry, McCallsburg – For being nominated for the Distinguished Service to Agriculture Award. Senator McKibben (03/28/00).

Helen Morris, Clarion – For celebrating your 80th birthday on April 3, 2000. Senator Iverson (03/28/00).

### REPORTS OF COMMITTEE MEETINGS

#### RULES AND ADMINISTRATION

**Convened:** March 28, 2000, 11:01 a.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Dvorsky, Fink, Harper, Lundby, Redfern, Rehberg, and Rittmer.

**Members Absent:** Jensen (excused).

**Committee Business:** Referred Governor's appointee to subcommittee.

**Adjourned:** 11:03 a.m.

**WAYS AND MEANS**

**Convened:** March 28, 2000, 11:10 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 SSB 3187, as amended. Passed SFs 2240, 2337, 2370, and HF 2351.

**Adjourned:** 12:10 p.m.

**INTRODUCTION OF BILLS**

**Senate File 2436**, by committee on Ways and Means, a bill for an act relating to the services provided by a credit union service organization.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate File 2437**, by committee on Ways and Means, a bill for an act relating to state and local land management planning and development and providing transition, effective date, and applicability provisions.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**SUBCOMMITTEE ASSIGNMENTS****House File 2541**

WAYS AND MEANS: Bartz, Chair; Flynn and Johnson

**House File 2542**

WAYS AND MEANS: Drake, Chair; Deluhery and Hedge

**House File 2548**

WAYS AND MEANS: Lamberti, Chair; Harper and Johnson

## COMMITTEE REPORTS

## WAYS AND MEANS

**Final Bill Action:** SENATE FILE 2436 (Formerly SF 2337), a bill for an act relating to the services provided by a credit union service organization.

**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. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2437 (Formerly SF 2370), a bill for an act relating to state and local land management planning and development and providing transition, effective date, and applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Drake, Flynn, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup. Nays, 1: Deluhery. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2351, a bill for an act relating to a sales and use tax exemption for the sales of clothing and footwear for a limited time period annually and including an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Johnson, McKibben, Harper, Bartz, Deluhery, Drake, Lamberti, Maddox, McLaren, and Redwine. Nays, 5: Bolkcom, Connolly, Flynn, Hedge, and Soukup. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2409, the following corrections were made:

1. Page 18, line 29, the period after the words "CANCELLATION BY INSURED." was underlined.



2. Page 20, line 29, the words "and inserting in lieu thereof the following:" were changed to the words "the section and inserting the following:"
3. Page 21, line 12, the words "is amended to read as follows:" were changed to the words "are amended to read as follows:"

MICHAEL E. MARSHALL  
Secretary of the Senate

## 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 March, 2000:

Senate Files 2061, 2266, 2372, 2388, and 2409.

MICHAEL E. MARSHALL  
Secretary of the Senate

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

### HUMAN RESOURCES

Thomas Greenwald – Board of Examiners for Athletic Training  
Susan Tiernan – Board of Examiners for Athletic Training

Dorothy Anderson – Board of Behavioral Science Examiners  
David Brown – Board of Behavioral Science Examiners  
Thorald Davidson – Board of Behavioral Science Examiners  
Timothy Ruppert – Board of Behavioral Science Examiners

Robert Martin – Commission for the Blind

Thomas Letsche – Commission on Community Action Agencies (Appointment)  
Thomas Letsche – Commission on Community Action Agencies (Reappointment)  
Loren Wakefield – Commission on Community Action Agencies

Jack Purcell – Commission on the Deaf

Lois Buckingham – Commission of Elder Affairs  
Craig Downing – Commission of Elder Affairs

Kevin Cameron – Iowa Empowerment Board  
Clemmye Jackson – Iowa Empowerment Board  
Barbara Kaiman – Iowa Empowerment Board  
Robert Koob – Iowa Empowerment Board  
Thomas Wilson – Iowa Empowerment Board  
C. Arthur Wittmack – Iowa Empowerment Board

Connie Bear King – State Citizen Foster Care Review Board

Diane Briest – Healthy and Well Kids in Iowa (HAWK-I) Board  
Barry Cleveland – Healthy and Well Kids in Iowa (HAWK-I) Board  
Eldon Huston – Healthy and Well Kids in Iowa (HAWK-I) Board  
Susan Poulton – Healthy and Well Kids in Iowa (HAWK-I) Board

Martin Applebaum – Iowa Council on Human Investment  
Betty Jean Furgerson – Iowa Council on Human Investment  
Austin Turner – Iowa Council on Human Investment

Cherie Clark – Mental Health and Developmental Disabilities Commission  
Linda Kellen – Mental Health and Developmental Disabilities Commission  
Lannie Miller – Mental Health and Developmental Disabilities Commission  
Herbert Neubauer – Mental Health and Developmental Disabilities Commission  
Dennis Ryan – Mental Health and Developmental Disabilities Commission  
Jerry Stubbe – Mental Health and Developmental Disabilities Commission

Diane Cardwell – Board of Physician Assistant Examiners  
William Connet – Board of Physician Assistant Examiners  
Rita Taylor – Board of Physician Assistant Examiners

Judge Brown – Commission on the Status of Women  
Francis Giunta – Commission on the Status of Women  
Shawn Mullen – Commission on the Status of Women  
Marcia Nichols – Commission on the Status of Women  
Kimberly Painter – Commission on the Status of Women

## EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on March 28, 2000, when the vote was taken on Senate File 2248. Had I been present, I would have voted “Aye.”

MICHAEL W. CONNOLLY

## AMENDMENTS FILED

S-5274	H.F. 2511	Donald B. Redfern Steve King
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S-5275	H.F.	2229	Betty A. Soukup
S-5276	S.F.	2435	Johnie Hammond
S-5277	H.F.	2511	Jeff Lamberti
S-5278	S.F.	2435	Maggie Tinsman
S-5279	S.F.	2435	Maggie Tinsman
S-5280	H.F.	2331	Jack Rife
S-5281	H.F.	2229	Patricia Harper
S-5282	S.F.	2308	Donald B. Redfern
S-5283	H.F.	2229	Mark Shearer
S-5284	H.F.	2229	Mark Shearer
S-5285	H.F.	2229	Mark Shearer
S-5286	H.F.	2491	Ken Veenstra
			John P. Kibbie
S-5287	H.F.	2474	Michael W. Connolly
S-5288	H.F.	2198	Michael W. Connolly
			John P. Kibbie
			Patricia Harper
S-5289	H.F.	2198	Michael W. Connolly
			John P. Kibbie
			Patricia Harper
S-5290	S.F.	2435	Elaine Szymoniak
S-5291	S.F.	2435	Maggie Tinsman
S-5292	S.F.	2435	Maggie Tinsman
S-5293	S.F.	2435	Robert E. Dvorsky
S-5294	H.F.	2491	John P. Kibbie
			Derryl McLaren
			Merlin E. Bartz
			Betty A. Soukup
S-5295	H.F.	2519	Robert E. Dvorsky
			Jeff Angelo
S-5296	H.F.	2463	Elaine Szymoniak
S-5297	S.F.	2435	Maggie Tinsman
S-5298	H.F.	2502	Merlin E. Bartz
S-5299	S.F.	2312	H. Kay Hedge
			E. Thurman Gaskill
			Merlin E. Bartz
			John P. Kibbie
			Eugene Fraise
			Betty A. Soukup
S-5300	H.F.	2491	John P. Kibbie
			Derryl McLaren

			Merlin E. Bartz
			Betty A. Soukup
S-5301	S.F.	2435	Maggie Tinsman

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:07 p.m., until 9:00 a.m., Wednesday, March 29, 2000.

# JOURNAL OF THE SENATE

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EIGHTIETH CALENDAR DAY  
FORTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 29, 2000

The Senate met in regular session at 9:06 a.m., President Kramer presiding.

Prayer was offered by the Reverend Ron Wymer, pastor of the Church of Christ in Missouri Valley, Iowa, guest of Senator Boettger.

The Journal of Tuesday, March 28, 2000, 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 March 28, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2549**, 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.

Read first time and referred to committee on **Appropriations**.

Senator Boettger took the chair at 9:16 a.m.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:27 a.m., until 2:00 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### JUDICIARY

**Convened:** March 29, 2000, 10:35 a.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, and Tinsman.

**Members Absent:** Redfern (excused).

**Committee Business:** Recommended confirmation of Governor's appointees.

**Adjourned:** 10:39 a.m.

#### LOCAL GOVERNMENT

**Convened:** March 29, 2000, 10:05 a.m.

**Members Present:** Angelo, Chair; Bartz, Vice Chair; Bolkom, Ranking Member; Fraise, Hammond, Judge, McCoy, McKean, Miller, Rife, and Zieman.

**Members Absent:** Gaskill (excused).

**Committee Business:** Approved subcommittee appointment for Governor's appointees. Recommended confirmation of Governor's appointees.

**Adjourned:** 10:30 a.m.

#### SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Convened:** March 29, 2000, 9:39 a.m.

**Members Present:** Lundby, Chair; Behn, Vice Chair; Shearer, Ranking Member; Boettger, Hansen, Judge, Rittmer, Sexton, Soukup, Tinsman, Veenstra, and Zieman.

**Members Absent:** Flynn (excused).

**Committee Business:** Recommended confirmation of Governor's appointees.

**Adjourned:** 9:50 a.m.

#### STATE GOVERNMENT

**Convened:** March 29, 2000, 10:02 a.m.

**Members Present:** Rittmer, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Connolly, Deluhery, Drake, Fink, Schuerer, Sexton, and Szymoniak.

**Members Absent:** Dearden, King, Lundby, Maddox, and McLaren (all excused).

**Committee Business:** Approved subcommittee appointment for Governor's appointee. Recommended confirmation of Governor's appointees.

**Adjourned:** 10:15 a.m.

## INTRODUCTION OF BILL

**Senate File 2438**, by committee on Ways and Means, a bill for an act relating to the creation of a water quality district, providing for the levy of a tax, and providing for other properly related matters.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

## STUDY BILL RECEIVED

### **SSB 3224      Ways and Means**

Relating to the treatment for sales and use tax purposes of sales where the substance of the transactions is delivered by electromagnetic waves, digitally, or by way of cable or fiber optics, the exemption from the sales and use taxes of the furnishing, sale, or rental of information services, providing of refunds, and including an effective and retroactive applicability date provision.

## SUBCOMMITTEE ASSIGNMENT

### **SSB 3224**

WAYS AND MEANS: Lamberti, Chair; Johnson and Flynn

## COMMITTEE REPORT

### **WAYS AND MEANS**

**Final Bill Action:** SENATE FILE 2438 (Formerly SF 2240), a bill for an act relating to the creation of a water quality district, providing for the levy of a tax, and providing for other properly related matters.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Johnson, McKibben, Harper, Bartz, Bolcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on March 29, 2000, when the vote was taken on Senate File 2435. Had I been present, I would have voted "Nay."

BILL FINK

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2435, the following correction was made:

- 1. Page 62, line 29, the word and number "Section 39" were changed to the word and number "Section 40".

MICHAEL E. MARSHALL  
Secretary of the Senate

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 March, 2000:

Senate Files 2036, 2212, and 2215.

MICHAEL E. MARSHALL  
Secretary of the Senate

AMENDMENTS FILED

S-5302	S.F.	2312	H. Kay Hedge
S-5303	H.F.	2378	Neal Schuerer
			John P. Kibbie
S-5304	S.F.	2348	Steve King



## AFTERNOON SESSION

The Senate reconvened at 2:07 p.m., President Kramer presiding.

## QUORUM CALL

Senator Johnson requested a non-record roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent, and a quorum present.

## 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 March 29, 2000, adopted the following resolution in which the **concurrence** of the **Senate** is asked:

**House Concurrent Resolution 116**, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 state quarters program and to direct the commission to develop designs incorporating the Loess Hills as a symbol for the state.

Read first time and referred to committee on **Rules and Administration**.

The Senate stood at ease at 2:13 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:09 p.m., President Kramer presiding.

## UNFINISHED BUSINESS

**House File 2486**

On motion of Senator Black, **House File 2486**, a bill for an act relating to the taking of fish and game by establishing residency requirements and methods of taking fish and subjecting violators to

an existing penalty, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2486), the vote was:

Ayes, 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 2308**

Senator Redfern called up for consideration Senate File 2308, a bill for an act relating to harassment via electronic communications and making penalties applicable, amended by the House in House amendment S-5188, filed March 21, 2000.

Senator Redfern offered amendment S-5282, filed by him on March 28, 2000, to pages 1 and 2 of House amendment S-5188, and moved its adoption.

Amendment S-5282 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. 2308), 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 AMENDMENT CONSIDERED

**Senate File 2411**

Senator Rittmer called up for consideration Senate File 2411, a bill for an act relating to public retirement systems and providing implementation, applicability, and effective dates, amended by the House in House amendment S-5236, filed March 23, 2000.

Senator Gronstal asked and received unanimous consent to withdraw amendment S-5305, filed by him from the floor to pages 3 and 4 of House amendment S-5236.

Senator Rittmer 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 Rittmer 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. 2411), 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 Angelo asked and received unanimous consent that **House File 2486, Senate Files 2308, and 2411** be **immediately messaged** to the House.

### HOUSE AMENDMENT CONSIDERED

#### **Senate File 428**

Senator Maddox called up for consideration Senate File 428, a bill for an act relating to the authority of cities and counties to adopt rent control ordinances, amended by the House, and moved that the Senate concur in House amendment S-5207, filed March 22, 2000.

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. 428), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Drake	Flynn	Fraise	Freeman
Gaskill	Gronstal	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, 5:

Bolkcom  
Lundby

Dvorsky

Fink

Hammond

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 2470

On motion of Senator Angelo, **House File 2470**, a bill for an act relating to the office of the state public defender including indigent defense costs and the appropriation of indigent defense funds, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, 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. 2470), the vote was:

Ayes, 50:

Angelo  
Boettger  
Deluhery  
Flynn  
Gronstal  
Hedge  
Johnson  
Kramer  
McCoy  
Miller  
Rife  
Shearer  
Veenstra

Bartz  
Bolkcom  
Drake  
Fraise  
Hammond  
Horn  
Judge  
Lamberti  
McKean  
Redfern  
Rittmer  
Soukup  
Zieman

Behn  
Connolly  
Dvorsky  
Freeman  
Hansen  
Iverson  
Kibbie  
Lundby  
McKibben  
Redwine  
Schuerer  
Szymoniak

Black  
Dearden  
Fink  
Gaskill  
Harper  
Jensen  
King  
Maddox  
McLaren  
Rehberg  
Sexton  
Tinsman

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 Angelo asked and received unanimous consent that **Senate File 428** and **House File 2470** be **immediately messaged** to the House.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Angelo called up the following eligible appointees on the En Bloc Confirmation Calendar:

Susan Boe, Accountancy Examining Board  
Ronald Nielsen, Accountancy Examining Board  
David Vaudt, Accountancy Examining Board

Joseph McGill, Commission on the Status of African-Americans

Fred Lundt, Agricultural Development Authority

Patricia Drumeller, Alcoholic Beverages Commission

Kevin Monson, Board of Architectural Examining  
Jeffrey Morgan, Board of Architectural Examining

Charles Follett, Board of Chiropractic Examiners (Appointment)  
Charles Follett, Board of Chiropractic Examiners (Reappointment)  
Elizabeth Kressin, Board of Chiropractic Examiners

Curtis Stamp, Board of Cosmetology Arts and Sciences Examiners

Elizabeth Brennan, Board of Dental Examiners  
Suzan Stewart, Board of Dental Examiners  
LeRoy Strohman, Board of Dental Examiners

Rachel Dunn, Board of Dietetic Examiners  
Elvin Soll, Board of Dietetic Examiners

Charles Edwards, State Board of Education  
Sally Frudden, State Board of Education  
Gregory McClain, State Board of Education  
Donald Roby, State Board of Education

Darrell Hanson, Environmental Protection Commission

Carol Burns, Iowa Higher Education Loan Authority

Mary Curran, Commission on Judicial Qualifications

Lynne Wright, Iowa Law Enforcement Academy Council

Bruce Hughes, Board of Medical Examiners  
Stephen Quirk, Board of Medical Examiners  
Janece Valentine, Board of Medical Examiners

Ruth Ohde, Board of Mortuary Science Examiners  
Diane Palmer, Board of Mortuary Science Examiners

William Thayer, State Board of Examiners for Nursing Home  
Administrators

Katherine Linder, Board of Pharmacy Examiners  
Leman Olson, Board of Pharmacy Examiners

Rickey Salocker, Board of Podiatry Examiners

Scott Shafer, Board of Psychology Examiners

Diane Hamilton, State Racing and Gaming Commission

Catherine Johnson, Iowa Railway Finance Authority

David Erickson, Real Estate Appraiser Examining Board  
Sandra Glenn, Real Estate Appraiser Examining Board

James Hughes, Real Estate Commission  
Evelyn Rank, Real Estate Commission



David Holmes, Renewable Fuels and Coproducts Advisory Committee

Sally Steffen, State Board for Respiratory Care (Appointment)

Sally Steffen, State Board for Respiratory Care (Reappointment)

Wayne Drexler, School Budget Review Committee

Joan Hester, Board of Social Work Examiners (Appointment)

Joan Hester, Board of Social Work Examiners (Reappointment)

James Yeast, Board of Social Work Examiners

Alison Lemke, Board of Speech Pathology and Audiology Examiners

J. Antonio Prieto, Board of Speech Pathology and Audiology Examiners

Suzan Boden, State Transportation Commission

Barbara Mac Gregor, State Transportation Commission

Larry Bowden, Commission of Veterans Affairs

Barry Remington, Commission of Veterans Affairs

Bruce Van Zee, Iowa Board of Veterinary Medicine

Senator Angelo moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" 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 appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

## APPENDIX

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Jeff McElvania, West Union – For achieving the rank of Eagle Scout. Senator Veenstra (03/29/00).

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS

**Convened:** March 29, 2000, 1:10 p.m.

**Members Present:** McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Black, Bolkom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Horn, Johnson, King, Lamberti, Maddox, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman.

**Members Absent:** Jensen and McCoy (excused).

**Committee Business:** Passed HF's 2533 (as amended) and 2538 (as amended).

**Adjourned:** 1:45 p.m.

### INTRODUCTION OF BILL

**Senate File 2439**, by committee on Ways and Means, a bill for an act relating to the accelerated career education program, providing a tax credit from withholding, creating an accelerated career education grant program and fund, relating to the transfer of job training withholding to the workforce development fund account, and providing an effective date.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

### COMMITTEE REPORTS

#### APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 2533, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than

anticipated or if federal block grants are more or less than anticipated and providing an effective date.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5308.

**Final Vote:** Ayes, 23: McLaren, Kramer, Flynn, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Horn, Johnson, King, Lamberti, Maddox, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, 2: Jensen and McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2538, a bill for an act relating to and making transportation and other infrastructure-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, and including fees for certain registration plates, allowing the department to conduct a pilot project, and providing for the nonreversion of certain moneys.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5307.

**Final Vote:** Ayes, 23: McLaren, Kramer, Flynn, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Horn, Johnson, King, Lamberti, Maddox, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, 2: Jensen and McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## WAYS AND MEANS

**Final Bill Action:** SENATE FILE 2439 (SSB 3187), a bill for an act relating to the accelerated career education program, providing a tax credit from withholding, creating an accelerated career education grant program and fund, relating to the transfer of job training withholding to the workforce development fund account, and providing an effective date.

**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. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 29, 2000, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2048 – Providing for the appointment and length of terms for members added to a hospital board of trustees.

S.F. 2147 – Relating to motor vehicles, including motor vehicle enforcement, titling, and registration, the renewal of certain licenses related to selling vehicles, and motor carrier regulation, making penalties applicable, and providing effective dates.

S.F. 2164 – Relating to expenditure of primary road fund moneys for dust control on certain municipal streets.

S.F. 2256 – Establishing a pilot project requiring that the state department of transportation purchase soydiesel fuel for use in some of its vehicles, and providing for contingent effectiveness.

## PETITION

The following petition was presented and placed on file:

From 85 residents of Union County favoring legislation to remove the prohibition against physicians serving as trustees on county public hospital boards and make a conforming change relating to the pecuniary interest of a physician in the purchase or sale of commodities or supplies related to a county hospital (SF 2009). Senator Angelo.

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

### JUDICIARY

Pamela Dettmann – Drug Abuse Prevention and Education Advisory Council

Elizabeth Walker-Ford – Board of Parole

**LOCAL GOVERNMENT**

Krista Odendahl – County Finance Committee

Miles Butler – Mental Health Risk Pool Board

Judy Clark – Mental Health Risk Pool Board

Lynn Ferrell – Mental Health Risk Pool Board

Andy Nielsen – Mental Health Risk Pool Board

Karen Strawn – Mental Health Risk Pool Board

Sally Stutsman – Mental Health Risk Pool Board

David Van Ningen – Mental Health Risk Pool Board

Kelly Yeggy – Mental Health Risk Pool Board

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

Sandra Bailen-Scott – Iowa Economic Development Board

Julie Carlson – Iowa Economic Development Board

Frances Fleck – Small Business Advisory Council

**STATE GOVERNMENT**

Theresa Clark-Kline – Commission on the Status of African-Americans

Barbara Martin – Board of Barber Examiners

Valorie Pahl – Board of Chiropractic Examiners

Eileen Cacioppo – Board of Dental Examiners

Susan Long – Engineering and Land Surveying Examining Board

M. Ann Aulwes-Allison – Board of Nursing Examiners

Terry Cooper – State Board of Examiners for Nursing Home Administrators

Beth Weeks – Real Estate Appraiser Examining Board

**GOVERNOR'S APPOINTEES PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

Claudia Jean "CJ" Niles – Director of the Department of Economic Development

Philip Buchan – Director of the Office for State-Federal Relations

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MADAM PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Sally Stutsman – Mental Health Risk Pool Board

STEWART E. IVERSON, JR.

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on March 29, 2000:

On March 15 of this year, I submitted the name of Yvonne Wentz to serve on the Renewable Fuels and Coproducts Advisory Committee. Ms. Wentz has indicated that she no longer wishes to serve and I withdraw her name from consideration by the Senate.

Sincerely,  
THOMAS J. VILSACK  
Governor

AMENDMENTS FILED

S-5305	S.F.	2411	Michael E. Gronstal
S-5306	H.F.	2511	Donald B. Redfern
			Steve King
			Tom Flynn
S-5307	H.F.	2538	Appropriations
S-5308	H.F.	2533	Appropriations

ADJOURNMENT

On motion of Senator Angelo, the Senate adjourned at 4:55 p.m., until 9:00 a.m., Thursday, March 30, 2000.

# JOURNAL OF THE SENATE

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EIGHTY-FIRST CALENDAR DAY  
FORTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 30, 2000

The Senate met in regular session at 9:13 a.m., President Kramer presiding.

Prayer was offered by the Reverend Lola M. Rosenberger, pastor of St. John's United and Zion United Church of Christ in Peterson and Calumet, Iowa, guest of Senator Freeman.

The Journal of Wednesday, March 29, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Kibbie and Fraise, for the day, on request of Senator Gronstal; and Senator McKean, for the day, on request of Senator Iverson.

## SPECIAL PRESENTATION TO SENATE PAGE

Senate Page Keturah Moretz was invited to the well of the Senate for a special presentation and was thanked by Senators Iverson and Gronstal for her service to the Senate.

A Certificate of Recognition for serving with honor and distinction as a Senate Page during the 2000 Regular Session of the Seventy-eighth General Assembly was presented to her.

The Senate rose and expressed its appreciation.



## UNFINISHED BUSINESS

**House File 2522**

On motion of Senator Bartz, **House File 2522**, a bill for an act relating to addresses used by persons seeking relief from domestic abuse, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, 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. 2522), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	King	Kramer	Lamberti
Lundby	Maddox	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Fraise	Kibbie	McCoy	McKean
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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 McCoy, until he arrives, on request of Senator Harper.

## UNFINISHED BUSINESS

**House File 2393**

On motion of Senator Miller, **House File 2393**, a bill for an act relating to the certification of persons as confinement site manure applicators, providing for fees, and making penalties applicable, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

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. 2393), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	King	Kramer	Lamberti
Lundby	Maddox	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Fraise	Kibbie	McCoy	McKean
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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 2502**

On motion of Senator Bartz, **House File 2502**, a bill for an act relating to fee-supported services provided by a county including the payment of county law enforcement salaries and expenses, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Bartz asked and received unanimous consent that action on **House File 2502** be **deferred**.

CONSIDERATION OF RESOLUTION  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Joint Resolution 2005.

**Senate Joint Resolution 2005**

On motion of Senator Maddox, **Senate Joint Resolution 2005**, a joint resolution nullifying amendments to administrative rules of the department of revenue and finance concerning the classification of condominiums for property tax purposes and providing an effective date, was taken up for consideration.

Senator Maddox moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

**Senate Joint Resolution 2005**, a joint resolution nullifying amendments to administrative rules of the department of revenue and finance concerning the classification of condominiums for property tax purposes and providing an effective date.

Section 1. The amendments to 701 Iowa administrative code, rule 71.1, subrules 4 and 5, as appearing in ARC 8725A, as published in the Iowa administrative bulletin, volume XXI, number 19, dated March 10, 1999, pp. 1858 and 1859, are nullified.

Section 2. This joint resolution, being deemed of immediate importance, takes effect upon enactment.

On the question "Shall the resolution be adopted?" (S.J.R. 2005), the vote was:

Yeas, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kramer	Lamberti	Lundby
Maddox	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Fraise	Kibbie	King	McCoy
McKean			

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2522, 2393, and Senate Joint Resolution 2005** be **immediately messaged** to the House.

### UNFINISHED BUSINESS

#### House File 2485

On motion of Senator Bartz, **House File 2485**, a bill for an act relating to the allocation of funds within the soil and water enhancement account of the resource enhancement and protection fund, with report of committee recommending passage, placed on the

Unfinished Business Calendar on March 23, 2000, 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. 2485), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kramer	Lamberti	Lundby
Maddox	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Fraise	Kibbie	King	McCoy
McKean			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

### House File 2377

On motion of Senator Miller, **House File 2377**, a bill for an act providing for access to certain child abuse information by the governor and the general assembly, making penalties and remedies applicable, and including an effective date and applicability provision, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Miller offered amendment S-5154, filed by the committee on Human Resources on March 15, 2000, to pages 1-3, 6, 7, and to the title page of the bill, and moved its adoption.

Amendment S-5154 was adopted by a voice vote.

Senator Miller offered amendment S-5186, filed by him on March 21, 2000, to pages 1, 2, and 5 of the bill, and moved its adoption.

Amendment S-5186 was adopted by a voice vote.

Senator King asked and received unanimous consent that action on **House File 2377** be **deferred**.

#### UNFINISHED BUSINESS

##### **House File 2424**

On motion of Senator Veenstra, **House File 2424**, a bill for an act creating an Iowa Lewis and Clark bicentennial commission, an Iowa Lewis and Clark bicentennial fund, and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Boettger took the chair at 10:06 a.m.

Senator Veenstra 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. 2424), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	King	Kramer	Lamberti
Lundby	Maddox	McKibben	McLaren

Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Fraise	Kibbie	McCoy	McKean
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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

### Senate File 2427

On motion of Senator Drake, **Senate File 2427**, a bill for an act relating to the definition of factory-built structures, the certification of installers of manufactured homes and providing for a fee, an appropriation, and a civil penalty, placed on the Unfinished Business Calendar on March 16, 2000, was taken up for consideration.

Senator Johnson offered amendment S-5133, filed her on March 13, 2000, to page 1 and to the title page of the bill, and called for a division:

Division S-5133A: Lines 1-31.

Division S-5133B: Lines 32-48.

Senator Johnson withdrew her request for a division and asked and received unanimous consent that action on amendment S-5133 and **Senate File 2427** be **deferred**.

## UNFINISHED BUSINESS

### House File 2521

On motion of Senator Tinsman, **House File 2521**, a bill for an act relating to mandatory mediation of certain farm disputes prior to initiation of related litigation, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, 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. 2521), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	King	Kramer	Lamberti
Lundby	Maddox	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Fraise	Kibbie	McCoy	McKean
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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 2008

On motion of Senator Bartz, **House File 2008**, a bill for an act providing residency status to certain members of the armed forces for purposes of hunting, fishing, and fur harvesting, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Bartz offered amendment S-5123, filed by the committee on Natural Resources and Environment on March 9, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5123 was adopted by a voice vote.



Senator Bartz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2008), the vote was:

Ayes, 32:

Angelo	Bartz	Behn	Boettger
Dearden	Drake	Fink	Freeman
Gaskill	Hansen	Hedge	Iverson
Jensen	Johnson	Judge	King
Kramer	Lamberti	Maddox	McKibben
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Nays, 14:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Flynn	Gronstal	Hammond
Harper	Horn	Lundby	Shearer
Soukup	Szymoniak		

Absent or not voting, 4:

Fraise	Kibbie	McCoy	McKean
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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 Kramer, until she returns, on request of Senator Jensen; and Senator Gronstal, until he returns, on request of Senator Dvorsky.

## BUSINESS PENDING

### House File 2377

The Senate resumed consideration of **House File 2377**, a bill for an act providing for access to certain child abuse information by the governor and the general assembly, making penalties and remedies applicable, and including an effective date and applicability provision, previously deferred.

Senator King offered amendment S-5311, filed by him from the floor to page 4 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5311 be adopted?" (H.F. 2377) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 14:

Angelo	Behn	Freeman	Hedge
Jensen	Judge	King	Lundby
Miller	Rehberg	Schuerer	Sexton
Shearer	Veenstra		

Nays, 31:

Bartz	Black	Boettger	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fink	Flynn	Gaskill
Hammond	Hansen	Harper	Horn
Iverson	Johnson	Lamberti	Maddox
McCoy	McKibben	McLaren	Redfern
Redwine	Rife	Rittmer	Soukup
Szymoniak	Tinsman	Zieman	

Absent or not voting, 5:

Fraise	Gronstal	Kibbie	Kramer
McKean			

Amendment S-5311 lost.

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. 2377), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge

Horn	Iverson	Jensen	Johnson
Judge	King	Lamberti	Lundby
Maddox	McCoy	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Fraise	Kibbie	Kramer	McKean
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## BUSINESS PENDING

### **Senate File 2427**

The Senate resumed consideration of **Senate File 2427**, a bill for an act relating to the definition of factory-built structures, the certification of installers of manufactured homes and providing for a fee, an appropriation, and a civil penalty, and amendment S-5133, previously deferred.

Senator Johnson offered amendment S-5133, filed by her from the floor to page 1 of amendment S-5133, and moved its adoption.

Amendment S-5133 was adopted by a voice vote.

Senator Johnson moved the adoption of amendment S-5133, as amended.

Amendment S-5133 was adopted by a voice vote.

Senator McKibben offered amendment S-5245, filed by him on March 27, 2000, to page 2 of the bill, and moved its adoption.

Amendment S-5245 was adopted by a voice vote.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2427), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	King	Lamberti	Lundby
Maddox	McCoy	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Fraise	Kibbie	Kramer	McKean
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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 2377, 2424, 2485, 2521, and Senate File 2427** 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 March 29, 2000, concurred in the Senate amendments and passed the following bills in which the **concurrence** of the **House** was asked:

**House File 2146**, a bill for an act relating to the authority of the board of educational examiners over certification and licensing of para-educators and practitioners.

**House File 2331**, a bill for an act relating to operating a motorboat or sailboat while intoxicated and providing penalties.

**House File 2391**, a bill for an act establishing a criminal offense relating to theft detection shielding devices and theft detection devices and providing a penalty.

**House File 2492**, a bill for an act relating to certain state and municipal agencies by making changes relating to the provision of and training for fire protection service and emergency medical service and by amending the powers and duties of townships and township officers.

**House File 2510**, a bill for an act relating to operating while intoxicated, including ignition interlock provisions.

ALSO: That the House has on March 29, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2552**, a bill for an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date.

Read first time and referred to committee on **Appropriations**.

**House File 2554**, a bill for an act relating to and making appropriations to the judicial branch.

Read first time and referred to committee on **Appropriations**.

ALSO: That the House has on March 30, 2000, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 2376**, a bill for an act relating to veterans preference in public employment.

ALSO: That the House has on March 30, 2000, passed the following bill in which the **concurrence** of the **House** was asked:

**Senate File 2368**, a bill for an act relating to the family investment program and associated provisions.

## **APPENDIX**

### **CERTIFICATE OF RECOGNITION**

The Secretary of the Senate issued the following certificate of recognition:

Milton Van Gundy, Marshalltown – For being named “Preceptor of the Year” by University of Iowa College of Medicine students. Senator McKibben (03/30/00).

### **PRESENTATION OF VISITORS**

The Chair welcomed the following visitors who were present in the Senate gallery:

Students from Moulton Elementary School in Des Moines.  
Senator Szymoniak.

### **GOVERNOR’S APPOINTEES PLACED ON EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

#### **BUSINESS AND LABOR RELATIONS**

Elizabeth Seiser – Employment Appeal Board  
Mary Spicer – Employment Appeal Board

James Riordan – Public Employment Relations Board  
M. Sue Warner – Public Employment Relations Board

Denise Baldwin – Iowa Workforce Development Board (Appointment)  
Denise Baldwin – Iowa Workforce Development Board (Reappointment)  
Sarah Falb – Iowa Workforce Development Board  
Daniel Purcell – Iowa Workforce Development Board  
Ken Sagar – Iowa Workforce Development Board  
John Watson – Iowa Workforce Development Board

### **MOTION TO RECONSIDER**

MADAM PRESIDENT: I move to reconsider the vote by which House File 2008 passed the Senate on March 30, 2000.

STEVE HANSEN

## SUBCOMMITTEE ASSIGNMENT

**House File 2549**

APPROPRIATIONS: Rehberg, Chair; Horn and McLaren

## 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 30th day of March, 2000:

Senate Files 174 and 2015.

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

S-5309	H.F.	2545	Andy McKean
S-5310	H.F.	2519	Jeff Angelo
S-5311	H.F.	2377	Steve King
S-5312	H.F.	2502	John Judge
S-5313	S.F.	2427	JoAnn Johnson

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:43 a.m., until 1:00 p.m., Monday, April 3, 2000.



# JOURNAL OF THE SENATE

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EIGHTY-FIFTH CALENDAR DAY  
FORTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 3, 2000

The Senate met in regular session at 1:15 p.m., President Kramer presiding.

Prayer was offered by Father Paul Weis, pastor of Saint Clement's Church of Bankston, Iowa, guest of Senator Flynn.

The Journal of Thursday, March 30, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Maddox, until he returns, on request of Senator Angelo; Senator McCoy, until he arrives, on request of Senator Gronstal; and Senator Zieman, until he arrives, on request of Senator Schuerer.

## UNFINISHED BUSINESS

### House File 2362

On motion of Senator Miller, **House File 2362**, a bill for an act relating to the establishment of a domestic abuse death review team and providing a penalty, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Miller offered amendment S-5190, filed by him on March 21, 2000, to pages 3 and 4 of the bill, and moved its adoption.

Amendment S-5190 was adopted by a voice vote.

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. 2362), the vote was:

Ayes, 46:

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	McKibben
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra		

Nays, none.

Absent or not voting, 4:

Maddox	McCoy	McKean	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.

## UNFINISHED BUSINESS

### House File 2153

On motion of Senator Fraise, **House File 2153**, a bill for an act relating to drug policy coordination, including establishment of a drug policy coordinator, the governor's office of drug control policy, and a drug policy advisory council, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Bartz took the chair at 1:38 p.m.

Senator Fraise moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2153), 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 2538.

### House File 2538

On motion of Senator Freeman, **House File 2538**, a bill for an act relating to and making transportation and other infrastructure-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, and including fees for certain registration plates, allowing the department to conduct a pilot project, and providing for the nonreversion of certain moneys, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McLaren offered amendment S-5307, filed by the committee on Appropriations on March 29, 2000, to page 6 and to the title page of the bill, and moved its adoption.

Amendment S-5307 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5228, filed by him on March 23, 2000, to page 5 of the bill.

The Senate stood at ease at 1:47 p.m. until the fall of the gavel.

The Senate resumed session at 1:52 p.m., Senator Bartz presiding.

Senator Flynn offered amendment S-5321, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5321 lost by a voice vote.

Senator Miller offered amendment S-5319, filed by him from the floor to page 5 and to the title page of the bill, and moved its adoption.

Amendment S-5319 lost 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. 2538), 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, as amended, was agreed to.

## UNFINISHED BUSINESS

### House File 2511

On motion of Senator Drake, **House File 2511**, a bill for an act providing that the course for drinking drivers shall be taught by community colleges and licensed substance abuse programs, requiring participation in substance abuse awareness programs by all persons under the age of twenty-one who drive with a blood alcohol concentration level of .02 or more, and making related changes, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Drake asked and received unanimous consent to withdraw amendment S-5206, filed by Senators Drake and Kibbie on March 22, 2000, striking everything after the enacting clause and to the title page of the bill.

With the withdrawal of amendment S-5206, the Chair ruled amendment S-5263, filed by Senators Redfern and King on March 28, 2000, to pages 1, 2, and to the title provisions of amendment S-5206, out of order.

President Kramer took the chair at 2:12 p.m.

Senator Drake offered amendment S-5227, filed by Senators Drake and Kibbie on March 23, 2000, striking everything after the enacting clause and to the title page of the bill.

Senator Redfern offered amendment S-5274, filed by Senators Redfern and King on March 28, 2000, to pages 1, 2, and to the title provisions of amendment S-5227, and asked and received unanimous consent that action on amendment S-5274 be deferred.

Senator Flynn offered amendment S-5243, filed by him on March 27, 2000, to pages 1, 2, and to the title provisions of

amendment S-5227, and asked and received unanimous consent that action on amendment S-5243 be deferred.

Senator Lamberti asked and received unanimous consent to withdraw amendment S-5277, filed by him on March 28, 2000, to pages 1, 2, and to the title provisions of amendment S-5227.

Senator Redfern offered amendment S-5306, filed by Senators Redfern, King, and Flynn on March 29, 2000, to pages 1, 2, and to the title provisions of amendment S-5227, and moved its adoption.

Amendment S-5306 was adopted by a voice vote.

With the adoption of amendment S-5306, the Chair ruled the following amendments out of order:

Amendment S-5274, filed by Senators Redfern and King on March 28, 2000, to pages 1, 2, and to the title provisions of amendment S-5227; and

Amendment S-5243, filed by Senator Flynn on March 27, 2000, to pages 1, 2, and to the title provisions of amendment S-5227.

Senator Drake moved the adoption of amendment S-5227, as amended.

Amendment S-5227 was adopted by a voice vote.

With the adoption of amendment S-5227, the Chair ruled the following amendments out of order:

Amendment S-5235, filed by Senator Flynn on March 23, 2000, to page 1 of the bill;

Amendment S-5256, filed by Senator Lamberti on March 28, 2000, to page 1 and to the title page of the bill; and

Amendment S-5167, filed by Senators Drake and Kibbie on March 6, 2000, to pages 1 and 2 of the bill.

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. 2511), 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, none.

Absent or not voting, 1:

Rife

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2153, 2362, 2511, and 2538** be **immediately messaged** to the House.

#### HOUSE AMENDMENT CONSIDERED

#### Senate File 324

Senator Jensen called up for consideration Senate File 324, a bill for an act relating to certain franchise agreements and the rights and responsibilities of the parties under such agreements, amended by the House in House amendment S-5185, filed March 21, 2000.

Senator Gronstal offered amendment S-5322, filed by Senators Gronstal and Jensen from the floor to pages 1 and 2 of House amendment S-5185.

The Senate stood at ease at 2:29 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:43 p.m., Senator Hedge presiding.

President Kramer took the chair at 4:02 p.m.

Senator Gronstal moved the adoption of amendment S-5322.

A record roll call was requested.

On the question "Shall amendment S-5322 be adopted?" (S.F. 324) the vote was:

Ayes, 19:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fraise	Freeman	Gronstal
Hammond	Hedge	Jensen	Judge
Miller	Rife	Rittmer	Sexton
Shearer	Soukup	Szymoniak	

Nays, 30:

Angelo	Bartz	Behn	Black
Boettger	Drake	Fink	Flynn
Gaskill	Hansen	Harper	Horn
Iverson	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Schuerer	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

McCoy

Amendment S-5322 lost.

Senator Jensen moved that the Senate concur in the House amendment.



The motion prevailed by a voice vote and the Senate concurred in the House amendment.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Gronstal.

### BUSINESS PENDING

### Senate File 324

The Senate resumed consideration of Senate File 324.

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. 324), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Freeman	Gaskill	Gronstal
Hammond	Harper	Hedge	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 5:

Fraise	Hansen	Maddox	Rife
Shearer			

Absent or not voting, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2533.

**House File 2533**

On motion of Senator Tinsman, **House File 2533**, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McLaren offered amendment S-5308, filed by the committee on Appropriations on March 29, 2000, to pages 9, 22, and 25 of the bill, and moved its adoption.

Amendment S-5308 was adopted by a voice vote.

Senator Tinsman offered amendment S-5317, filed by her from the floor to page 21 of the bill, and moved its adoption.

Amendment S-5317 was adopted by a voice vote.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2533), the vote was:

Ayes, 49:

Angelo  
Boettger  
Deluhery  
Flynn

Bartz  
Bolkcom  
Drake  
Fraise

Behn  
Connolly  
Dvorsky  
Freeman

Black  
Dearden  
Fink  
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.

#### HOUSE AMENDMENT CONSIDERED

#### **Senate File 2348**

Senator King called up for consideration Senate File 2348, a bill for an act relating to the loess hills development and conservation authority by creating a hungry canyons alliance and providing membership guidelines for board of directors of the conservation authority and loess hills alliance, amended by the House in House amendment S-5248, filed March 27, 2000.

Senator King offered amendment S-5304, filed by him on March 29, 2000, to page 1 of House amendment S-5248.

Senator Gronstal asked and received unanimous consent that action on amendment S-5304 to House amendment S-5248, House amendment S-5248, and **Senate File 2348** be **deferred**.

#### UNFINISHED BUSINESS

#### **House File 2463**

On motion of Senator Rittmer, **House File 2463**, a bill for an act relating to the department of personnel by providing for the duties of the department, the administration of the department, and benefits

provided state employees, and providing effective and retroactive applicability dates, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Rittmer offered amendment S-5173, filed by the committee on State Government on March 20, 2000, to pages 2 and 5 of the bill, and moved its adoption.

Amendment S-5173 was adopted by a voice vote.

Senator Rittmer offered amendment S-5328, filed him from the floor to page 15 of the bill, and moved its adoption.

Amendment S-5328 was adopted by a voice vote.

Senator Szymoniak offered amendment S-5296, filed by her on March 28, 2000, to page 15 of the bill, and moved its adoption.

Amendment S-5296 was adopted by a voice vote.

Senator Rittmer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2463), 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.

UNFINISHED BUSINESS  
(Deferred March 28, 2000)

**House File 2198**

The Senate resumed consideration of **House File 2198**, a bill for an act directing the department of education to conduct a feasibility study of reorganization and sharing incentives for school districts, and amendment S-5135, deferred March 28, 2000.

Senator Connolly offered amendment S-5288, filed by Senators Connolly, Kibbie, and Harper on March 28, 2000, to page 1 and to the title provisions of amendment S-5135.

Senator Redfern raised the point of order that amendment S-5288 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5288 out of order.

Senator Rehberg offered amendment S-5320, filed by her from the floor to page 1 of amendment S-5135, and moved its adoption.

Amendment S-5320 was adopted by a voice vote.

Senator Redfern moved the adoption of amendment S-5135, as amended.

Amendment S-5135 was adopted by a voice vote.

With the adoption of amendment S-5135, the Chair ruled amendment S-5289, filed by Senators Connolly, Kibbie, and Harper on March 28, 2000, to page 1 and to the title page of the bill, out of order.

Senator Rehberg asked and received unanimous consent to withdraw amendment S-5057, filed by her on March 2, 2000, to page 1 and to the title page of the bill.

Senator Dvorsky offered amendment S-5142, filed by him on March 14, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5142 was adopted by a voice vote.

Senator Rehberg asked and received unanimous consent to withdraw amendment S-5261, filed by her on March 28, 2000, to page 1 of the bill.

Senator Rehberg asked and received unanimous consent to withdraw amendment S-5262, filed by her on March 28, 2000, to page 1 of the bill.

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. 2198), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	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
Sexton	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, 3:

Connolly	Schuerer	Shearer
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Absent or not voting, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2431.

**Senate File 2431**

On motion of Senator Johnson, **Senate File 2431**, a bill for an act providing for a tax levy for a county hospital fund in certain counties and providing an applicability and effective date, 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. 2431), 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	Veenstra	Zieman

Nays, 1:

Tinsman

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 2198, 2463, 2533, and Senate File 2431** 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 March 30, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2540**, a bill for an act relating to economic development programs and related tax credits.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on March 30, 2000, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 2135**, a bill for an act relating to the designated date of withholding of support by payors of income and providing an effective date.

ALSO: That the House has on March 30, 2000, passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 2047**, a bill for an act relating to the powers and duties of county officers with respect to county warrants.

**Senate File 2158**, a bill for an act relating to the limitation on deposits which may be held by a depository institution or holding company and establishment of a procedure for determining compliance with such limitation, providing for the Act's applicability, and providing an effective date.



ALSO: That the House has on March 30, 2000, amended and passed the following bills in which the **concurrence** of the **Senate** is asked:

**Senate File 2092**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and providing effective dates. (S-5315)

**Senate File 2214**, a bill for an act relating to residential landlord-tenant law, by allowing for notice of and a surcharge for rent paid with a check returned for insufficient funds, and making certain changes related to forcible entry and detainer actions. (S-5316)

**Senate File 2366**, a bill for an act relating to the purchase, possession, and sale of cigarettes and tobacco products and providing penalties. (S-5314)

ALSO: That the House has on April 3, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2550**, a bill for an act relating to the Iowa educational savings plan trust and providing an effective date.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 3, 2000, passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 421**, a bill for an act to extend the jurisdiction of the juvenile court to include adoption and termination of parental rights proceedings.

**Senate File 2141**, a bill for an act creating a merchant marine bonus fund and making an appropriation.

**Senate File 2146**, a bill for an act relating to the appearance in court and the release from custody of certain criminal defendants.

**Senate File 2238**, a bill for an act relating to the use of school improvement technology program and school improvement technology block grant program moneys by school districts and area

education agencies to employ or contract with information technology specialists.

**Senate File 2294**, a bill for an act relating to payment of education costs for certain juvenile facilities and providing an effective date.

**Senate File 2307**, a bill for an act relating to public and workplace safety and wage collection laws administered by the labor commissioner, including changes in the regulation of boilers in places of public assembly and of elevator installers, and of employers under the wage payment collection law.

**Senate File 2324**, a bill for an act relating to DNA profiling.

**Senate File 2342**, a bill for an act relating to the creation of a real estate improvement district.

**Senate File 2390**, a bill for an act relating to the duties of divisions within the department of inspections and appeals and codifying the establishment and duties of the existing health facilities division.

**Senate File 2416**, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

**Senate File 2420**, a bill for an act relating to the administration and enforcement of the replacement tax imposed on the generation, transmission, and delivery, consumption, and use of electricity and natural gas, providing for the Act's retroactive applicability, and providing an effective date.

ALSO: That the House has on April 3, 2000, concurred in the Senate amendment to the House amendment, and passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 2254**, a bill for an act relating to child support including medical support and payment of costs to financial institutions for data matching and automation program development.

**Senate File 2308**, a bill for an act relating to harassment via electronic communications and making penalties applicable.

ALSO: That the House has on April 3, 2000, amended and passed the following bills in which the **concurrence** of the **Senate** is asked:

**Senate File 2249**, a bill for an act relating to a state agency purchasing preference for bio-based hydraulic fluids, greases, and other industrial lubricants.(S-5330)

**Senate File 2418**, a bill for an act relating to certification of property taxes by townships and providing an effective date.(S-5329)

**APPENDIX****REPORT OF COMMITTEE MEETING****WAYS AND MEANS**

**Convened:** March 30, 2000, 11:46 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:** Passed SFs 2217, 2295, 2353, and HF 2542.

**Adjourned:** 12:48 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 3rd day of April, 2000:

Senate Files 2031, 2156, 2200, 2315, and 2349.

MICHAEL E. MARSHALL  
Secretary of the Senate

**BILLS SIGNED BY THE GOVERNOR**

A communication was received announcing that on March 30, 2000, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2061 – Relating to the registration and licensing duties of the county recorder and providing for other properly related matters.

S.F. 2266 – Relating to the department of public defense by changing the number and qualifications of general officers in the Iowa national guard and increasing the membership of the emergency response commission and providing an effective date.

S.F. 2372 – Relating to certain providers of consumer services by eliminating the registration requirement for physical exercise clubs, making social referral service

providers subject to provisions relating to door-to-door sales, and making penalties applicable.

S.F. 2388 – Relating to the filing of reports with the secretary of state by corporate entities.

S.F. 2409 – Relating to the operation and regulation of insurance companies, mutual insurance associations, benevolent associations, health maintenance organizations, and other insurance or risk-assuming entities, including the rights and duties of such entities and the powers and authority of the insurance commissioner and providing effective dates.

ALSO:

A communication was received announcing that on March 31, 2000, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 174 – Changing a Code reference to the Iowa association of community providers and providing an effective date.

S.F. 2015 – Relating to the enhanced criminal penalties associated with sexually predatory offenses and providing an effective date.

S.F. 2036 – To repeal the upper Mississippi riverway compact.

S.F. 2212 – Concerning the administration of clerk of court offices.

S.F. 2215 – Striking a mandatory leave of absence for a civil service officer or employee, or a deputy sheriff who is a candidate for partisan public office, and providing an effective date.

## GOVERNOR'S VETO MESSAGE

March 30, 2000

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2203, an Act relating to assignment of benefits under an insurance policy or contract, or health benefit plan to the provider of health care services.

I am unable to approve SF 2203 and hereby transmit it to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2203 requires health insurance carriers and organized delivery systems (ODS) to accept written assignment of benefits from individuals covered under health benefit contracts. This assignment provides payment of benefits directly from the carrier or ODS to the health care provider.

There are distinct, competing views of the impact of this legislation. The proponent groups, which include physician and hospital associations, contend the bill provides consumer choice and efficiency in the billing process. The opponent groups, which include insurers, labor organizations, and Iowa Farm Bureau, contend the bill will increase cost to consumers and will cause consumers to be balance billed – having to pay the difference between the total provider bill and the amount covered by insurance.

I appreciate and support the need to improve efficiency and to ease the burden on consumers of dealing with what can be a very confusing billing process. I am, however, concerned about the cost increases that consumers could experience and the potential increased burden to taxpayers. I believe, based upon the information I have been provided, the potential cost of this bill outweighs the benefits of the billing efficiencies.

I have reviewed information received from other states that have enacted legislation similar to SF 2203. While that information is not conclusive, the potential adverse fiscal impact is troublesome. It could also negatively impact a consumer's ability to access health care due to lack of adequate provider networks.

I have also reviewed the fiscal note developed by the Legislative Fiscal Bureau as well as information developed by the Iowa Department of Management. The fiscal note states that the fiscal impact on the state can not be determined due to a lack of sufficient information and concludes that the bill could encourage state employees to access providers outside of a network at a possible higher cost. The Department of Management states that it is difficult to estimate the fiscal impact since it is unknown whether or not providers will continue their current contractual arrangements. It's unfortunate that legislators did not consider or discuss with me prior to passing this legislation the potential fiscal impact to the state budget.

Considering the demands on the general fund and the lack of information that can more accurately define the financial risk for both taxpayers and for consumers, it would not be prudent of me to sign this legislation. I want to acknowledge the efforts that parties on both sides of this bill have made the past few days to craft a solution to the above mentioned concerns. I remain open to discussing or reviewing legislation that will address the need for a more efficient billing system, would provide for a more equitable balance in the negotiation process between insurers and providers, and would eliminate the potential risks for consumers and the state budget.

For the above reasons, I hereby respectfully disapprove Senate File 2203.

Sincerely,  
THOMAS J. VILSACK  
Governor

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 112**, by Drake, a concurrent resolution establishing a special commission to study and make recommendations concerning the impact of current and future state replacement funds paid to local governments to mitigate the effects of the elimination of the property tax on industrial machinery, equipment, and computers.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

## INTRODUCTION OF BILLS

**Senate File 2440**, by committee on Ways and Means, a bill for an act relating to the title guaranty program, mortgage release certificates, and the issuance of closing protection letters by the Iowa finance authority.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate File 2441**, by committee on Ways and Means, a bill for an act relating to the transferability of the investment tax credit under the new jobs and income program and including an effective date and applicability provision.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate File 2442**, by committee on Ways and Means, a bill for an act relating to the taxation of garages and other appurtenances located on mobile home sites.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

## STUDY BILL RECEIVED

**SSB 3225      Ways and Means**

Relating to the taxation of property used by the Iowa national guard.

## SUBCOMMITTEE ASSIGNMENTS

**House File 2540**

WAYS AND MEANS: McKibben, Chair; Harper and Lamberti

**House File 2552**

APPROPRIATIONS: Maddox, Chair; Dvorsky and McLaren

**House File 2554**

APPROPRIATIONS: Maddox, Chair; Dvorsky and McLaren

**SSB 3225**

WAYS AND MEANS: Johnson, Chair; Harper and McKibben

## COMMITTEE REPORTS

**WAYS AND MEANS**

**Final Bill Action:** \*SENATE FILE 2440 (Formerly SF 2295), a bill for an act relating to the title guaranty program, mortgage release certificates, and the issuance of closing protection letters by the Iowa finance authority.

**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. Absent or not voting, none.

**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 Ways and Means Committee on Senate File 2440, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2441 (Formerly SF 2353), a bill for an act relating to the transferability of the investment tax credit under the new jobs and income program and including an effective date and 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. Absent or not voting, none.

**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 Ways and Means Committee on Senate File 2441, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2442 (Formerly SF 2217), a bill for an act relating to the taxation of garages and other appurtenances located on mobile home sites.

**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. Absent or not voting, none.

**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 Ways and Means Committee on Senate File 2442, and they were attached to the committee report.

ALSO:

**Final Bill Action:** HOUSE FILE 2542 (Formerly HF 2338), a bill for an act relating to distributions made to and income from missing property of certain persecuted victims of World War II and their heirs, including effective and retroactive applicability dates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 324 passed the Senate on April 3, 2000.

RICHARD F. DRAKE

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5185 to Senate File 324 was adopted by the Senate on April 3, 2000.

MICHAEL E. GRONSTAL

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 324 passed the Senate on April 3, 2000.

MICHAEL E. GRONSTAL

## AMENDMENTS FILED

S-5314	S.F.	2366	House
S-5315	S.F.	2092	House
S-5316	S.F.	2214	House
S-5317	H.F.	2533	Maggie Tinsman
S-5318	H.F.	2491	Ken Veenstra John P. Kibbie
S-5319	H.F.	2538	David Miller
S-5320	H.F.	2198	Kitty Rehberg
S-5321	H.F.	2538	Tom Flynn
S-5322	S.F.	324	Michael E. Gronstal John W. Jensen
S-5323	H.F.	2502	Merlin E. Bartz
S-5324	S.F.	2436	John W. Jensen Tom Flynn John Judge E. Thurman Gaskill Gene Maddox Betty A. Soukup
S-5325	S.F.	2432	Larry McKibben
S-5326	H.F.	2519	Robert E. Dvorsky Jeff Angelo
S-5327	H.F.	2429	Larry McKibben
S-5328	H.F.	2463	Sheldon Rittmer
S-5329	S.F.	2418	House
S-5330	S.F.	2249	House
S-5331	S.F.	2371	Merlin E. Bartz

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:53 p.m., until 9:00 a.m., Tuesday, April 4, 2000.

# JOURNAL OF THE SENATE

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EIGHTY-SIXTH CALENDAR DAY  
FIFTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 4, 2000

The Senate met in regular session at 9:10 a.m., President Kramer presiding.

Prayer was offered by the Reverend Doug Pfeiffer, pastor of the Altoona Christian Church of Altoona, guest of Senator Lamberti.

The Journal of Monday, April 3, 2000, was approved.

## SPECIAL GUESTS

Senator Hedge appeared before the rostrum and presented Jessie Kraayenbrink, Queen of the Sixty-fifth Annual Tulip Time Festival from Pella, Iowa.

Queen Kraayenbrink introduced the members of her court: Kimberly De Bruin, Stephanie Roozeboom, Amy Jones, and Melanie De Nooy. The girls were accompanied by their parents.

Queen Kraayenbrink invited the members of the Senate to attend the Tulip Time Festival in Pella on May 11, 12, and 13, 2000.

The Queen, her attendants, and their parents distributed the famous Dutch cookies to the Senators and staff.

Senator Boettger took the chair at 9:17 a.m.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Lamberti and Kramer, until they return, on request of Senator Bartz.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2371**

Senator Bartz called up for consideration Senate File 2371, a bill for an act relating to the establishment of a water quality initiative program by the department of agriculture and land stewardship and the department of natural resources, defining and providing for the use of credible data for quality control and assurance procedures, and providing for other properly related matters, and providing an applicability date, amended by the House in House amendment S-5239, filed March 23, 2000.

Senator Bartz offered amendment S-5331, filed by him on April 3, 2000, to pages 1-3 of House amendment S-5239, and moved its adoption.

Amendment S-5331 was adopted by a voice vote.

Senator Bartz 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 Bartz 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. 2371), 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
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer

Schuerer  
Szymoniak

Sexton  
Tinsman

Shearer  
Veenstra

Soukup  
Zieman

Nays, none.

Absent or not voting, 2:

Kramer

Lamberti

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### RECESS

On motion of Senator Iverson, the Senate recessed at 10:30 a.m., until 2:00 p.m.

**APPENDIX****COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 4, 2000

**DEPARTMENT OF HUMAN SERVICES**

January 2000 Second Baseline Report — Baseline Survey Results for Children in the Healthy and Well Kids in Iowa Program.

**REPORT OF COMMITTEE MEETING****BUSINESS AND LABOR RELATIONS**

**Convened:** March 30, 2000, 1:07 p.m.

**Members Present:** McKibben, Chair; Freeman, Vice Chair; Dearden, Ranking Member; Behn, Hansen, Hedge, Horn, King, Rife, and Schuerer.

**Members Absent:** Fraise (excused).

**Committee Business:** Recommended confirmation of Governor's appointees.

**Adjourned:** 1:15 p.m.

**INTRODUCTION OF BILL**

**Senate File 2443**, by Iverson and Gronstal, a bill for an act relating to compacts or agreements entered into by the Iowa lottery board and commissioner of the lottery.

Read first time under Rule 28 and referred to committee on **State Government**.

**SUBCOMMITTEE ASSIGNMENTS****Senate Concurrent Resolution 112**

**WAYS AND MEANS:** Drake, Chair; Harper and Hedge

**Senate File 2443**

STATE GOVERNMENT: Sexton, Chair; Connolly and Fink

**House File 2550**

WAYS AND MEANS: Redwine, Chair; Connolly and Maddox

**REPORT OF THE SECRETARY OF THE SENATE**

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2221, the following correction was made:

1. Page 1, line 16, the word "judgement" was changed to the word "judgment".

MICHAEL E. MARSHALL  
Secretary of the Senate

**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 4th day of April, 2000:

Senate Files 182, 2089, 2111, 2221, and 2303.

MICHAEL E. MARSHALL  
Secretary of the Senate

**MOTIONS TO RECONSIDER**

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2371 passed the Senate on April 4, 2000.

MERLIN E. BARTZ

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2371 passed the Senate on April 4, 2000.

WILLIAM "BILL" FINK

## AFTERNOON SESSION

The Senate reconvened at 2:19 p.m., President Kramer presiding.

## QUORUM CALL

Senator Jensen requested a non-record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent, and a quorum present.

UNFINISHED BUSINESS  
(Deferred March 28, 2000)**House File 2519**

The Senate resumed consideration of **House File 2519**, a bill for an act relating to the repeal of the sixth judicial district pilot project concerning probation revocation hearings, and providing an effective date, amendment S-5165, and division S-5238B to amendment S-5165, deferred March 28, 2000.

Senator Angelo asked and received unanimous consent to withdraw division S-5238B.

Senator Angelo offered amendment S-5310, filed by him on March 30, 2000, to pages 2-6 and 10 of amendment S-5165.

Senator Szymoniak asked and received unanimous consent that action on amendment S-5310 to amendment S-5165, amendment S-5165, and **House File 2519** be **deferred**.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, until he returns, on request of Senator Gronstal; and Senator Connolly, until he returns, on request of Senator Deluhery.



## UNFINISHED BUSINESS

**House File 475**

On motion of Senator Lundby, **House File 475**, a bill for an act concerning nonsubstantive gender-related provisions in the Code, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Lundby offered amendment S-5004, filed by the committee on State Government on February 2, 2000, to pages 1-3 and 4 of the bill, and moved its adoption.

Amendment S-5004 was adopted by a voice vote.

Senator Lundby moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 475), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	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, 2:

Connolly                      McCoy

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 2542.

**House File 2542**

On motion of Senator Drake, **House File 2542**, a bill for an act relating to distributions made to and income from missing property of certain persecuted victims of World War II and their heirs, including effective and retroactive applicability dates, 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. 2542), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	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, 2:

Connolly                      McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## CONSIDERATION OF MOTION TO RECONSIDER

Senator Bartz called up the motion to reconsider Senate File 2371, filed by him on April 4, 2000, found on page 989 of the Senate Journal.

Senator Gronstal asked and received unanimous consent that action on the motion to reconsider **Senate File 2371** be **deferred**.

The Senate stood at ease at 2:52 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:52 p.m., President Kramer presiding.

## BUSINESS PENDING

**Senate File 2371**

The Senate resumed consideration of the motion to reconsider Senate File 2371, previously deferred.

## MOTIONS TO RECONSIDER WITHDRAWN

**Senate File 2371**

Senators Bartz and Fink withdrew the motions to reconsider Senate File 2371, a bill for an act relating to the establishment of a water quality initiative program by the department of agriculture and land stewardship and the department of natural resources, defining and providing for the use of credible data for quality control and assurance procedures, and providing for other properly related matters, and providing an applicability date, filed by them on April 4, 2000, found on page 989 of the Senate Journal.

## IMMEDIATELY MESSAGED

Senator Bartz asked and received unanimous consent that **Senate File 2371** be **immediately messaged** to the House.

## UNFINISHED BUSINESS

**House File 2170**

On motion of Senator McKibben, **House File 2170**, a bill for an act regarding application of the margin of error for chemical test evidence used in operating while intoxicated prosecutions, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, 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. 2170), 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 RESOLUTION

Senator Bartz asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 106.

**House Concurrent Resolution 106**

On motion of Senator Tinsman, **House Concurrent Resolution 106**, a concurrent resolution relating to support of the State of Minnesota's lawsuit against the federal government and the United States Secretary of Health and Human Services regarding disparate funding under the federal Medicare program, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman moved the adoption of House Concurrent Resolution 106, which motion prevailed by a voice vote.

**UNFINISHED BUSINESS****House File 2429**

On motion of Senator McKibben, **House File 2429**, a bill for an act relating to the publication and recordkeeping duties of county officers by providing for the maintenance of permanent records by electronic means and the determination of publication rates, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator McKibben offered amendment S-5327, filed by him on April 3, 2000, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5327 was adopted by a voice vote.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2429), 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 **House Files 475, 2170, 2429, 2542**, and **House Concurrent Resolution 106** 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 4, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2373**, a bill for an act relating to the issuance of closing protection letters by the Iowa finance authority.

Read first time and attached to **similar Senate File 2440**.

ALSO: That the House has on April 4, 2000, amended and passed the following bills in which the **concurrence** of the **Senate** is asked:

**Senate File 2113**, a bill for an act relating to the licensing of individuals engaged in the healing art of massage therapy.(S-5335)

**Senate File 2252**, a bill for an act eliminating the future repeal of the school finance formula and providing for periodic legislative review.(S-5336)

ALSO: That the House has on April 4, 2000, concurred in the Senate amendment and passed the following bills in which the **concurrence** of the **House** was asked:

**House File 2362**, a bill for an act relating to the establishment of a domestic abuse death review team and providing a penalty.

**House File 2538**, a bill for an act relating to and making transportation and other infrastructure-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, and including fees for certain registration plates, allowing the department to conduct a pilot project, and providing for the nonreversion of certain moneys.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 4, 2000

#### AUDITOR OF STATE

Single Audit Report of the State of Iowa for the fiscal year ended June 30, 1999.

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty-five fifth graders from Cody Elementary School, Pleasant Valley Community Schools, accompanied by their teacher, Sandra Vogel, and chaperones. One of the chaperones is Betty Clausen from LeClaire, who is in the U.S. Basketball Hall of Fame and was a member of the first women's Olympic basketball team. This team won the gold medal. Senator Rittmer.

### SIMILAR BILL RECEIVED

On April 4, 2000, **House File 2373** was received and attached to similar **Senate File 2440** on the Senate calendar.

### REPORTS OF COMMITTEE MEETINGS

#### RULES AND ADMINISTRATION

**Convened:** April 4, 2000, 4:20 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 SR 112 and HCRs 111, 115, and 116.

**Adjourned:** 4:24 p.m.



**STATE GOVERNMENT**

**Convened:** April 4, 2000, 1:00 p.m.

**Members Present:** Rittmer, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Dearden, Deluhery, Drake, Fink, King, Lundby, Maddox, Schuerer, Sexton, and Szymoniak.

**Members Absent:** Connolly and McLaren (both excused).

**Committee Business:** Passed SF 2443. Recommended confirmation of Governor's appointee.

**Adjourned:** 1:20 p.m.

**WAYS AND MEANS**

**Convened:** April 4, 2000, 11:20 a.m.

**Members Present:** Johnson, Chair; McKibben, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Redwine, and Soukup.

**Members Absent:** Bartz, Maddox, and McLaren (all excused).

**Committee Business:** Approved SSB 3225 and passed SF 2121.

**Adjourned:** 11:50 a.m.

**INTRODUCTION OF RESOLUTIONS**

**Senate Concurrent Resolution 113**, by Drake, Johnson, Judge, Harper, Fraise, Rittmer, and Redfern, a concurrent resolution establishing a special commission to study and make recommendations concerning the impact of current and future state replacement funds paid to local governments to mitigate the effects of the elimination of the property tax on industrial machinery, equipment, and computers.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate Concurrent Resolution 114**, by McKean and Lamberti, a concurrent resolution requesting the office of the attorney general to establish an operating while intoxicated (OWI) task force to review the clarity, complexity, and functionality of current operating while

intoxicated Code provisions and to make recommendations to the general assembly.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILLS

**Senate File 2444**, by committee on Ways and Means , a bill for an act relating to the taxation of property used by the Iowa national guard.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate File 2445**, by committee on Ways and Means, a bill for an act providing for additional local funding authority under the instructional support levy for school districts.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

## STUDY BILLS RECEIVED

### **SSB 3226      Ways and Means**

Establishing a healthy environmental and value-added energy initiative, providing for revenues, the expenditure of moneys, and providing for penalties.

### **SSB 3227      Ways and Means**

A joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the power of the people to affirm or reject Acts of the General Assembly relating to the individual income tax or sales or use tax.

### **SSB 3228      Ways and Means**

Relating to the state's disposition of unclaimed property law by setting a limit on the retention of abandoned property records,

excluding certain property from being considered abandoned property, and setting requirements and conditions for hiring independent auditors.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate Concurrent Resolution 113**

WAYS AND MEANS: Drake, Chair; Harper and Hedge

#### **SSB 3226**

WAYS AND MEANS: Bartz, Chair; Harper and McKibben

#### **SSB 3227**

WAYS AND MEANS: McKibben, Chair; Bartz and Deluhery

#### **SSB 3228**

WAYS AND MEANS: Redwine, Chair; Maddox and Soukup

## COMMITTEE REPORTS

### **RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE RESOLUTION 112, a resolution honoring the Story City firefighter who died in the line of duty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 111, a concurrent resolution encouraging state and local governments, business interests, health care professionals, and individuals with interest in good health to help in educating the public to raise awareness regarding osteoporosis prevention, detection, and treatment.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 115, a concurrent resolution urging citizen participation in and cooperation with the conducting of the year 2000 census.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 116, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 state quarters program and to direct the commission to develop designs incorporating the Loess Hills as a symbol for the state.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 2443, a bill for an act relating to compacts or agreements entered into by the Iowa lottery board and commissioner of the lottery.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Rittmer, Lamberti, Kibbie, Dearden, Deluhery, Fink, Lundby, Maddox, Sexton, and Szymoniak. Nays, 3: Drake, King, and Schuerer. Absent or not voting, 2: Connolly and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## WAYS AND MEANS

**Final Bill Action:** SENATE FILE 2444 (SSB 3225), a bill for an act relating to the taxation of property used by the Iowa national guard.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Johnson, McKibben, Harper, Bolcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Redwine, and Soukup. Nays, none. Absent or not voting, 3: Bartz, Maddox, and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*SENATE FILE 2445 (Formerly SF 2121), a bill for an act providing for additional local funding authority under the instructional support levy for school districts.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 12: Johnson, McKibben, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Redwine, and Soukup. Nays, none. Absent or not voting, 3: Bartz, Maddox, and McLaren.

**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 Ways and Means Committee on Senate File 2445, and they were attached to the committee report.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on April 4, 2000, when the votes were taken on House Files 475 and 2542. Had I been present, I would have voted "Aye" on both.

MICHAEL E. CONNOLLY

GOVERNOR'S APPOINTEE PLACED  
ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

STATE GOVERNMENT

Glen Meier – Board for the Licensing and Regulation of Hearing Aid Dealers

AMENDMENTS FILED

S-5332	S.F.	2436	JoAnn Johnson
S-5333	H.F.	2502	Merlin E. Bartz
S-5334	H.F.	2519	Robert E. Dvorsky
			Jeff Angelo
S-5335	S.F.	2113	House
S-5336	S.F.	2252	House

S-5337      H.F. 2528      Jeff Angelo  
Joe Bolkcom  
Richard F. Drake  
Andy McKean  
Steve King  
Matt McCoy

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:17 p.m., until 9:00 a.m., Wednesday, April 5, 2000.

# JOURNAL OF THE SENATE

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EIGHTY-SEVENTH CALENDAR DAY  
FIFTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 5, 2000

The Senate met in regular session at 9:09 a.m., President Kramer presiding.

Prayer was offered by the Reverend Bob Bell, pastor of the United Methodist Church of Washington, Iowa, guest of Senator Shearer.

Senator Johnson appeared on the rostrum and presented Alison Petty from Adair-Casey High School, who vocally performed "The Lord's Prayer."

## 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 4, 2000, passed the following bill in which the **concurrence** of the **House** was asked:

**Senate File 2274**, a bill for an act declaring null and void gubernatorial executive orders relating to equal opportunity and affirmative action in state employment and uniform procedures for the waiver of administrative rules and providing an effective date.

The Journal of Tuesday, April 4, 2000, was approved.

## SPECIAL GUESTS

Senator Redfern welcomed the following Russian students: Anton Bespalov, Alexander Koshkin, Grigory Minaev, Anna Sitnikova, Anastasia Tarasevich, Alyona Ponomarenko, Brent Hinson, and Melissa Holst.

The students were accompanied by Professor Alexander Sagomonyan, Chair of the Department of Political Science at Moscow Linguistics University, and Professor Dharendra Vajpeyi from the UNI Department of Political Science.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Redwine, for the day, on request of Senator Iverson; and Senator Redfern, until he returns, on request of Senator Iverson.

### UNFINISHED BUSINESS

#### **House File 2528**

On motion of Senator Angelo, **House File 2528**, a bill for an act relating to the condemnation of private property for certain public purposes and providing an effective date, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Angelo offered amendment S-5140, filed by the committee on Local Government on March 14, 2000, to pages 7, 10, and 11 of the bill.

Senator Angelo asked and received unanimous consent that action on amendment S-5140 be deferred.

Senator Angelo offered amendment S-5337, filed by Senators Angelo, et al., on April 4, 2000, to pages 1-4, 10, 11, 14, and 15 of the bill, and moved its adoption.

Amendment S-5337 was adopted by a voice vote.

With the adoption of amendment S-5337, the Chair ruled the following amendments out of order:

Amendment S-5140, filed by Senator Angelo on March 14, 2000, to pages 7, 10, and 11 of the bill; and



Amendment S-5226, filed by Senator Angelo on March 23, 2000, to pages 7, 10, and 11 of the bill.

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. 2528), 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	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Redfern                      Redwine

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2443.

### **Senate File 2443**

On motion of Senator Sexton, **Senate File 2443**, a bill for an act relating to compacts or agreements entered into by the Iowa lottery board and commissioner of the lottery, with report of committee recommending passage, was taken up for consideration.

Senator Hansen asked unanimous consent that action on Senate File 2443 be deferred.

Senator Hansen asked and received unanimous consent to withdraw his request to defer on Senate File 2443.

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. 2443), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Connolly	Dearden	Deluhery	Fink
Flynn	Gaskill	Gronstal	Harper
Horn	Iverson	Johnson	Judge
Kibbie	Kramer	Lamberti	Lundby
Maddox	McCoy	McLaren	Rife
Rittmer	Sexton	Soukup	Szymoniak
Tinsman	Zieman		

Nays, 22:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Drake	Dvorsky
Fraise	Freeman	Hammond	Hansen
Hedge	Jensen	King	McKean
McKibben	Miller	Redfern	Rehberg
Shearer	Veenstra		

Absent or not voting, 2:

Redwine	Schuerer
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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  
(Deferred March 30, 2000)

**House File 2502**

The Senate resumed consideration of **House File 2502**, a bill for an act relating to fee-supported services provided by a county including the payment of county law enforcement salaries and expenses, deferred March 30, 2000.

Senator McCoy offered amendment S-5172, filed by him on March 16, 2000, striking everything after the enacting clause and to the title page of the bill, moved its adoption, and asked for a record roll call.

On the question "Shall amendment S-5172 be adopted?" (H.F. 2502) the vote was:

Ayes, 21:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Gronstal
Hammond	Hansen	Harper	Horn
Kramer	Lundby	Maddox	McCoy
Miller	Redfern	Soukup	Szymoniak
Tinsman			

Nays, 28:

Angelo	Bartz	Behn	Black
Boettger	Drake	Fraise	Freeman
Gaskill	Hedge	Iverson	Jensen
Johnson	Judge	Kibbie	King
Lamberti	McKean	McKibben	McLaren
Rehberg	Rife	Rittmer	Schuerer
Sexton	Shearer	Veenstra	Zieman

Absent or not voting, 1:

Redwine

Amendment S-5172 lost.

Senator Bartz offered amendment S-5298, filed by him on March 28, 2000, to page 1 and to the title page of the bill.

Senator Bartz offered amendment S-5323, filed by him on April 3, 2000, to page 1 of amendment S-5298, and moved its adoption.

Amendment S-5323 was adopted by a voice vote.

Senator Bartz offered amendment S-5333, filed by him on April 4, 2000, to page 1 of amendment S-5298, and moved its adoption.

Amendment S-5333 was adopted by a voice vote.

Senator Judge offered amendment S-5312, filed by him on March 30, 2000, to page 1 of amendment S-5298.

Senator McCoy asked and received unanimous consent that action on amendment S-5312 to amendment S-5298, amendment S-5298, and **House File 2502** be **deferred**.

#### HOUSE AMENDMENT CONSIDERED

#### **Senate File 2079**

Senator McKean called up for consideration Senate File 2079, a bill for an act relating to the prohibition of shipping or importing into the state, or the offering for sale, selling, transporting, distributing, or possessing within the state, of cigarettes and tobacco products which were previously exported from or which are manufactured for use outside the United States, making penalties applicable, and providing an effective date, amended by the House, and moved that the Senate refuse to concur in House amendment S-5242, filed March 27, 2000.

The motion prevailed by a voice vote and the Senate **refused to concur** in the House amendment.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2434.

**Senate File 2434**

On motion of Senator Maddox, **Senate File 2434**, a bill for an act relating to the inclusion of territory in urban renewal areas, 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?” (S.F. 2434), 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	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy	Redwine
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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 **Senate Files 2079, 2434, 2443, and House File 2528** 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 5, 2000, concurred in the Senate amendment and passed the following bills in which the **concurrence** of the **House** was asked:

**House File 2377**, a bill for an act providing for access to certain child abuse information by the governor and the general assembly, making penalties and remedies applicable, and including an effective date and applicability provision.

**House File 2511**, a bill for an act providing that the course for drinking drivers shall be taught by community colleges and licensed substance abuse programs, requiring participation in substance abuse awareness programs by all persons under the age of twenty-one who drive with a blood alcohol concentration level of .02 or more, and making related changes.

**House File 2533**, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated and providing an effective date.

## RECESS

On motion of Senator Iverson, the Senate recessed at 11:49 a.m., until 2:00 p.m.

**APPENDIX****REPORT OF THE SECRETARY OF THE SENATE**

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2314, the following corrections were made:

1. Page 1, line 35, the words ““Emergency care provider”” were indented.
2. Page 20, line 11, the number “139A.39” was changed to the number “139A.38”.
3. Page 20, line 22, the number “139A.40” was changed to the number “139A.39”.
4. Page 20, line 34, the number “139A.41” was changed to the number “139A.40”.
5. Page 21, line 20, the number “139A.39” was changed to the number “139A.38”.

MICHAEL E. MARSHALL  
Secretary of the Senate

**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 5th day of April, 2000:

Senate Files 2007, 2142, 2145, 2314, and 2344.

MICHAEL E. MARSHALL  
Secretary of the Senate

**EXPLANATION OF VOTES**

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on April 5, 2000, when the vote was taken on Senate File 2443. Had I been present, I would have voted “Nay.”

NEAL SCHUERER

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on April 5, 2000, when the vote was taken on House File 2528. Had I been present, I would have voted “Aye.”

DONALD B. REDFERN

## PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

The senior class from Lake Mills High School and their chaperone Charise Schwarm, who is the wife of former Republican State Chairperson Rich Schwarm. Senator Gaskill.

Students from St. Ansgar Middle School. Senator Soukup.

One hundred-eight seniors from Clear Lake High School in Clear Lake, accompanied by Beth Ann Schumacher and Mike Callanan. Senator Bartz.

## AMENDMENTS FILED

S-5338	H.F.	2513	Larry McKibben
S-5339	H.F.	2513	Larry McKibben
S-5340	H.F.	2008	Merlin E. Bartz
S-5341	H.F.	2419	Andy McKean
			Gene Maddox



## AFTERNOON SESSION

The Senate reconvened at 3:34 p.m., Senator Angelo presiding.

## QUORUM CALL

Senator Iverson requested a non-record roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent, and a quorum present.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bartz, Freeman, McLaren, Fraise, and Johnson, until they return, on request of Senator Iverson.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 110.

**Senate Resolution 110**

On motion of Senator Iverson, **Senate Resolution 110**, a resolution to honor Cedar Rapids Gazette Statehouse reporter and senior editor Ken Sullivan, with report of committee recommending passage, was taken up for consideration.

Senator Horn requested that the following resolution be read.

- 1           SENATE RESOLUTION NO. 110
- 2   By: Horn, Black, Bolkcom, Connolly, Dearden, Deluhery,
- 3       Dvorsky, Fink, Flynn, Fraise, Gronstal, Hammond,
- 4       Hansen, Harper, Judge, Kibbie, McCoy, Shearer,
- 5       Soukup, Szymoniak, Angelo, Bartz, Behn, Boettger,
- 6       Drake, Freeman, Gaskill, Hedge, Iverson, Jensen,
- 7       Johnson, King, Kramer, Lamberti, Lundby, Maddox,
- 8       McKean, McKibben, McLaren, Miller, Redfern,
- 9       Redwine, Rehberg, Rife, Rittmer, Schuerer, Sexton,
- 10       Tinsman, Veenstra, and Zieman
- 11   A resolution to honor Cedar Rapids Gazette

12 Statehouse reporter and senior editor Ken Sullivan.  
 13 WHEREAS, Ken Sullivan, born and raised in Charles  
 14 City, Iowa, started his career in journalism in 1958  
 15 as news director of K CHA Radio in Charles City; and  
 16 WHEREAS, Ken Sullivan, from 1960 to 1963, served as  
 17 city editor of the Oelwein Daily Register; and  
 18 WHEREAS, Ken Sullivan, in 1963, started at the  
 19 Cedar Rapids Gazette as City Hall reporter, and,  
 20 throughout the years, has served as assistant city  
 21 editor, state editor, lifestyle editor, outdoor  
 22 columnist, and, most recently, political reporter and  
 23 senior editor; and  
 24 WHEREAS, Ken Sullivan has covered politics since  
 25 Election Day 1978, focusing on the Iowa legislative  
 26 sessions along with county, district, state, and  
 27 national politics; and  
 28 WHEREAS, Ken Sullivan's weekly political columns  
 29 have provided readers thoughtful insight and analysis  
 30 of local, state, and national political developments;

## Page 2

1 and  
 2 WHEREAS, Ken Sullivan, after working for more than  
 3 thirty-six years with The Gazette, is retiring this  
 4 year; NOW THEREFORE,  
 5 BE IT RESOLVED BY THE SENATE, That the Senate honor  
 6 Ken Sullivan for his work as a journalist, recognizing  
 7 his longstanding commitment to providing thoughtful  
 8 political insight and commentary to the public, and  
 9 congratulating him on his retirement.

Senator Iverson moved the adoption of Senate Resolution 110 and requested a record roll call.

On the question "Shall the resolution be adopted?" (S.R. 110), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Gaskill	Gronstal	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	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, 5:

Bartz  
McLaren

Fraise

Freeman

Johnson

The motion prevailed and the resolution was adopted.

Senator Iverson presented Mr. Sullivan with an enrolled copy of Senate Resolution 110.

Mr. Sullivan addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Mr. Sullivan.

The Senate stood at ease at 4:11 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:30 p.m., Senator Boettger presiding.

### QUORUM CALL

Senator Iverson requested a non-record roll call to determine that a quorum was present.

The vote revealed 34 present, 16 absent, and a quorum present.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Drake, until he arrives, on request of Senator Iverson.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Theresa Clark-Kline, Commission on the Status of African-Americans

Angela Gravely-Smith, Commission on the Status of African-Americans

Frank Carroll, Agricultural Development Authority

Susan Tiernan, Board of Examiners for Athletic Training

Laura Chadima-Beer, Board of Barber Examiners

Barbara Martin, Board of Barber Examiners

David Brown, Board of Behavioral Science Examiners

Thorald Davidson, Board of Behavioral Science Examiners

Timothy Ruppert, Board of Behavioral Science Examiners

Robert Martin, Commission for the Blind

Valorie Pahl, Board of Chiropractic Examiners

Thomas Letsche, Commission on Community Action Agencies  
(Appointment)

Thomas Letsche, Commission on Community Action Agencies  
(Reappointment)

Krista Odendahl, County Finance Committee

John Bentler, Credit Union Review Board

Michael Harvey, Credit Union Review Board

Roger Reiser, Credit Union Review Board

Eileen Cacioppo, Board of Dental Examiners

Pamela Dettmann, Drug Abuse Prevention and Education  
Advisory Council

Sandra Bailen-Scott, Iowa Economic Development Board

Lois Buckingham, Commission of Elder Affairs

Craig Downing, Commission of Elder Affairs

Elizabeth Seiser, Employment Appeal Board  
Mary Spicer, Employment Appeal Board

Kevin Cameron, Iowa Empowerment Board  
Barbara Kaiman, Iowa Empowerment Board  
Robert Koob, Iowa Empowerment Board  
Thomas Wilson, Iowa Empowerment Board  
C. Arthur Wittmack, Iowa Empowerment Board

Connie Bear King, State Citizen Foster Care Review Board

Diane Briest, Healthy and Well Kids in Iowa (HAWK-I) Board  
Eldon Huston, Healthy and Well Kids in Iowa (HAWK-I) Board  
Susan Poulton, Healthy and Well Kids in Iowa (HAWK-I) Board

Stacey Warren, Board for the Licensing and Regulation of Hearing  
Aid Dealers

James Weinman, Iowa Higher Education Loan Authority

Martin Applebaum, Iowa Council on Human Investment  
Betty Jean Furgerson, Iowa Council on Human Investment  
Austin Turner, Iowa Council on Human Investment

Catherine Brown, Landscape Architectural Examining Board

Roxanne Johnson, Iowa Law Enforcement Academy Council

Timothy Clausen, Lottery Board

E. Howard Sonksen, Board of Examiners for Massage Therapy

Cherie Clark, Mental Health and Developmental Disabilities  
Commission

Linda Kellen, Mental Health and Developmental Disabilities  
Commission

Lannie Miller, Mental Health and Developmental Disabilities  
Commission

Herbert Neubauer, Mental Health and Developmental Disabilities  
Commission

Dennis Ryan, Mental Health and Developmental Disabilities Commission

Jerry Stubbe, Mental Health and Developmental Disabilities Commission

Judy Clark, Mental Health Risk Pool

Lynn Ferrell, Mental Health Risk Pool

Andy Nielsen, Mental Health Risk Pool

David Van Ningen, Mental Health Risk Pool

Kelly Yeggy, Mental Health Risk Pool

Terry Cooper, State Board of Examiners for Nursing Home Administrators

Marilyn Finch, State Board of Examiners for Nursing Home Administrators

Mary Nielsen, State Board of Examiners for Nursing Home Administrators

Robert Weiland, Board of Optometry Examiners

Elizabeth Walker-Ford, Board of Parole

Rita Taylor, Board of Physician Assistant Examiners

Ann Osterhaus, Board of Podiatry Examiners

Ana Lopez-Dawson, Board of Psychology Examiners

James Riordan, Public Employment Relations Board

M. Sue Warner, Public Employment Relations Board

James Hassenfritz, State Racing and Gaming Commission

Beth Weeks, Real Estate Appraiser Examining Board

Frances Fleck, Small Business Advisory Council

Kent Webb, Board of Speech Pathology and Audiology Examiners

Mary Brandsgard, Chairperson of the Iowa Telecommunications and Technology Commission

# Mary Brandsgard, Iowa Telecommunications and Technology Commission

Judge Brown, Commission on the Status of Women  
 Francis Giunta, Commission on the Status of Women  
 Shawn Mullen, Commission on the Status of Women  
 Marcia Nichols, Commission on the Status of Women  
 Kimberly Painter, Commission on the Status of Women

Denise Baldwin, Iowa Workforce Development Board  
 (Appointment)

Denise Baldwin, Iowa Workforce Development Board  
 (Reappointment)

Sarah Falb, Iowa Workforce Development Board  
 Ken Sagar, Iowa Workforce Development Board  
 John Watson, Iowa Workforce Development Board

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 49:

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	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Drake

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

UNFINISHED BUSINESS  
(Deferred March 21, 2000)

**House File 723**

The Senate resumed consideration of **House File 723**, a bill for an act prohibiting the mistreatment of persons and animals and providing for penalties, deferred March 21, 2000.

Senator Miller offered amendment S-5013, filed by the committee on Judiciary on February 21, 2000, striking everything after the enacting clause and to the title page of the bill, and asked and received unanimous consent that action on amendment S-5013 be deferred.

Senator Miller offered amendment S-5342, filed by Senators Miller, Lundby, and McCoy from the floor striking everything after the enacting clause and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5342 be adopted?" (H.F. 723) 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	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 2:

King	Schuerer
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Absent or not voting, none.

Amendment S-5342 was adopted.



With the adoption of amendment S-5342, the Chair ruled the following amendments out of order:

Amendment S-5013, previously deferred;

Amendment S-5191, filed by Senators Lundby and McCoy on March 21, 2000, to pages 1 and 2 of amendment S-5013;

Amendment S-5224, filed by Senators Lundby and McCoy on March 22, 2000, to pages 1, 2, and to the title provisions of amendment S-5013; and

Amendment S-5201, filed by Senator Lundby on March 21, 2000, to page 2 of amendment S-5013.

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. 723), the vote was:

Ayes, 46:

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	Rife	Rittmer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Zieman		

Nays, 4:

King	Rehberg	Schuerer	Veenstra
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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, as amended, was agreed to.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 723** 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 2436.

**Senate File 2436**

On motion of Senator Johnson, **Senate File 2436**, a bill for an act relating to the services provided by a credit union service organization, was taken up for consideration.

Senator Jensen offered amendment S-5324, filed by Senators Jensen, et al., on April 3, 2000, to page 1 of the bill.

Senator Johnson raised the point of order that amendment S-5324 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5324 out of order.

Senator Johnson offered amendment S-5332, filed by her on April 4, 2000, to page 1 of the bill and moved its adoption.

Amendment S-5332 was adopted 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?" (S.F. 2436), the vote was:

Ayes, 30:

Bartz	Black	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fink
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Iverson	Johnson

Kibbie	Kramer	Lamberti	Lundby
McCoy	McKean	McKibben	Miller
Redfern	Rittmer	Sexton	Shearer
Szymoniak	Tinsman		

Nays, 20:

Angelo	Behn	Boettger	Drake
Flynn	Freeman	Gaskill	Hedge
Jensen	Judge	King	Maddox
McLaren	Redwine	Rehberg	Rife
Schuerer	Soukup	Veenstra	Zieman

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 6:25 p.m.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Fraise, until he arrives, on request of Senator Gronstal; and Senator Lundby, for the remainder of the day, on request of Senator Freeman.

#### HOUSE AMENDMENT CONSIDERED

#### **Senate File 2366**

Senator Boettger called up for consideration Senate File 2366, a bill for an act relating to the purchase, possession, and sale of cigarettes and tobacco products and providing penalties, amended by the House, and moved that the Senate concur in House amendment S-5314, filed April 3, 2000.

A non-record roll call was requested.

The ayes were 37, nays 11.

The motion prevailed and the Senate concurred in the House amendment.

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. 2366), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	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, 2:

Fraise	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 CONSIDERED

### Senate File 2092

Senator Lamberti called up for consideration Senate File 2092, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and providing effective dates, amended by the House, and moved that the Senate concur in House amendment S-5315, filed April 3, 2000.

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. 2092), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	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, 2:

Fraise                      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 2513

On motion of Senator McKibben, **House File 2513**, a bill for an act providing for secured transactions under the uniform commercial code, by adopting new Article 9, eliminating conflicting provisions, and providing an effective date, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator McKean offered amendment S-5179, filed by the committee on Judiciary on March 20, 2000, to pages 89, 108, and 112 of the bill, and moved its adoption.

Amendment S-5179 was adopted by a voice vote.

Senator McKibben offered amendment S-5338, filed by him from the floor to page 25 of the bill, and moved its adoption.

Amendment S-5338 was adopted by a voice vote.

Senator McKibben offered amendment S-5339, filed by him from the floor to pages 74 and 173 of the bill, and moved its adoption.

Amendment S-5339 was adopted by a voice vote.

Senator Boettger took the chair at 7:35 p.m.

Senator Flynn offered amendment S-5347, filed by him from the floor to page 175 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5347 be adopted?" (H.F. 2513), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
McLaren	Rife	Shearer	Soukup
Szymoniak			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKean
McKibben	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 2:

Fraise	Lundby
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Amendment S-5347 lost.

Senator McKean took the chair at 7:59 p.m.

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. 2513), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	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, none.

Absent or not voting, 3:

Fraise	Lundby	Rife
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2092, 2366, 2436, and House File 2513** be **immediately messaged** to the House.

### UNFINISHED BUSINESS

#### **Senate File 2312**

On motion of Senator Hedge, **Senate File 2312**, a bill for an act relating to pseudorabies control, making penalties applicable, and

providing an effective date, placed on the Unfinished Business Calendar on March 16, 2000, was taken up for consideration.

Senator Hedge asked and received unanimous consent to withdraw amendment S-5299, filed by Senators Hedge, et al., on March 28, 2000, striking everything after the enacting clause and to the title page of the bill.

With the withdrawal of amendment S-5299, the Chair ruled amendment S-5302, filed by Senator Hedge on March 29, 2000, to pages 3, 11, and 12 of the bill, out of order.

Senator Hedge offered amendment S-5346, filed by Senators Hedge, et al., from the floor, striking everything after the enacting clause and to the title page of the bill.

Senator Kibbie offered amendment S-5351, filed by Senators Kibbie and Hedge from the floor to page 5 of amendment S-5346, and moved its adoption.

Amendment S-5351 was adopted by a voice vote.

Senator Sexton offered amendment S-5349, filed by him from the floor to page 11 of amendment S-5346, and moved its adoption.

Amendment S-5349 lost by a voice vote.

Senator Sexton offered amendment S-5350, filed by Senators Sexton, Bartz, and Iverson from the floor to page 11 of amendment S-5346.

President Kramer took the chair at 8:47 p.m.

Senator Sexton moved the adoption of amendment S-5350.

A record roll call was requested.

On the question "Shall amendment S-5350 be adopted?" (S.F. 2312), the vote was:



Ayes, 17:

Angelo	Bartz	Boettger	Freeman
Iverson	King	McCoy	McKean
McKibben	McLaren	Miller	Rehberg
Rife	Rittmer	Sexton	Soukup
Veenstra			

Nays, 32:

Behn	Black	Bolkcom	Connolly
Dearden	Deluhery	Drake	Dvorsky
Fink	Flynn	Fraise	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Jensen	Johnson
Judge	Kibbie	Kramer	Lamberti
Maddox	Redfern	Redwine	Schuerer
Shearer	Szymoniak	Tinsman	Zieman

Absent or not voting, 1:

Lundby

Amendment S-5350 lost.

Senator Hedge moved the adoption of amendment S-5346, as amended.

Amendment S-5346 was adopted by a voice vote.

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. 2312), 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  
Szymoniak

Schuerer  
Tinsman

Shearer  
Veenstra

Soukup  
Zieman

Nays, 1:

Sexton

Absent or not voting, 1:

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

UNFINISHED BUSINESS  
(Deferred April 26, 1999)

**House File 656**

The Senate resumed consideration of **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, deferred April 26, 1999.

Senator Rittmer offered amendment S-5131, filed by him on March 13, 2000, to pages 1, 2, 7, 9, 11, 12, 14, 17, 18, 27, 34, 43, and to the title page of the bill, and moved its adoption.

Amendment S-5131 was adopted by a voice vote.

Senator Bartz asked and received unanimous consent to withdraw amendment S-3484, filed by him on April 26, 1999, to page 1 of the bill.

Senator Rittmer offered amendment S-5132, filed by him on March 13, 2000, to pages 12, 16, and 19 of the bill and moved its adoption.

Amendment S-5132 was adopted by a voice vote.

Senator Drake asked and received unanimous consent to withdraw amendment S-3479, previously deferred.

With the withdrawal of amendment S-3479, the Chair ruled the following amendments out of order:

Amendment S-3491, filed by Senators Bolkcom, Dvorsky, and McCoy on April 27, 1999, to page 1 of amendment S-3479;

Amendment S-3492, filed by Senator Gronstal on April 27, 1999, to page 1 of amendment S-3479;

Amendment S-3495, filed by Senator Shearer on April 27, 1999, to page 1 of amendment S-3479; and

Amendment S-3486, filed by Senators Hammond, Fink, and Bolkcom on April 26, 1999, to page 1 of amendment S-3479.

Senator Gronstal asked and received unanimous consent to withdraw amendment S-3493, filed by him on April 27, 1999, to page 15 of the bill.

Senator Kibbie asked and received unanimous consent to withdraw amendment S-3483, filed by Senators Kibbie and Rittmer on April 26, 1999, to page 16 of the bill.

Senator Angelo asked and received unanimous consent to withdraw amendment S-3481, filed by Senators Angelo and Kibbie on April 26, 1999, to page 21 of the bill.

Senator Rittmer offered amendment S-3294, filed by him on April 6, 1999, to pages 26, 43, and to the title page of the bill and called for a division:

Division S-3294A: Lines 1-17.

Division S-3294B: Lines 18-25.

Senator Rittmer asked and received unanimous consent to withdraw divisions S-3294A and S-3294B.

Senator Rittmer offered amendment S-3295, filed by him on April 6, 1999, to page 34 of the bill, and moved its adoption.

Amendment S-3295 was adopted by a voice vote.

Senator Rittmer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 656), 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, as amended, was agreed to.

## UNFINISHED BUSINESS

### House File 2491

On motion of Senator Veenstra, **House File 2491**, a bill for an act providing for the production of life science products, and providing for penalties, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Veenstra offered amendment S-5286, filed by Senators Veenstra and Kibbie on March 28, 2000, striking everything after the enacting clause of the bill.

Senator Kibbie offered amendment S-5300, filed by Senators Kibbie, et al., on March 28, 2000, to page 2 of amendment S-5286.

Senator Judge raised the point of order that amendment S-5300 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-5300 in order.

Senator Kibbie moved the adoption of amendment S-5300.

Amendment S-5300 was adopted by a voice vote.

Senator Veenstra offered amendment S-5318, filed by Senators Veenstra and Kibbie on April 3, 2000, to page 4 of amendment S-5286, and moved its adoption.

Amendment S-5318 was adopted by a voice vote.

Senator Veenstra moved the adoption of amendment S-5286, as amended.

Amendment S-5286 was adopted by a voice vote.

With the adoption of amendment S-5286, the Chair ruled the following amendments out of order:

Amendment S-5208, filed by Senator Veenstra on March 22, 2000, to pages 1, 2, and 4 of the bill; and

Amendment S-5294, filed by Senators Kibbie, et al., on March 28, 2000, to page 2 of the bill.

Senator Veenstra 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. 2491), the vote was:

Ayes, 46:

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
McKibben	McLaren	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, 3:

McKean	Miller	Rife
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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.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2312, House Files 656, and 2491** 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 5, 2000, adopted the following resolution in which the **concurrence** of the **Senate** is asked:

**House Concurrent Resolution 118**, a concurrent resolution requesting the office of the attorney general to establish an operating while intoxicated (OWI) task force to review the clarity, complexity, and functionality of current operating while intoxicated Code provisions and to make recommendations to the general assembly.

Read first time and referred to committee on **Rules and Administration**.

ALSO: That the House has on April 5, 2000, amended and passed the following bills in which the **concurrence** of the **Senate** is asked:

**Senate File 2302**, a bill for an act relating to programs and public health issues under the purview of the Iowa department of public health and the appropriation of certain fees to the department. (S-5353)

**Senate File 2313**, a bill for an act relating to motor vehicles, including driver licensing, the use of child restraints and safety belts for children, and the designation of vehicles as authorized emergency vehicles, making a penalty applicable, and providing an effective date. (S-5352)

**Senate File 2360**, a bill for an act relating to the authority of the department of human services involving state institutions and employee and volunteer background checks. (S-5344)

ALSO: That the House has on April 5, 2000, passed the following bill in which the **concurrence** of the **House** was asked:

**Senate File 2426**, a bill for an act relating to the designation, valuation, and taxation of property in a horizontal property regime and including an effective date.

ALSO: That the House has on April 5, 2000, concurred in the Senate amendment and passed the following bills in which the **concurrence** of the **House** was asked:

**House File 2198**, a bill for an act directing the department of education to conduct a feasibility study of reorganization and sharing incentives for school districts.

**House File 2317**, a bill for an act relating to the regulation of the sale of viatical settlements.

**House File 2429**, a bill for an act relating to the publication and recordkeeping duties of county officers by providing for the maintenance of permanent records by electronic means and the determination of publication rates.

ALSO: That the House has on April 5, 2000, receded from the House amendment to, and passed the following bill in which the **concurrence** of the **House** was asked:

**Senate File 2079**, a bill for an act relating to the prohibition of shipping or importing into the state, or the offering for sale, selling, transporting, distributing, or possessing within the state, of cigarettes and tobacco products which were previously exported from or which are manufactured for use outside the United States, making penalties applicable, and providing an effective date.

#### BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2361** be referred from the Unfinished Business Calendar to the committee on **Commerce**.



## APPENDIX

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Shelley Fabares – For your contributions to the memory of Donna Reed. Senator King (04/05/00).

### REPORT OF COMMITTEE MEETING

#### WAYS AND MEANS

**Convened:** April 5, 2000, 1:00 p.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 3224 and 3226 (as amended). Passed SCR 113 and HF 2548 (as amended).

**Recessed:** 2:50 p.m.

**Reconvened:** 3:05 p.m.

**Adjourned:** 3:30

### EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on April 5, 2000, when the vote was taken on Senate File 2443. Had I been present, I would have voted "Nay."

JOHN REDWINE

### INTRODUCTION OF RESOLUTIONS

**Senate Resolution 113**, by Rife, McLaren, Hammond, Johnson, McKibben, Gaskill, Boettger, Fink, Kramer, and Behn, a resolution congratulating the Iowa State Cyclones Women's Gymnastics Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 114**, by Miller, a resolution honoring the Harper Brush Works for its 100 years of continuing business.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILLS

**Senate File 2446**, by committee on Ways and Means, a bill for an act relating to the treatment for sales and use tax purposes of sales where the substance of the transactions is delivered by electromagnetic waves, digitally, or by way of cable or fiber optics, the exemption from the sales and use taxes of the furnishing, sale, or rental of information services, providing of refunds, and including an effective and retroactive applicability date provision.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate File 2447**, by Iverson and Gronstal, a bill for an act providing financial assistance to communities and school districts by creating a school infrastructure program and fund, continuing the community attraction and tourism development program and fund, creating a vision Iowa board, creating a vision Iowa program and fund, providing bonding authority to the treasurer of state, and exempting certain income from taxation.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 2448**, by committee on Ways and Means, a bill for an act establishing a health enhancement and value-added energy initiative, providing for revenues, the expenditure of moneys, and providing for penalties.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

## SUBCOMMITTEE ASSIGNMENT

### **Senate File 2447**

WAYS AND MEANS: Lamberti, Chair; Harper and Johnson

## COMMITTEE REPORTS

## WAYS AND MEANS

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 113, a concurrent resolution establishing a special commission to study and make recommendations concerning the impact of current and future state replacement funds paid to local governments to mitigate the effects of the elimination of the property tax on industrial machinery, equipment, and computers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*SENATE FILE 2446 (SSB 3224), a bill for an act relating to the treatment for sales and use tax purposes of sales where the substance of the transactions is delivered by electromagnetic waves, digitally, or by way of cable or fiber optics, the exemption from the sales and use taxes of the furnishing, sale, or rental of information services, providing of refunds, and including an effective and retroactive applicability date 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. Absent or not voting, none.

**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 Ways and Means Committee on Senate File 2446, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2448 (SSB 3226), a bill for an act establishing a health enhancement and value-added energy initiative, providing for revenues, the expenditure of moneys, and providing for penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Johnson, McKibben, Harper, Bartz, Drake, Flynn, Hedge, McLaren, and Redwine. Nays, 6: Bolkcom, Connolly, Deluhery, Lamberti, Maddox, and Soukup. Absent or not voting, none.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2448, and they were attached to the committee report.

ALSO:

**Final Bill Action:** HOUSE FILE 2548, 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, sales and use, hotel and motel, real estate transfer, environmental protection charge on petroleum diminution, property, motor fuel, special fuel, cigarette and tobacco products, and inheritance taxes, treatment of motor fuel under the local option taxes, and authorizing tax agreements with Indian tribes, and including effective and retroactive applicability date provisions.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5348.

**Final Vote:** Ayes, 15: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 5, 2000, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2031 – Relating to violations of the sex offender registry requirements and providing an effective date.

S.F. 2156 – Relating to the use of blue lights on authorized emergency vehicles.

S.F. 2200 – Providing for the establishment of protected cells by domestic insurers.

S.F. 2315 – Relating to the motor vehicle lemon law, making an administrative fine applicable, and providing an effective date.

S.F. 2349 – Prohibiting a processor from contracting for the care and feeding of swine in this state, making penalties applicable, and providing an effective date.

## AMENDMENTS FILED

S-5342	H.F.	723	David Miller Mary A. Lundby Matt McCoy
S-5343	S.F.	2438	Merlin E. Bartz
S-5344	S.F.	2360	House

S-5345	H.F.	2519	Jeff Angelo
S-5346	S.F.	2312	H. Kay Hedge
			E. Thurman Gaskill
			John P. Kibbie
			Eugene Fraise
			Merlin E. Bartz
			Betty A. Soukup
S-5347	H.F.	2513	Tom Flynn
S-5348	H.F.	2548	Ways and Means
S-5349	S.F.	2312	Mike Sexton
S-5350	S.F.	2312	Mike Sexton
			Merlin E. Bartz
			Stewart E. Iverson, Jr.
S-5351	S.F.	2312	John P. Kibbie
			H. Kay Hedge
S-5352	S.F.	2313	House
S-5353	S.F.	2302	House

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:02 p.m., until 9:00 a.m., Thursday, April 6, 2000.

# JOURNAL OF THE SENATE

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EIGHTY-EIGHTH CALENDAR DAY  
FIFTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 6, 2000

The Senate met in regular session at 9:09 a.m., Senator Boettger presiding.

Prayer was offered by the Reverend William Kerns, pastor of the Lucas Presbyterian Church of Lucas, Iowa, guest of Senator Judge.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Veenstra, until he arrives, on request of Senator Iverson.

## HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

### House File 683

Senator Tinsman called up for consideration **House File 683**, a bill for an act relating to mediation services related to custody, visitation, and support of a child, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5237 to Senate amendment H-8415 filed March 23, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Tinsman moved that the bill, as amended by the Senate, further amended by the House, and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 683), 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	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Zieman

Nays, none.

Absent or not voting, 2:

Judge                      Veenstra

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

### House File 2419

On motion of Senator Maddox, **House File 2419**, a bill for an act changing the criminal penalties relating to possession, manufacture, or delivery of amphetamines, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator McKean offered amendment S-5341, filed by Senators McKean and Maddox on April 5, 2000, to page 3 and to the title page of the bill.

Senator Dvorsky raised the point of order that amendment S-5341 was not germane to the bill.

Senator Dvorsky withdrew his point of order.

Senator McKean asked and received unanimous consent that action on amendment S-5341 and **House File 2419** be **deferred**.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gaskill, until he returns, on request of Senator Sexton; and Senator Kramer, until she returns, on request of Senator Hedge.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2442.

### **Senate File 2442**

On motion of Senator McKibben, **Senate File 2442**, a bill for an act relating to the taxation of garages and other appurtenances located on mobile home sites, 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?" (S.F. 2442), 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	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Zieman	

Nays, none.



Absent or not voting, 3:

Gaskill

Kramer

Veenstra

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senator Angelo took the chair at 9:38 a.m.

SPECIAL GUEST

Senator Hedge introduced Richard Dutton, artist of the watercolor interpretation of the capitol building which hangs in the President of the Senate's office.

UNFINISHED BUSINESS

**House File 2458**

On motion of Senator Tinsman, **House File 2458**, a bill for an act relating to aviation transportation and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, 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. 2458), the vote was:

Ayes, 46:

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	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Gaskill

Kramer

Szymoniak

Veenstra

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 683, 2458, and Senate File 2442** be **immediately messaged** to the House.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 108.

#### **Senate Concurrent Resolution 108**

On motion of Senator Hedge, **Senate Concurrent Resolution 108**, a concurrent resolution recognizing the accomplishments of John Fletcher Lacey and commemorating the one-hundredth-year anniversary of the Lacey Act, with report of committee recommending passage, was taken up for consideration.

Senator Hedge moved the adoption of Senate Concurrent Resolution 108, which motion prevailed by a voice vote.

### CONSIDERATION OF RESOLUTION (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 113.

#### **Senate Concurrent Resolution 113**

On motion of Senator Drake, **Senate Concurrent Resolution 113**, a concurrent resolution establishing a special commission to study

and make recommendations concerning the impact of current and future state replacement funds paid to local governments to mitigate the effects of the elimination of the property tax on industrial machinery, equipment, and computers, with report of committee recommending passage, was taken up for consideration.

Senator Drake moved the adoption of Senate Concurrent Resolution 113, which motion prevailed by a voice vote.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 112.

#### **Senate Resolution 112**

On motion of Senator McKibben, **Senate Resolution 112**, a resolution honoring the Story City firefighter who died in the line of duty, with report of committee recommending passage, was taken up for consideration.

Senator McKibben moved the adoption of Senate Resolution 112, which motion prevailed by a voice vote.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolutions 108 and 113** be **immediately messaged** to the House.

### HOUSE AMENDMENT CONSIDERED

#### **Senate File 2113**

Senator Szymoniak called up for consideration Senate File 2113, a bill for an act relating to the licensing of individuals engaged in the healing art of massage therapy, amended by the House, and moved that the Senate concur in House amendment S-5335, filed April 4, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Szymoniak 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. 2113), the vote was:

Ayes, 46:

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	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Gaskill	King	Kramer	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.

## HOUSE AMENDMENT CONSIDERED

### Senate File 228

Senator Connolly called up for consideration Senate File 228, a bill for an act authorizing school districts and nonpublic schools to perform certain criminal and abuse record checks, amended by the House, and moved that the Senate concur in House amendment S-5240, filed March 23, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Connolly 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. 228), 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	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

Gaskill	Kramer	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.

## UNFINISHED BUSINESS

### House File 2518

On motion of Senator Redfern, **House File 2518**, a bill for an act relating to probate law, including assessment of court costs, certain notification provisions, certain distributions to minors, the effect of dissolution of marriage on will provisions, and powers of attorney, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, 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. 2518), 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	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

Gaskill	Kramer	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.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2369

Senator Miller called up for consideration Senate File 2369, a bill for an act relating to the sharing of juvenile court social records or child abuse records pursuant to an interagency agreement, amended by the House, and moved that the Senate concur in House amendment S-5272, filed March 28, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Miller 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. 2369), 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	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

Gaskill	Kramer	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.

HOUSE AMENDMENT CONSIDERED  
(Deferred April 3, 2000)

**Senate File 2348**

The Senate resumed consideration of Senate File 2348, a bill for an act relating to the loess hills development and conservation authority by creating a hungry canyons alliance and providing membership guidelines for board of directors of the conservation authority and loess hills alliance, amendment S-5304 to House amendment S-5248, and House amendment S-5248, deferred April 3, 2000.

Senator King moved the adoption of amendment S-5304.

Amendment S-5304 was adopted by a voice vote.

Senator King 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 King 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. 2348), 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	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Zieman			

Nays, none.

Absent or not voting, 1:

Veenstra

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 Files 228, 2113, 2348, 2369**, and **House File 2518** be **immediately messaged** to the House.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gronstal, until he returns, on request of Senator Black.



UNFINISHED BUSINESS  
(Deferred April 5, 2000)

**House File 2502**

The Senate resumed consideration of **House File 2502**, a bill for an act relating to fee-supported services provided by a county including the payment of county law enforcement salaries and expenses, deferred April 5, 2000.

Senator Hammond asked and received unanimous consent to withdraw amendment S-5357, filed by her from the floor striking everything after the enacting clause and to the title page of the bill.

Senator McCoy offered amendment S-5359, filed by him from the floor to page 1 and to the title page of the bill.

Senator Hedge took the chair at 11:02 a.m.

Senator Angelo took the chair at 11:05 a.m.

Senator McCoy moved the adoption of amendment S-5359, and requested a record roll call.

On the question "Shall amendment S-5359 be adopted?" (H.F. 2502) the vote was:

Ayes, 17:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Hammond
Hansen	Harper	Horn	Lundby
Maddox	McCoy	Redfern	Szymoniak
Tinsman			

Nays, 31:

Angelo	Bartz	Behn	Black
Boettger	Drake	Fraise	Freeman
Gaskill	Hedge	Iverson	Jensen

Johnson	Judge	Kibbie	King
Kramer	Lamberti	McKean	McKibben
McLaren	Miller	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Zieman	

Absent or not voting, 2:

Gronstal	Veenstra
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Amendment S-5359 lost.

Senator Hammond asked and received unanimous consent to withdraw amendment S-5360, filed by her from the floor to page 1 and to the title page of the bill.

Senator Hammond offered amendment S-5354, filed by her from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5354 be adopted?" (H.F. 2502) the vote was:

Ayes, 20:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Gronstal
Hammond	Hansen	Harper	Horn
Lundby	Maddox	McCoy	Redfern
Shearer	Soukup	Szymoniak	Tinsman

Nays, 28:

Angelo	Bartz	Behn	Black
Boettger	Drake	Fraise	Freeman
Gaskill	Hedge	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	McKean	McKibben
McLaren	Miller	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Zieman

Absent or not voting, 2:

Rife	Veenstra
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Amendment S-5354 lost.

Senator Iverson asked and received unanimous consent that action on **House File 2502** be **deferred**.

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 6, 2000, 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 2371**, a bill for an act relating to the establishment of a water quality initiative program by the department of agriculture and land stewardship and the department of natural resources, defining and providing for the use of credible data for quality control and assurance procedures, and providing for other properly related matters, and providing an applicability date.

ALSO: That the House has on April 6, 2000, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 2463**, a bill for an act relating to the department of personnel by providing for the duties of the department, the administration of the department, and benefits provided state employees, and providing effective and retroactive applicability dates.

### RECESS

On motion of Senator Iverson, the Senate recessed at 11:30 a.m., until 2:00 p.m.

## APPENDIX

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty-three students from Hempstead High School in Dubuque, accompanied by their teacher, Tom Rawson, and Karla Schwegler. Senators Connolly and Flynn.

Second grade students from Irving Elementary in Indianola, accompanied by Mrs. Nielson, Mrs. Brice, Mrs. Mosher, and Mrs. Allen. Senator Fink.

Thirteen FFA students from Okoboji High School, accompanied by Rich Martins. Senator Kibbie.

Eighth grade students from Odebolt-Arthur Community Schools in Odebolt, accompanied by Steve Walsh, Pippa Fineran, Bob Mollhoff, and Danel Frank. Senator King.

### INTRODUCTION OF RESOLUTIONS

**Senate Resolution 115**, by Hammond, Rife, McLaren, Fink, Johnson, Lamberti, Boettger, Drake, Rittmer, Maddox, McKean, Connolly, Horn, Dearden, Jensen, Iverson, Black, Tinsman, Behn, King, Veenstra, McKibben, Rehberg, Miller, Freeman, Hedge, McCoy, Angelo, Bartz, Sexton, Kramer, Lundby, Gaskill, Soukup, Harper, Judge, Bolkcom, Shearer, Flynn, Deluhery, Ziemann, Schuerer, Szymoniak, Fraise, Kibbie, Hansen, Gronstal, Redwine, Redfern, and Dvorsky, a resolution congratulating the Iowa State Cyclones Women's Basketball Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 116**, by McLaren, Rife, Hammond, Johnson, Lamberti, Fink, Boettger, Drake, Rittmer, Maddox, McKean, Connolly, Horn, Dearden, Jensen, Iverson, Black, Tinsman, Behn, King, Veenstra, McKibben, Rehberg, Miller, Freeman, Hedge, McCoy,

Angelo, Bartz, Sexton, Kramer, Lundby, Gaskill, Harper, Soukup, Judge, Bolkcom, Shearer, Flynn, Deluhery, Zieman, Szymoniak, Schuerer, Fraise, Kibbie, Hansen, Gronstal, Redwine, Redfern, and Dvorsky, a resolution congratulating the Iowa State Cyclones Men's Basketball Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 117**, by Szymoniak, Kramer, McCoy, Horn, Fraise, Fink, Deluhery, Kibbie, Hansen, Black, Judge, Dearden, Shearer, Soukup, Hammond, Dvorsky, Bolkcom, Flynn, Connolly, Harper, Gronstal, Drake, Iverson, Rife, Jensen, Rittmer, McKean, Tinsman, Hedge, Boettger, Lamberti, Behn, Zieman, Rehberg, Redfern, Angelo, Schuerer, Veenstra, King, Miller, Gaskill, Redwine, Sexton, Lundby, Maddox, Johnson, Bartz, McKibben, Freeman, and McLaren, a resolution congratulating the Drake Women's Basketball Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

### EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on April 5, 2000, when the votes were taken on Senate File 2434 and House File 2528. Had I been present, I would have voted "Aye" on both.

JOHN REDWINE

### AMENDMENTS FILED

S-5354	H.F.	2502	Johnie Hammond
S-5355	H.F.	2502	Johnie Hammond
S-5356	H.F.	2502	Johnie Hammond
S-5357	H.F.	2502	Johnie Hammond
S-5358	H.F.	2502	Matt McCoy
S-5359	H.F.	2502	Matt McCoy
S-5360	H.F.	2502	Johnie Hammond

## AFTERNOON SESSION

The Senate reconvened at 3:33 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 38 present, 12 absent, and a quorum present.

The Journal of Wednesday, April 5, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Szymoniak and Hammond, for the remainder of the day, on request of Senator Gronstal; Senator Lamberti, until he returns, on request of Senator Angelo; and Senator Boettger, until she returns, on request of Senator Hedge.

CONSIDERATION OF BILL  
(Ways And Means Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration Senate File 2439.

**Senate File 2439**

On motion of Senator McKibben, **Senate File 2439**, a bill for an act relating to the accelerated career education program, providing a tax credit from withholding, creating an accelerated career education grant program and fund, relating to the transfer of job training withholding to the workforce development fund account, and providing an effective date, was taken up for consideration.

Senator Angelo took the chair at 3:52 p.m.

The Senate stood at ease at 3:53 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:17 p.m., Senator Angelo presiding.

Senator McKibben offered amendment S-5361, filed by him from the floor to pages 5 and 6 of the bill, and moved its adoption.

Amendment S-5361 was adopted by a voice vote.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2439), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hansen	Harper	Hedge	Horn
Iverso n	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Maddox	McCoy	McKean	McKibben
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Zieman			

Nays, none.

Absent or not voting, 5:

Boettger	Hammond	Lundby	Szymoniak
Veenstra			

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 File 2439** be **immediately messaged** to the House.

## BUSINESS PENDING

**House File 2419**

The Senate resumed consideration of **House File 2419**, a bill for an act changing the criminal penalties relating to possession, manufacture, or delivery of amphetamines, and amendment S-5341, previously deferred.

Senator McKean asked and received unanimous consent to withdraw amendment S-5341.

Senator McKean offered amendment S-5366, filed by Senators McKean, Maddox, and Dvorsky from the floor to page 3 and to the title page of the bill, and moved its adoption.

Amendment S-5366 was adopted by a voice vote.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2419), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	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	Zieman		

Nays, none.

Absent or not voting, 4:

Hammond	Lundby	Szymoniak	Veenstra
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## UNFINISHED BUSINESS

### House File 2437

On motion of Senator Redwine, **House File 2437**, a bill for an act relating to disclosure by a postsecondary education institution of information to the parent or guardian of a student, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Redfern offered amendment S-5169, filed by the committee on Education on March 16, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5169 was adopted by a voice vote.

Senator Redwine offered amendment S-5251, filed by Senators Redwine and Dvorsky on March 28, 2000, to page 2 of the bill, and moved its adoption.

Amendment S-5251 was adopted by a voice vote.

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. 2437), the vote was:

Ayes, 38:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Deluhery	Drake
Dvorsky	Flynn	Fraise	Freeman
Gaskill	Gronstal	Hansen	Hedge
Iverson	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Miller	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Zieman		

Nays, 8:

Bolkcom	Dearden	Fink	Harper
Lamberti	McCoy	Redfern	Shearer

Absent or not voting, 4:

Hammond	Horn	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.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration Senate File 2444.

#### **Senate File 2444**

On motion of Senator Johnson, **Senate File 2444**, a bill for an act relating to the taxation of property used by the Iowa national guard, 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. 2444), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	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	Zieman	

Nays, none.

Absent or not voting, 3:

Hammond                      Szymoniak                      Veenstra

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 2418**

Senator Maddox called up for consideration Senate File 2418, a bill for an act relating to certification of property taxes by townships and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S-5329, filed April 3, 2000.

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. 2418), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	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	Zieman	

Nays, none.

Absent or not voting, 3:

Hammond                      Szymoniak                      Veenstra

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Hedge called up the appointment of Richard V. Running, as Director of Workforce Development, placed on the Individual Confirmation Calendar on February 7, 2000, and found on page 197 of the Senate Journal.

Senator McKibben moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	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	Zieman

Nays, none.

Absent or not voting, 6:

Bolkcom	Gronstal	Hammond	McCoy
Szymoniak	Veenstra		

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

## IMMEDIATELY MESSAGED

Senator Hedge asked and received unanimous consent that **Senate Files 2418, 2444, House Files 2419, and 2437** be **immediately messaged** to the House.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bolkcom, McCoy, and Gronstal, until they return, on request of Senator Black.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration Senate File 2433.

**Senate File 2433**

On motion of Senator King, **Senate File 2433**, 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, and providing an effective date, was taken up for consideration.

Senator Deluhery offered amendment S-5362, filed by him from the floor to page 1 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5362 be adopted?" (S.F. 2433) the vote was:

Ayes, 15:

Black  
Dvorsky  
Hansen  
Kibbie

Connolly  
Fink  
Harper  
Shearer

Dearden  
Flynn  
Horn  
Soukup

Deluhery  
Fraise  
Judge

Nays, 29:

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
Zieman			

Absent or not voting, 6:

Bolkcom	Gronstal	Hammond	McCoy
Szymoniak	Veenstra		

Amendment S-5362 lost.

Senator King asked and received unanimous consent to withdraw amendment S-5367, filed by him from the floor to page 3 of the bill.

Senator Deluhery offered amendment S-5365, filed by him from the floor to page 3 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5365 be adopted?" (S.F. 2433) the vote was:

Ayes, 15:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Hansen	Harper	Horn	Judge
Kibbie	Shearer	Soukup	

Nays, 29:

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
Zieman			

Absent or not voting, 6:

Bolkcom	Gronstal	Hammond	McCoy
Szymoniak	Veenstra		

Amendment S-5365 lost.

Senator Deluhery offered amendment S-5363, filed by him from the floor to page 4 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5363 be adopted?" (S.F. 2433) the vote was:

Ayes, 15:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Hansen	Harper	Horn	Judge
Kibbie	Shearer	Soukup	

Nays, 29:

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
Zieman			

Absent or not voting, 6:

Bolkcom	Gronstal	Hammond	McCoy
Szymoniak	Veenstra		

Amendment S-5363 lost.

Senator Deluhery offered amendment S-5364, filed by him from the floor to pages 4, 5, 8, and 9 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5364 be adopted?" (S.F. 2433) the vote was:

Ayes, 17:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Hansen	Harper	Horn
Judge	Kibbie	McCoy	Shearer
Soukup			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Tinsman	Zieman	

Absent or not voting, 6:

Gronstal	Hammond	McKean	McKibben
Szymoniak	Veenstra		

Amendment S-5364 lost.

Senator King asked and received unanimous consent that action on **Senate File 2433** be **deferred**.

## HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 6, 2000, passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 2312**, a bill for an act relating to pseudorabies control, making penalties applicable, for implementation, and providing an effective date.

**Senate File 2424**, a bill for an act updating the Iowa Code references to the Internal Revenue Code, amending the earned income credit, amending requirements for nonresident taxpayers, providing tax benefits to military personnel in hazardous duty areas, and providing effective and retroactive applicability dates.



ALSO: That the House has on April 6, 2000, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 2513**, a bill for an act providing for secured transactions under the uniform commercial code, by adopting new Article 9, eliminating conflicting provisions, and providing an effective date.

ALSO: That the House has on April 6, 2000, amended and passed the following bills in which the **concurrence** of the **Senate** is asked:

**Senate File 419**, a bill for an act applying certain veterinary practice requirements to persons providing veterinary medical services, owning a veterinary clinic, or practicing veterinary medicine.(S-5368)

**Senate File 2267**, a bill for an act requiring the board of directors of a school district to enter into a compact with parents and guardians by adopting a school promotion policy for grade three level students and providing for related matters.(S-5370)

**Senate File 2329**, a bill for an act increasing the fine for certain motor vehicle violations relating to railroad crossings.(S-5369)

**APPENDIX****REPORTS OF COMMITTEE MEETINGS****COMMERCE**

**Convened:** April 6, 2000, 1:15 p.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer.

**Members Absent:** None.

**Committee Business:** Presentation by Lisa Stump of Utility Board on SF 2361.

**Adjourned:** 3:22 p.m.

**WAYS AND MEANS**

**Convened:** April 6, 2000, 12:10 p.m.

**Members Present:** Johnson, Chair; McKibben, Vice Chair; Harper, Ranking Member; Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, Redwine, and Soukup.

**Members Absent:** McLaren (excused).

**Committee Business:** Passed SF 2447 (as amended) and HF's 2541 and 2550. Approved SSB 3227.

**Adjourned:** 2:10 p.m.

**CERTIFICATE OF RECOGNITION**

The Secretary of the Senate issued the following certificate of recognition:

Ollie Hansen, Durant – For celebrating your 80th birthday on April 15, 2000. Senator Rife (04/06/00).

**EXPLANATION OF VOTE**

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on April 6, 2000, when the vote was taken on Senate File 2439. Had I been present, I would have voted "Aye."

MARY A. LUNDBY

**BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 6th day of April, 2000:

Senate File 2371.

MICHAEL E. MARSHALL  
Secretary of the Senate

**BILLS SIGNED BY THE GOVERNOR**

A communication was received announcing that on April 6, 2000, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 182 – Requiring licensure to practice acupuncture.

S.F. 2089 – Relating to collection of the physical plant and equipment property tax levy in certain urban renewal areas and providing an applicability date.

S.F. 2111 – Relating to certain school finance formula provisions and providing an effective date.

S.F. 2221 – Relating to juvenile court jurisdiction and the prosecution of juveniles in juvenile and district court.

S.F. 2303 – Relating to judicial administration by providing for benefits applicable to judicial branch employees, the allocation of magistrates, and the manner of making certain noncourt and administrative appointments.

**INTRODUCTION OF RESOLUTION**

**Senate Concurrent Resolution 115**, by Drake, Hedge, and Kibbie, a concurrent resolution requesting the state department of transportation to review federal outdoor advertising bonus program restrictions on signing and advertising adjacent to the interstate highway system and to make recommendations to the general assembly.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## COMMITTEE REPORTS

## WAYS AND MEANS

**Final Bill Action:** \*SENATE FILE 2447, a bill for an act providing financial assistance to communities and school districts by creating a school infrastructure program and fund, continuing the community attraction and tourism development program and fund, creating a vision Iowa board, creating a vision Iowa program and fund, providing bonding authority to the treasurer of state, and exempting certain income from taxation.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5371.

**Final Vote:** Ayes, 13: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, and Soukup. Nays, 1: Redwine. Absent or not voting, 1: McLaren.

**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 Ways and Means Committee on Senate File 2447, and they were attached to the committee report.

ALSO:

**Final Bill Action:** HOUSE FILE 2541, a bill for an act expanding the number of counties that may designate unincorporated areas containing private lakes as rural improvement zones and setting the limits for the standby taxes imposed in those zones.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, Redwine, and Soukup. Nays, none. Absent or not voting, 1: McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2550, a bill for an act relating to the Iowa educational savings plan trust and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, Redwine, and Soukup. Nays, none. Absent or not voting, 1: McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AMENDMENTS FILED

S-5361	S.F.	2439	Larry McKibben
S-5362	S.F.	2433	Patrick J. Deluhery
S-5363	S.F.	2433	Patrick J. Deluhery
S-5364	S.F.	2433	Patrick J. Deluhery
S-5365	S.F.	2433	Patrick J. Deluhery
S-5366	H.F.	2419	Andy McKean
			Gene Maddox
			Robert E. Dvorsky
S-5367	S.F.	2433	Steve King
S-5368	S.F.	419	House
S-5369	S.F.	2329	House
S-5370	S.F.	2267	House
S-5371	S.F.	2447	Ways and Means
S-5372	H.F.	2545	John P. Kibbie
S-5373	H.F.	2433	Mike Sexton
			Michael W. Connolly
			Wally E. Horn

## ADJOURNMENT

On motion of Senator Hedge, the Senate adjourned at 5:51 p.m., until 1:00 p.m., Monday, April 10, 2000.

# JOURNAL OF THE SENATE

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NINETY-SECOND CALENDAR DAY  
FIFTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 10, 2000

The Senate met in regular session at 1:20 p.m., President Kramer presiding.

Prayer was offered by Father Mark Osterhaus, pastor of St. Matthew's Catholic Church of Cedar Rapids, Iowa, guest of Senator Flynn.

The Journal of Thursday, April 6, 2000, was approved.

## SPECIAL GUEST

Senator Miller introduced artist John Preston from Birmingham, Iowa. Mr. Preston has an exhibit of his artwork in the rotunda of the Capitol.

## HOUSE AMENDMENT DEFERRED

### **Senate File 2329**

Senator Judge called up for consideration Senate File 2329, a bill for an act increasing the fine for certain motor vehicle violations relating to railroad crossings, amended by the House in House amendment S-5369, filed April 6, 2000.

Senator Rife asked and received unanimous consent that action on House amendment S-5369 and **Senate File 2329** be **deferred**.

## UNFINISHED BUSINESS

**Senate File 2408**

On motion of Senator Maddox, **Senate File 2408**, a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, and health maintenance organizations, by mandating coverage for anesthesia and certain hospital charges associated with the provision of dental care services, placed on the Unfinished Business Calendar on March 16, 2000, was taken up for consideration.

Senator Maddox asked and received unanimous consent that action on **Senate File 2408** be **deferred**.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Flynn, until he arrives, on request of Senator Gronstal.

UNFINISHED BUSINESS  
(Deferred April 6, 2000)**Senate File 2433**

The Senate resumed consideration of **Senate File 2433**, 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, and providing an effective date, deferred April 6, 2000.

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?" (S.F. 2433), 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, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Absent or not voting, 1:

Flynn

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 2433** be **immediately messaged** to the House.

### UNFINISHED BUSINESS (Deferred April 6, 2000)

### House File 2502

The Senate resumed consideration of **House File 2502**, a bill for an act relating to fee-supported services provided by a county including the payment of county law enforcement salaries and expenses, deferred April 6, 2000.

Senator McCoy offered amendment S-5358, filed by him on April 6, 2000, to page 1 of the bill, moved its adoption, and requested a record roll call.



On the question "Shall amendment S-5358 be adopted?" (H.F. 2502), the vote was:

Ayes, 21:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Kibbie	Maddox	McCoy
Redfern	Shearer	Soukup	Szymoniak
Tinsman			

Nays, 29:

Angelo	Bartz	Behn	Black
Boettger	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	Johnson
Judge	King	Kramer	Lamberti
Lundby	McKean	McKibben	McLaren
Miller	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Veenstra
Zieman			

Absent or not voting, none.

Amendment S-5358 lost.

The Senate resumed consideration of amendment S-5298 and amendment S-5312 to amendment S-5298, previously deferred.

Senator Judge moved the adoption of amendment S-5312 and requested a record roll call.

On the question "Shall amendment S-5312 be adopted?" (H.F. 2502), the vote was:

Ayes, 19:

Black	Connolly	Dearden	Deluhery
Fink	Flynn	Fraise	Freeman
Gronstal	Hansen	Harper	Horn
Judge	Kibbie	Maddox	Miller
Redfern	Shearer	Soukup	

Nays, 31:

Angelo	Bartz	Behn	Boettger
Bolkcom	Drake	Dvorsky	Gaskill

Hammond	Hedge	Iverson	Jensen
Johnson	King	Kramer	Lamberti
Lundby	McCoy	McKean	McKibben
McLaren	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Szymoniak
Tinsman	Veenstra	Zieman	

Absent or not voting, none.

Amendment S-5312 lost.

Senator Hammond offered amendment S-5355, filed by her on April 6, 2000, to page 1 of amendment S-5298, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5355 be adopted?" (H.F. 2502), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Gronstal	Hammond	Hansen	Harper
Horn	Kibbie	Maddox	McCoy
Redfern	Shearer	Soukup	Szymoniak
Tinsman			

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Fraise	Freeman	Gaskill
Hedge	Iverson	Jensen	Johnson
Judge	King	Kramer	Lamberti
Lundby	McKean	McKibben	McLaren
Miller	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Veenstra
Zieman			

Absent or not voting, none.

Amendment S-5355 lost.

Senator Bartz moved the adoption of amendment S-5298, as amended.

Amendment S-5298 was adopted by a voice vote.

Senator Hammond asked and received unanimous consent to withdraw amendment S-5356, filed by her on April 6, 2000, to page 1 and to the title page of the bill.

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. 2502), the vote was:

Ayes, 30:

Angelo	Bartz	Behn	Black
Boettger	Drake	Fraise	Freeman
Gaskill	Hedge	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	McKean	McKibben
McLaren	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Soukup
Veenstra	Zieman		

Nays, 20:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Gronstal
Hammond	Hansen	Harper	Horn
Lundby	Maddox	McCoy	Miller
Redfern	Shearer	Szymoniak	Tinsman

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.

## UNFINISHED BUSINESS

### Senate File 2035

On motion of Senator Fink, **Senate File 2035**, a bill for an act changing the name of the forests and forestry division of the department of natural resources to the forests and prairies division and expanding its responsibilities, placed on the Unfinished Business Calendar on March 22, 2000, was taken up for consideration.

Senator Fink offered amendment S-5038, filed by him on February 29, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5038 was adopted by a voice vote.

Senator Fink asked and received unanimous consent that **House File 2090** be **substituted** for **Senate File 2035**.

### **House File 2090**

On motion of Senator Fink, **House File 2090**, a bill for an act changing the name of the forests and forestry division of the department of natural resources to the forests and prairies division and expanding its responsibilities, was taken up for consideration.

Senator Redfern took the chair at 3:39 p.m.

Senator Rehberg asked and received unanimous consent to withdraw amendment S-5027, filed by her on February 29, 2000, to page 1 of the bill.

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. 2090), 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 Iverson asked and received unanimous consent that **Senate File 2035** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2090** and **2502** be **immediately messaged** to the House.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKean, until he returns, on request of Senator Iverson.

### BUSINESS PENDING

### **Senate File 2408**

The Senate resumed consideration of **Senate File 2408**, a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, and health maintenance organizations, by mandating coverage for anesthesia and certain hospital charges associated with the provision of dental care services, previously deferred.

Senator Maddox asked and received unanimous consent that **House File 754** be **substituted** for **Senate File 2408**.

### **House File 754**

On motion of Senator Maddox, **House File 754**, a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, and health maintenance

organizations, by mandating coverage for anesthesia and certain hospital charges associated with the provision of dental care services, 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. 754), the vote was:

Ayes, 44:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	Kramer	Lamberti	Lundby
Maddox	McCoy	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 5:

Behn	Hedge	King	Schuerer
Sexton			

Absent or not voting, 1:

McKean

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## WITHDRAWN

Senator Angelo asked and received unanimous consent that **Senate File 2408** be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS  
(Deferred April 4, 2000)

**House File 2519**

The Senate resumed consideration of **House File 2519**, a bill for an act relating to probation and parole by extending the repeal of the sixth judicial district pilot project concerning probation revocation hearings and by establishing the position of vice chairperson of the board of parole, and providing an effective date, amendment S-5165, and amendment S-5310 to amendment S-5165, deferred April 4, 2000.

Senator Angelo asked and received unanimous consent to withdraw amendment S-5310.

Senator Angelo offered amendment S-5345, filed by him on April 5, 2000, to pages 2-6 and 10 of amendment S-5165, and moved its adoption.

Amendment S-5345 was adopted by a voice vote.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5295, filed by Senators Dvorsky and Angelo on March 28, 2000, to pages 9 and 10 of amendment S-5165.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5326, filed by Senators Dvorsky and Angelo on April 3, 2000, to pages 9 and 10 of amendment S-5165.

With the adoption of amendment S-5345 to amendment S-5165, the Chair ruled amendment S-5334, filed by Senators Dvorsky and Angelo on April 4, 2000, to pages 9 and 10 of the bill, out of order.

Senator McKean moved the adoption of amendment S-5165, as amended.

Amendment S-5165 was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2519), 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	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McKean

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 754 and 2519** be **immediately messaged** to the House.

### HOUSE AMENDMENT CONSIDERED

### Senate File 2360

Senator Tinsman called up for consideration Senate File 2360, a bill for an act relating to the authority of the department of human services involving state institutions and employee and volunteer background checks, amended by the House, and moved that the Senate concur in House amendment S-5344, filed April 5, 2000.



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. 2360), 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 AMENDMENT CONSIDERED

### **Senate File 2302**

Senator Redwine called up for consideration Senate File 2302, a bill for an act relating to programs and public health issues under the purview of the Iowa department of public health and the appropriation of certain fees to the department, amended by the House in House amendment S-5353, filed April 5, 2000.

Senator Dvorsky offered amendment S-5377, filed by him from the floor to page 2 of House amendment S-5353, and moved its adoption.

Amendment S-5377 was adopted by a voice vote.

Senator Redwine 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 Redwine 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. 2302), 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.

## MOTIONS TO RECONSIDER WITHDRAWN

### Senate File 324

Senator Gronstal withdrew the motion to reconsider Senate File 324, a bill for an act relating to certain franchise agreements and the rights and responsibilities of the parties under such agreements, filed by him on April 3, 2000, and found on page 983 of the Senate

Journal, thereby also withdrawing the motion to reconsider amendment S-5185.

Senator Drake withdrew the motion to reconsider Senate File 324, a bill for an act relating to certain franchise agreements and the rights and responsibilities of the parties under such agreements, filed by him on April 3, 2000, and found on page 983 of the Senate Journal.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 324, 2302, and 2360** be **immediately messaged** to the House.

#### CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Jerome Thomas, Commission on the Status of African-Americans

Dorothy Anderson, Board of Behavioral Science Examiners

Loren Wakefield, Commission on Community Action Agencies

Jack Purcell, Commission on the Deaf

Glen Meier, Board for the Licensing and Regulation of Hearing Aid Dealers

Miles Butler, Mental Health Risk Pool

Susan Cosner, Iowa Railway Finance Authority

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" 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 appointees, having received a two-thirds vote, were declared to have been confirmed by 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 10, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2143**, a bill for an act relating to the eligibility of certain school organizations to conduct games and raffles.(S-5376)

ALSO: That the House has on April 10, 2000, concurred in the Senate amendment and passed the following bills in which the **concurrence** of the **House** was asked:

**House File 475**, a bill for an act concerning nonsubstantive gender-related provisions in the Code.

**House File 2528**, a bill for an act relating to the condemnation of private property for certain public purposes and providing an effective date.

## **APPENDIX**

### **BILLS SIGNED BY THE GOVERNOR**

A communication was received announcing that on April 7, 2000, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2007 – Relating to responsibilities of a guardian in procuring professional services for a ward with a physical or mental disability which do not require prior court approval.

S.F. 2142 – Relating to crime victim compensation.

S.F. 2145 – Relating to the national crime prevention and privacy compact.

S.F. 2314 – Relating to communicable and infectious diseases and providing penalties.

S.F. 2344 – Relating to child and family services administered by the department of human services.

S.F. 2371 – Relating to the establishment of a water quality initiative program by the department of agriculture and land stewardship and the department of natural resources, defining and providing for the use of credible data for quality control and assurance procedures, and providing for other properly related matters, and providing an applicability date.

### **EXPLANATION OF VOTES**

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on April 6, 2000, when the votes were taken on Senate Files 228, 2113, 2348, 2369, 2418, 2439, 2442, 2444, Senate Concurrent Resolutions 108, 113, Senate Resolution 112, House Files 683, 2419, 2437, 2458, and 2518. Had I been present, I would have voted “Aye” on all.

KEN VEENSTRA

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on April 10, 2000, when the vote was taken on Senate File 2433. Had I been present, I would have voted “Nay.”

TOM FLYNN

## PETITION

The following petition was presented and placed on file:

From 60 residents of various counties in Iowa favoring legislation to establish an Iowa state commission on the status of Asian and Pacific Islanders within the Department of Human Rights. Senator Bolkcom.

## 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 10th day of April, 2000:

Senate Files 2194, 2220, 2238, 2300, and 2411.

MICHAEL E. MARSHALL  
Secretary of the Senate

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2411, the following corrections were made:

1. Page 12, line 12, the words "other than a" were changed to the words "other than".
2. Page 52, line 27, the underline after the number 68 was taken out and a period was inserted after the number 68.
3. Page 58, line 15, the word and number "section 52" were changed to the word and number "section 53".
4. Page 58, line 21, the word and number "section 52" were changed to the word and number "section 53".
5. Page 58, line 22, the word and number "section 74" were changed to the word and number "section 81".
6. Page 58, line 24, the word and number "section 52" were changed to the word and number "section 53".
7. Page 58, line 29, the word and number "section 52" were changed to the word and number "section 53".

8. Page 58, line 30, the word and number "section 74" were changed to the word and number "section 81".
9. Page 59, line 9, the word and number "Section 18" were changed to the word and number "Section 17".
10. Page 59, line 17, the word and number "section 51" were changed to the word and number "section 52".
11. Page 59, line 20, the word and number "Section 101" were changed to the word and number "Section 74".
12. Page 59, line 25, the word and number "section 52" were changed to the word and number "section 48".
13. Page 59, line 34, the word and number "section 48" were changed to the word and number "section 53".
14. Page 60, line 14, the word and number "section 52" were changed to the word and number "section 53".
15. Page 60, line 25, the word and number "Section 70" were changed to the word and number "Section 72".
16. Page 84, line 34, the words and numbers "Sections 81, 84, 85, 98, and 101" were changed to the words and numbers "Sections 88, 91, 92, 105, and 108".
17. Page 85, line 5, the word and number "Section 80" were changed to the word and number "Section 87".
18. Page 85, line 6, the word and number "section 87" were changed to the word and number "section 94".

MICHAEL E. MARSHALL  
Secretary of the Senate

## REPORT OF COMMITTEE MEETING

### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** April 10, 2000, 11:10 a.m.

**Members Present:** Freeman, Chair; Jensen, Vice Chair; Johnson and Shearer.

**Members Absent:** Connolly, Ranking Member (excused).

**Committee Business:** Passed LSB 5381JA.

**Recessed:** 11:30 a.m.

**Reconvened:** 12:00 p.m.

**Adjourned:** 12:40 p.m.

## INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 116**, by Dvorsky and Bolkcom, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 state quarters program and to direct the commission to develop designs incorporating the Old Capitol as a symbol for the state.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Joint Resolution 2006**, by committee on Ways and Means, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the power of the people to affirm or reject Acts of the General Assembly relating to the individual income tax or sales or use tax.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate Resolution 118**, by Rehberg and Kibbie, a resolution congratulating members of the All-Iowa Community College Academic Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## STUDY BILL RECEIVED

### **SSB 3229      Appropriations**

Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

## SUBCOMMITTEE ASSIGNMENT

### **SSB 3229**

APPROPRIATIONS: Kramer, Chair; Flynn and McLaren



COMMITTEE REPORT

WAYS AND MEANS

**Final Bill Action:** \*SENATE JOINT RESOLUTION 2006 (SSB 3227), a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the power of the people to affirm or reject Acts of the General Assembly relating to the individual income tax or sales or use tax.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Johnson, McKibben, Bartz, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, and Redwine. Nays, 3: Harper, Bolkcom, and Soukup. Absent or not voting, 1: McLaren.

**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 Ways and Means Committee on Senate Joint Resolution 2006, and they were attached to the committee report.

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 10, 2000

IOWA WORKFORCE DEVELOPMENT

2000 Status Report on the Iowa Unemployment Compensation Trust Fund, as pursuant to Iowa Code chapter 96.35.

AMENDMENTS FILED

S-5374	S.F.	2448	Michael W. Connolly
S-5375	S.R.	111	Tom Flynn
			Matt McCoy
			Bill Fink
			Dennis H. Black
S-5376	S.F.	2143	House
S-5377	S.F.	2302	Robert E. Dvorsky
S-5378	S.F.	2329	Jack Rife

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:21 p.m., until 9:00 a.m., Tuesday, April 11, 2000.

# JOURNAL OF THE SENATE

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NINETY-THIRD CALENDAR DAY  
FIFTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 11, 2000

The Senate met in regular session at 9:10 a.m., Senator Redfern presiding.

Prayer was offered by Father Harness, pastor of St. Joseph's Church of De Witt, Iowa, guest of Senator Rittmer.

The Journal of Monday, April 10, 2000, was approved.

HOUSE AMENDMENT CONSIDERED  
(Deferred April 10, 2000)

## **Senate File 2329**

The Senate resumed consideration of Senate File 2329, a bill for an act increasing the fine for certain motor vehicle violations relating to railroad crossings, and House amendment S-5369, deferred April 10, 2000.

Senator Rife offered amendment S-5378, filed him on April 10, 2000, to pages 1 and 2 of House amendment S-5369, and moved its adoption.

Amendment S-5378 was adopted by a voice vote.

Senator Judge 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 Judge 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. 2329), 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	McCoy
McKean	McKibben	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Maddox McLaren

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 2249

Senator Gaskill called up for consideration Senate File 2249, a bill for an act relating to a state agency purchasing preference for bio-based hydraulic fluids, greases, and other industrial lubricants, amended by the House, and moved that the Senate concur in House amendment S-5330, filed April 3, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Gaskill 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. 2249), 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	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT DEFERRED

### Senate File 2143

Senator Lamberti called up for consideration Senate File 2143, a bill for an act relating to the eligibility of certain school organizations to conduct games and raffles, amended by the House in House amendment S-5376, filed April 10, 2000.

Senator Kibbie asked and received unanimous consent that action on House amendment S-5376 and **Senate File 2143** be **deferred**.

## SENATE INSISTS

**House File 711**

Senator McKibben called up for consideration, **House File 711**, a bill for an act concerning the imposition of a drug abuse resistance education surcharge for criminal alcohol beverage control offenses, amended by the Senate, and moved that the Senate recede from its amendment.

A non-record roll call was requested.

The ayes were 12, nays 36.

The motion failed and the Senate **insisted** on its amendment.

## BUSINESS PENDING

**Senate File 2143**

The Senate resumed consideration of **Senate File 2143**, a bill for an act relating to the eligibility of certain school organizations to conduct games and raffles, and House amendment S-5376, previously deferred.

Senator Lamberti 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 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. 2143), the vote was:

Ayes, 38:

Angelo  
Dearden  
Flynn

Bartz  
Deluhery  
Fraise

Boettger  
Drake  
Freeman

Connolly  
Fink  
Gaskill

Gronstal	Hansen	Harper	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	Lamberti	Lundby	Maddox
McCoy	McKibben	McLaren	Miller
Redfern	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Zieman		

Nays, 11:

Behn	Black	Bolkcom	Dvorsky
Hammond	Hedge	King	McKean
Redwine	Rehberg	Veenstra	

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.

## UNFINISHED BUSINESS

### House File 2477

On motion of Senator McCoy, **House File 2477**, a bill for an act relating to public improvements and transportation, including procedures for condemnation and highway projects, aircraft registration, and passenger rail service, and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Drake offered amendment S-5381, filed by Senators Drake, et al., from the floor to pages 1-3 and to the title page of the bill, and moved its adoption.

Amendment S-5381 was adopted by a voice vote.

With the adoption of amendment S-5381, the Chair ruled the following amendments out of order:

Amendment S-5176, filed by Senator Angelo on March 20, 2000, to pages 1-3 of the bill; and

Amendment S-5225, filed by Senator Angelo on March 22, 2000, to pages 1-3 of the bill.

Senator McCoy 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. 2477), 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, as amended, was agreed to.

## UNFINISHED BUSINESS

### House File 2473

On motion of Senator Gaskill, **House File 2473**, a bill for an act providing civil and criminal immunity for a school employee related to the employee's participation in reporting and investigating violence, threats of violence, or other inappropriate activity against a school employee or student in a school building, on school grounds, or at a school-sponsored function, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, 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. 2473), 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 Angelo asked and received unanimous consent that **Senate Files 2143, 2249, 2329, House Files 2473, and 2477** be **immediately messaged** to the House.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Angelo called up the appointment of Claudia Jean "CJ" Niles, as Director of the Department of Economic Development, placed on the Individual Confirmation Calendar on March 29, 2000, and found on page 940 of the Senate Journal.

Senator Behn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" 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	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Szymoniak

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

Senator Angelo called up the appointment of JoAnn Brincks, as a member of the Renewable Fuels and Coproducts Advisory Committee, placed on the Individual Confirmation Calendar on March 22, 2000, and found on page 809 of the Senate Journal.

Senator King moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" 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 appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

Senator Angelo called up the appointment of Philip Buchan, as Director of the Office for State-Federal Relations, placed on the Individual Confirmation Calendar on March 29, 2000, and found on page 940 of the Senate Journal.

Senator Hansen moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" 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 appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

### DEFERRAL OF GOVERNOR'S APPOINTEE (Individual Confirmation Calendar)

Senator Angelo called up the appointment of Harold M. Thompson, as Executive Director of the Iowa Telecommunications and Technology Commission, placed on the Individual Confirmation Calendar on March 28, 2000, and found on page 897 of the Senate Journal.

Senator Jensen moved that the foregoing appointment be confirmed by the Senate.

Senator Gronstal asked and received unanimous consent that action on the confirmation of Harold M. Thompson be deferred.

### CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Angelo called up the appointment of Elizabeth Salinas Newby, as Administrator of the Division of Latino Affairs, placed on the Individual Confirmation Calendar on February 28, 2000, and found on page 453 of the Senate Journal.

Senator Szymoniak moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" 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 appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Angelo called up the following eligible appointees on the En Bloc Confirmation Calendar:

Thomas Greenwald, Board of Examiners for Athletic Training

Julie Carlson, Iowa Economic Development Board

Clemmye Jackson, Iowa Empowerment Board

Donna Norman, Board of Medical Examiners

Karen Strawn, Mental Health Risk Pool

M. Ann Aulwes-Allison, Board of Nursing Examiners

Alice Price, Board of Physical and Occupational Therapy Examiners

Diane Cardwell, Board of Physician Assistant Examiners

Greg Hayes, Renewable Fuels and Coproducts Advisory Committee

Senator Angelo moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" 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 appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

### RECESS

On motion of Senator Angelo, the Senate recessed at 10:08 a.m., until 2:00 p.m.

### AFTERNOON SESSION

The Senate reconvened at 2:20 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 37 present, 13 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 6, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2395**, a bill for an act relating to the creation of an information technology department and making related changes. (S-5380)

ALSO: That the House has on April 10, 2000, 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 2491**, a bill for an act providing for the production of life science products, and providing for penalties.(S-5379)

ALSO: That the House has on April 11, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2557**, a bill for an act relating to the state's disposition of unclaimed property law by setting a limit on the retention of abandoned property records, excluding certain property from being considered abandoned property, and setting requirements and conditions for hiring independent auditors.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 11, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2126**, a bill for an act relating to third-party payment of health care coverage costs for prescription contraceptive drugs, devices, and services.(S-5383)

ALSO: That the House has on April 11, 2000, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 2419**, a bill for an act changing the criminal penalties relating to possession, manufacture, or delivery of amphetamines.

ALSO: That the House has on April 11, 2000, 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 2348**, a bill for an act relating to the loess hills development and conservation authority by creating a hungry canyons alliance and providing membership guidelines for board of directors of the conservation authority and loess hills alliance.

## SPECIAL GUEST

Senators Boettger and Bartz welcomed French student Eric Bergerolle. Mr. Bergerolle is visiting Drake University.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2214**

Senator Gaskill called up for consideration Senate File 2214, a bill for an act relating to residential landlord-tenant law, by allowing for notice of and a surcharge for rent paid with a check returned for insufficient funds, and making certain changes related to forcible entry and detainer actions, amended by the House, and moved that the Senate concur in House amendment S-5316, filed April 3, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Gaskill 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. 2214), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Drake	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	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, 3:

Bolkcom	Dvorsky	Hammond
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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 **Senate File 2214** be **immediately messaged** to the House.

### RECESS

On motion of Senator Iverson, the Senate recessed at 2:34 p.m., until 2:40 p.m.

### RECONVENED

The Senate reconvened at 2:39 p.m., President Kramer presiding.

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

### House File 2491

Senator Veenstra called up for consideration, **House File 2491**, a bill for an act providing for the production of life science products, and providing for penalties, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5379 to Senate amendment H-8757, filed April 11, 2000.

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. 2491), 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 **House File 2491** be **immediately messaged** to the House.

The Senate stood at ease at 2:45 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:51 p.m., Senator Redfern presiding.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Des Moines Carousel Foundation and C.J. "Buz" Brenton – For improving the quality of metropolitan life by the erection of the Heritage Carousel of Des Moines and a permanent pavilion for it in Union Park. Senator Dearden (04/11/00).

Lyle Clarken, Estherville – For achieving the rank of Eagle Scout on April 16, 2000. Senator Kibbie (04/11/00).

Derek DuCharme, Waukon – For achieving the rank of Eagle Scout on March 26, 2000. Senator Zieman (04/11/00).

Agatha Engelken, Greeley – For celebrating your 107th birthday on April 23, 2000, and for living in three centuries and two millenniums. Senator Rehberg (04/11/00).

Isaac A. Hollingsworth, Muscatine – For achieving the rank of Eagle Scout, Troop 783, Illowa Council. Senator Drake (04/11/00).

Jill Sheehan, Boone – For your excellent accomplishment of making the 6th Grade Honor Roll at United Community School. Senator Behn (04/11/00).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** April 11, 2000, 1:15 p.m.

**Members Present:** McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman.

**Members Absent:** Black (excused).

**Committee Business:** Approved SSB 3229, as amended.

**Adjourned:** 1:30 p.m.

#### RULES AND ADMINISTRATION

**Convened:** April 11, 2000, 1:51 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 SRs 113, 114, 115, 116, 117, 118, SCRs 114, 115, 116, 117, HCRs 103, and 118.

**Recessed:** 2:03 p.m.

**Reconvened:** 2:35 p.m.

**Adjourned:** 2:36 p.m.

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 117**, by Dvorsky and Bolkcom, a concurrent resolution relating to racist activities intended to harass students and faculty at the University of Iowa.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILL

**Senate File 2449**, by Iverson, a bill for an act relating to tobacco use prevention and control and providing an effective date.

Read first time under Rule 28 and referred to committee on **Human Resources**.

## STUDY BILLS RECEIVED

### **SSB 3230      Appropriations**

Relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department for the blind, the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the judicial branch, the department of public safety, the state board of regents, the state department of transportation, the office of treasurer of state, and the commission of veterans affairs, creating an environment first fund and making appropriations from that fund for environmental purposes, making related Code language changes, and providing effective dates.

**SSB 3231      Appropriations**

Relating to public expenditure and regulatory matters, making appropriations, and providing an effective date.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2449**

HUMAN RESOURCES: Boettger, Chair; Hammond and Tinsman

**SSB 3230**

APPROPRIATIONS: Freeman, Chair; Connolly and McLaren

**SSB 3231**

APPROPRIATIONS: McLaren, Chair; Flynn and Rife

**House File 2557**

WAYS AND MEANS: Redwine, Chair; Maddox and Soukup

**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 11th day of April, 2000:

Senate Files 428, 2047, 2253, 2326, 2342, and 2368.

MICHAEL E. MARSHALL  
Secretary of the Senate

**COMMITTEE REPORT****RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 115, a concurrent resolution requesting the state department of transportation to review federal outdoor advertising bonus program restrictions on signing and advertising adjacent to the interstate highway system and to make recommendations to the general assembly.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### AMENDMENTS FILED

S-5379	H.F.	2491	House
S-5380	S.F.	2395	House
S-5381	H.F.	2477	Richard F. Drake Matt McCoy Tom Flynn Mary Lou Freeman Steve Hansen
S-5382	S.J.R.	2006	Patricia Harper
S-5383	S.F.	2126	House
S-5384	H.F.	2433	Mike Sexton Michael E. Connolly Wally E. Horn John P. Kibbie

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 3:52 p.m., until 9:00 a.m., Wednesday, April 12, 2000.

# JOURNAL OF THE SENATE

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NINETY-FOURTH CALENDAR DAY  
FIFTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 12, 2000

The Senate met in regular session at 9:07 a.m., Senator Redfern presiding.

Prayer was offered by the Reverend John Louck, pastor of the Hudson United Methodist Church of Hudson, Iowa, guest of Senator Redfern.

The Journal of Tuesday, April 11, 2000, was approved.

## UNFINISHED BUSINESS

### House File 2433

On motion of Senator Sexton, **House File 2433**, a bill for an act relating to community college governance, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator McKean took the chair at 9:24 a.m.

Senator Sexton offered amendment S-5384, filed by Senators Sexton, et, al., on April 11, 2000, to pages 1-3 of the bill, and moved its adoption.

Amendment S-5384 was adopted by a voice vote.

With the adoption of amendment S-5384, the Chair ruled amendment S-5373, filed by Senators Sexton, Connolly, and Horn on April 6, 2000, to pages 1-3 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?" (H.F. 2433), the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Drake	Gaskill	Hedge	Horn
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	Freeman	Gronstal	Hammond
Hansen	Harper	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 **House File 2433** be **immediately messaged** to the House.

### RECESS

On motion of Senator Hedge, the Senate recessed at 9:47 a.m., until 2:00 p.m.



## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 11, 2000

#### IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Iowa Communications Network Fiscal Year 1999 Annual Report.

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Ethel Hare, Rowley – For celebrating your 98th birthday on April 15, 2000.  
Senator Rehberg (04/12/00).

Okoboji High School Jazz Band, Milford – For winning first place in the 2A Division of the All State Jazz Band Championships. Senator Kibbie (04/12/00).

Arthur Troge, Osage – For celebrating your 100th birthday on April 12, 2000.  
Senator Soukup (04/12/00).

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Members of the Okoboji High School Jazz Band, who won first place in the state jazz band contest on April 11, 2000, accompanied by their instructor. Senator Kibbie.

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** April 10, 2000, 9:49 a.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Deluhery, Ranking Member; Bolkom, Gronstal, Johnson, Lundby, Redfern, Redwine, and Schuerer.

**Members Absent:** Flynn, Hansen, King, Lamberti, and McCoy (all excused).

**Committee Business:** Presentation on SF 2361 by Lisa Stump, Utilities Board.

**Adjourned:** 11:20 a.m.

ALSO:

**Convened:** April 11, 2000, 4:02 p.m.

**Members Present:** Jensen, Chair; Maddox, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Gronstal, Hansen, Johnson, King, Lamberti, Lundby, McCoy, Redfern, Redwine, and Schuerer.

**Members Absent:** None.

**Committee Business:** Continued discussion of SF 2361.

**Adjourned:** 5:00 p.m.

## WAYS AND MEANS

**Convened:** April 12, 2000, 11:10 a.m.

**Members Present:** Johnson, Chair; McKibben, Vice Chair; Harper, Ranking Member; Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, Redwine, and Soukup.

**Members Absent:** McLaren (excused).

**Committee Business:** Passed SF 2230 and HF 2557 (as amended).

**Adjourned:** 11:50 a.m.

## INTRODUCTION OF BILLS

**Senate File 2450**, by committee on Appropriations, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

Read first time under Rule 28 and placed on **Appropriations calendar**.

**Senate File 2451**, by committee on Ways and Means, a bill for an act providing that bonds issued for school infrastructure purposes shall be exempt from state income tax.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

## 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 12th day of April, 2000:

Senate Files 324, 2158, 2248, 2254, 2307, and 2416.

MICHAEL E. MARSHALL  
Secretary of the Senate

## COMMITTEE REPORTS

### APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 2450 (SSB 3229), a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 22: McLaren, Kramer, Flynn, Behn, Connolly, Deluhery, Freeman, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, 2: Bolkcom and Dvorsky. Absent or not voting, 1: Black.

**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 2450, and they were attached to the committee report.

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 113, a resolution congratulating the Iowa State Cyclones Women's Gymnastics Team.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 114, a resolution honoring the Harper Brush Works for its 100 years of continuing business.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 115, a resolution congratulating the Iowa State Cyclones Women's Basketball Team.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 116, a resolution congratulating the Iowa State Cyclones Men's Basketball Team.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 117, a resolution congratulating the Drake Women's Basketball Team.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 118, a resolution congratulating members of the All-Iowa Community College Academic Team.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 114, a concurrent resolution requesting the office of the attorney general to establish an operating while intoxicated (OWI) task force to review the clarity, complexity, and functionality of current operating while intoxicated Code provisions and to make recommendations to the general assembly.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 116, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 state quarters program and to direct the commission to develop designs incorporating the Old Capitol as a symbol for the state.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 117, a concurrent resolution relating to racist activities intended to harass students and faculty at the University of Iowa.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 103, a concurrent resolution relating to the fair treatment of women in the drafting of wills and trusts by estate planners, trust officers, investment advisers, and other financial planners and advisers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 118, a concurrent resolution requesting the office of the attorney general to establish an operating while intoxicated (OWI) task force to review the clarity, complexity, and functionality of current operating while intoxicated Code provisions and to make recommendations to the general assembly.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## WAYS AND MEANS

**Final Bill Action:** SENATE FILE 2451 (Formerly SF 2230), a bill for an act providing that bonds issued for school infrastructure purposes shall be exempt from state income tax.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Johnson, McKibben, Harper, Bartz, Bolcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, Redwine, and Soukup. Nays, none. Absent or not voting, 1: McLaren.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

## AMENDMENTS FILED

S-5385	S.F.	2448	Merlin E. Bartz
S-5386	S.F.	2448	Merlin E. Bartz

S-5387	S.F.	2435	House
S-5388	S.F.	2448	Jeff Angelo
			H. Kay Hedge
			Matt McCoy
S-5389	S.F.	2448	Betty A. Soukup
			John Judge
			John P. Kibbie
S-5390	H.F.	723	House
S-5391	S.F.	2450	Mary E. Kramer
S-5392	S.F.	2448	Richard F. Drake
			Matt McCoy
			Merlin E. Bartz
			JoAnn Johnson
			Derryl McLaren
			Patricia Harper
			Stewart E. Iverson, Jr.
			Michael E. Gronstal
S-5393	S.F.	2448	Jeff Angelo
S-5394	S.F.	2448	Larry McKibben

## AFTERNOON SESSION

The Senate reconvened at 5:58 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 11, 2000, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 2502**, a bill for an act relating to fee-supported services provided by a county including the payment of county law enforcement salaries and expenses.

ALSO: That the House has on April 11, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2435**, 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, providing effective dates, and providing for retroactive applicability.(S-5387)

ALSO: That the House has on April 11, 2000, 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 723**, a bill for an act prohibiting the mistreatment of persons and animals and providing for penalties.(S-5390)

ALSO: That the House has on April 12, 2000, concurred in the Senate amendment to the House amendment, and passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 2302**, a bill for an act relating to programs and public health issues under the purview of the Iowa department of public health and the appropriation of certain fees to the department.

**Senate File 2329**, a bill for an act increasing the fine for certain motor vehicle violations relating to railroad crossings.



ALSO: That the House has on April 12, 2000, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 2477**, a bill for an act relating to public improvements and transportation, including procedures for condemnation and highway projects, aircraft registration, and passenger rail service, and providing an effective date.

ALSO: That the House has on April 12, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2561**, a bill for an act providing for interest on delinquent assessments payable to the Iowa egg council.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 12, 2000, adopted the following resolution in which the **concurrence** of the **House** was asked:

**Senate Concurrent Resolution 113**, a concurrent resolution establishing a special commission to study and make recommendations concerning the impact of current and future state replacement funds paid to local governments to mitigate the effects of the elimination of the property tax on industrial machinery, equipment, and computers.

ALSO: That the House has on April 12, 2000, adopted the following resolution in which the **concurrence** of the **Senate** is asked:

**House Concurrent Resolution 119**, a concurrent resolution requesting the state department of transportation to review federal outdoor advertising bonus program restrictions on signing and advertising adjacent to the interstate highway system and to make recommendations to the general assembly.

Read first time and attached to **companion Senate Concurrent Resolution 115**.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following **conference committee** on House File 711 on the part of the Senate: Senators McKibben, Chairperson; Boettger, Angelo, Black, and Fraise.

The Senate stood at ease at 6:00 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:23 p.m., President Kramer presiding.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2448.

**Senate File 2448**

On motion of Senator Bartz, **Senate File 2448**, a bill for an act establishing a health enhancement and value-added energy initiative, providing for revenues, the expenditure of moneys, and providing for penalties, was taken up for consideration.

The Senate stood at ease at 6:28 p.m. until the fall of the gavel for the purpose of a Republican caucus.

The Senate resumed session at 6:52 p.m., President Kramer presiding.

Senator Harper offered amendment S-5395, filed by Senators Harper, et al., from the floor striking everything after the enacting clause and to the title page of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5395 be adopted?" (S.F. 2448) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 14:

Black	Connolly	Dearden	Dvorsky
Fink	Flynn	Fraise	Hammond
Harper	Judge	Kibbie	Rife
Shearer	Soukup		

Nays, 35:

Angelo	Bartz	Behn	Boettger
Bolkcom	Deluhery	Drake	Freeman
Gaskill	Gronstal	Hansen	Hedge
Horn	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Szymoniak
Tinsman	Veenstra	Zieman	

Absent or not voting, 1:

Miller

Amendment S-5395 lost.

Senator Drake offered amendment S-5392, filed by Senators Drake, et al., from the floor to pages 1 and 9 of the bill.

Senator Drake asked and received unanimous consent that action on amendment S-5392 be deferred.

Senator Bartz offered amendment S-5386, filed by him from the floor to pages 3, 9, and 12 of the bill, and moved its adoption.

Amendment S-5386 was adopted by a voice vote.

Senator Angelo offered amendment S-5388, filed by Senators Angelo, Hedge, and McCoy from the floor to pages 6-8 of the bill.

Senator Angelo offered amendment S-5393, filed by him from the floor to page 1 of amendment S-5388, and moved its adoption.

Amendment S-5393 was adopted by a voice vote.

Senator McKibben asked and received unanimous consent to withdraw amendment S-5394, filed by him from the floor to page 2 of the bill.

Senator Angelo moved the adoption of amendment S-5388, as amended.

A record roll call was requested.

On the question “Shall amendment S-5388 be adopted?” (S.F. 2448) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Angelo	Bartz	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fink
Gronstal	Hedge	Horn	Johnson
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	Redfern
Redwine	Rittmer	Schuerer	Szymoniak
Tinsman	Veenstra		

Nays, 22:

Behn	Black	Boettger	Drake
Flynn	Fraise	Freeman	Gaskill
Hammond	Hansen	Harper	Iverson
Jensen	Judge	Kibbie	King
McLaren	Rehberg	Sexton	Shearer
Soukup	Zieman		

Absent or not voting, 2:

Miller	Rife
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Amendment S-5388 was adopted.

With the adoption of amendment S-5388, the Chair ruled the following amendments out of order:

Amendment S-5385, filed by Senator Bartz from the floor to page 7 of the bill; and

Amendment S-5397, filed by Senator Bartz from the floor to page 1 of amendment S-5385.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5374, filed by him on April 10, 2000, to page 8 of the bill.

Senator Soukup offered amendment S-5389, filed by Senators Soukup, Judge, and Kibbie from the floor to page 8 of the bill, and moved its adoption.

Amendment S-5389 lost by a voice vote.

The Senate resumed consideration of amendment S-5392, previously deferred.

Senator Drake asked and received unanimous consent that action on amendment S-5392 and **Senate File 2448** be **deferred**.

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 12, 2000, passed the following bill in which the **concurrence** of the **House** was asked:

**Senate File 2443**, a bill for an act relating to compacts or agreements entered into by the Iowa lottery board and commissioner of the lottery.

ALSO: That the House has on April 12, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2562**, a bill for an act relating to the treatment for sales and use tax purposes of sales where the substance of the transactions is delivered by electromagnetic waves, digitally, or by way of cable or fiber optics, the exemption from the sales and use taxes of the furnishing, sale, or rental of information services, providing of refunds, and including an effective and retroactive applicability date provision.

Read first time and attached to **companion Senate File 2446**.

## APPENDIX

### COMPANION RESOLUTION RECEIVED

On April 12, 2000, **House Concurrent Resolution 119** was received and attached to companion **Senate Concurrent Resolution 115** on the Senate calendar.

### COMPANION BILL RECEIVED

On April 12, 2000, **House File 2562** was received and attached to companion **Senate File 2446** on the Senate calendar.

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 12, 2000, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2194 – Relating to the vacation of roads and road rights-of-way.

S.F. 2238 – Relating to the use of school improvement technology program and school improvement technology block grant program moneys by school districts and area education agencies to employ or contract with information technology specialists.

S.F. 2300 – Relating to interference with lawful hunting, fishing, or fur harvesting and providing a penalty.

S.F. 2411 – Relating to public retirement systems and providing implementation, applicability, and effective dates.

### INTRODUCTION OF BILL

**Senate File 2452**, by committee on Appropriations, a bill for an act relating to public expenditure and regulatory matters, making appropriations, and providing an effective date.

Read first time under Rule 28 and placed on **Appropriations calendar**.

## COMMITTEE REPORTS

## APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 2452 (SSB 3231), a bill for an act relating to public expenditure and regulatory matters, making appropriations, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: McLaren, Kramer, Behn, Freeman, Hedge, Jensen, Johnson, King, Lamberti, Maddox, Redwine, Rehberg, Rife, Schuerer, and Tinsman. Nays, 10: Flynn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Hammond, Horn, McCoy, and Soukup. Absent or not voting, none.

**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 2452, and they were attached to the committee report.

## WAYS AND MEANS

**Final Bill Action:** \*HOUSE FILE 2557, a bill for an act relating to the state's disposition of unclaimed property law by setting a limit on the retention of abandoned property records, excluding certain property from being considered abandoned property, and setting requirements and conditions for hiring independent auditors.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5396.

**Final Vote:** Ayes, 14: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, Redwine, and Soukup. Nays, none. Absent or not voting, 1: McLaren.

**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 Ways and Means Committee on Senate File 2557, and they were attached to the committee report.

## MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5388 to Senate File 2448 was adopted by the Senate on April 12, 2000.

MERLIN E. BARTZ

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 118**, by Angelo, Drake, Kibbie, Fraise, McKibben, Judge, Veenstra, Iverson, Bartz, Boettger, Zieman,

Shearer, Jensen, Schuerer, Gaskill, Redwine, Rehberg, and Behn, a concurrent resolution to urge and petition the United States Department of Agriculture to make lands which are under the conservation reserve program eligible for grazing by livestock.

Read first time and **passed on file.**

#### AMENDMENTS FILED

S-5395	S.F.	2448	Patricia Harper Betty A. Soukup John P. Kibbie Mark Shearer John Judge
S-5396	H.F.	2557	Ways and Means
S-5397	S.F.	2448	Merlin E. Bartz

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:15 p.m., until 9:00 a.m., Thursday, April 13, 2000.



# JOURNAL OF THE SENATE

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NINETY-FIFTH CALENDAR DAY  
FIFTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 13, 2000

The Senate met in regular session at 9:18 a.m., President Kramer presiding.

Prayer was offered by Father James Miller, pastor of St. Mary's Church of Waverly, Iowa, guest of Senator Jensen.

The Journal of Wednesday, April 12, 2000, was approved.

## QUORUM CALL

Senator Iverson requested a non-record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent, and a quorum present.

## CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2548.

### House File 2548

On motion of Senator Lamberti, **House File 2548**, 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, sales and use, hotel and motel, real estate transfer, environmental protection charge on petroleum diminution, property, motor fuel, special fuel, cigarette and tobacco products, and inheritance taxes, treatment of motor fuel under the local option taxes, and authorizing tax agreements with Indian

tribes, and including effective and retroactive applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Lamberti offered amendment S-5348, filed by the committee on Ways and Means on April 5, 2000, to pages 2, 17, and 19-22, and called for a division:

Division S-5348A: Lines 1-37 and 42-49.

Division S-5348B: Lines 38-41.

Senator Bolcom asked and received unanimous consent that action on divisions S-5348A and S-5348B and **House File 2548** be **deferred**.

## UNFINISHED BUSINESS

### **House File 2378**

On motion of Senator Gaskill, **House File 2378**, a bill for an act relating to requirements of and authorizations for schools and area education agencies, and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Tinsman offered amendment S-5259, filed by Senators Tinsman and Gaskill on March 28, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5259 was adopted by a voice vote.

Senator Flynn offered amendment S-5264, filed by Senators Flynn, et al., on March 28, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5264 was adopted by a voice vote.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Deluhery, until he returns, on request of Senator Fraise; and Senator Hammond, until she returns, on request of Senator Flynn.

## BUSINESS PENDING

**House File 2378**

The Senate resumed consideration of House File 2378.

Senator Schuerer offered amendment S-5303, filed by Senators Schuerer and Kibbie on March 29, 2000, to pages 2-5 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5303 be adopted?" (H.F. 2378) the vote was:

Ayes, 23:

Angelo	Bartz	Behn	Fink
Fraise	Freeman	Gaskill	Gronstal
Hedge	Horn	Jensen	Johnson
Kibbie	King	Lamberti	Lundby
Maddox	Miller	Rife	Schuerer
Sexton	Veenstra	Zieman	

Nays, 23:

Black	Boettger	Bolkcom	Connolly
Dearden	Drake	Dvorsky	Flynn
Hansen	Harper	Iverson	Judge
Kramer	McKean	McKibben	Redfern
Redwine	Rehberg	Rittmer	Shearer
Soukup	Szymoniak	Tinsman	

Absent or not voting, 4:

Deluhery	Hammond	McCoy	McLaren
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Amendment S-5303 lost.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5174 filed by him on March 20, 2000, to page 3 of the bill.

Senator Gaskill offered amendment S-5402, filed by him from the floor to pages 3 and 5 of the bill, and moved its adoption.

Amendment S-5402 was adopted by a voice vote.

Senator Gaskill offered amendment S-5403, filed by him from the floor to pages 3, 5, and to the title page of the bill.

The Chair called for the following division:

Division S-5403A: Lines 1-2 and 5-7.

Division S-5403B: Lines 3 and 4.

Senator Gaskill asked and received unanimous consent to withdraw division S-5403B.

Senator Gaskill moved the adoption of division S-5403A.

Division S-5403A was adopted by a voice vote.

Senator Lamberti asked and received unanimous consent that action on **House File 2378** be **deferred**.

#### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 12, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**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.(S-5398)

ALSO: That the House has on April 13, 2000, adopted the following resolutions in which the **concurrence** of the **Senate** is asked:

**House Joint Resolution 2014**, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in

conjunction with the awards ceremony of the World Food Prize Foundation.

Read first time and referred to committee on **Rules and Administration.**

**House Concurrent Resolution 121**, a concurrent resolution to urge and petition the United States Department of Agriculture to make lands which are under the conservation reserve program eligible for grazing by livestock.

Read first time and referred to committee on **Rules and Administration.**

ALSO: I am directed to inform your honorable body that the members of the Conference Committee, appointed April 13, 2000, on **House File 711**, a bill for an act concerning the imposition of a drug abuse resistance education surcharge for criminal alcohol beverage control offenses, on the part of the House are: The Representative from Black Hawk, Representative Jager, Chair; the Representative from Adair, Representative Baudler; the Representative from Jasper, Representative Bell; the Representative from Wapello, Representative Davis; and the Representative from Warren, Representative Richardson.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:36 a.m., until 1:00 p.m.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 13, 2000

#### STATE LIBRARY OF IOWA

Iowa Public Library Statistics for 1998–1999.

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Students from Westwood Elementary School, Ankeny. Senator Lamberti.

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS

**Convened:** April 12, 2000, 2:00 p.m.

**Members Present:** McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman.

**Members Absent:** None.

**Committee Business:** Approved SSBs 3230 (as amended) and 3231 (as amended).

**Recessed:** 3:40 p.m.

**Reconvened:** 3:55 p.m.

**Adjourned:** 5:40 p.m.

## RESOLUTION ASSIGNED TO COMMITTEE

President Kramer announced the assignment of the following resolution to committee:

S.C.R. 118 Rules and Administration

## INTRODUCTION OF BILL

**Senate File 2453**, by committee on Appropriations, a bill for an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department for the blind, the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the judicial branch, the department of public safety, the state board of regents, the state department of transportation, the office of treasurer of state, and the commission of veterans affairs, creating an environment first fund and making appropriations from that fund for environmental purposes, making related Code language changes, and providing effective dates.

Read first time under Rule 28 and placed on **Appropriations calendar**.

## SUBCOMMITTEE ASSIGNMENT

**House File 2561**

WAYS AND MEANS: Hedge, Chair; Flynn and Johnson

## COMMITTEE REPORT

**APPROPRIATIONS**

**Final Bill Action:** \*SENATE FILE 2453 (SSB 3230), a bill for an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department for the blind, the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the judicial branch, the department of public safety, the state board of regents, the state department of transportation, the office of treasurer of state, and the commission of veterans affairs, creating an environment first fund and making appropriations from that fund for environmental purposes, making related Code language changes, and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: McLaren, Kramer, Behn, Connolly, Freeman, Hedge, Jensen, Johnson, King, Lamberti, Maddox, Redwine, Rehberg, Rife, Schuerer, and Tinsman. Nays, 9: Flynn, Black, Bolkcom, Deluhery, Dvorsky, Hammond, Horn, McCoy, and Soukup. Absent or not voting, none.

**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 2453, and they were attached to the committee report.

## MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5303 to House File 2378 failed to be adopted by the Senate on April 13, 2000.

KITTY REHBERG

## AMENDMENTS FILED

S-5398	S.F.	466	House
S-5399	S.F.	2449	Michael W. Connolly
S-5400	S.F.	2450	Robert E. Dvorsky
			Eugene Fraise
			Dick Dearden
S-5401	H.F.	2548	Joe Bolkcom
S-5402	H.F.	2378	E. Thurman Gaskill
S-5403	H.F.	2378	E. Thurman Gaskill
S-5404	S.F.	2448	Merlin E. Bartz
S-5405	S.F.	2448	Merlin E. Bartz
S-5406	H.F.	2378	Jeff Lamberti
S-5407	S.F.	2450	Robert E. Dvorsky
			Joe Bolkcom
			Johnnie Hammond
S-5408	H.F.	2548	Joe Bolkcom
S-5409	H.F.	2548	Joe Bolkcom



## AFTERNOON SESSION

The Senate reconvened at 1:16 p.m., Senator Hedge presiding.

## QUORUM CALL

Senator Redwine requested a non-record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent, and a quorum present.

The Senate stood at ease at 1:26 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:37 p.m., Senator Boettger presiding.

## SPECIAL GUESTS

Senator Black introduced Daryl Branch, a political science graduate student at Drake University, and Andrea Hertermann from the University of Heidelberg, Germany.

HOUSE AMENDMENT TO  
SENATE AMENDMENT CONSIDERED**House File 723**

Senator Miller called up for consideration **House File 723**, a bill for an act prohibiting the mistreatment of persons and animals and providing for penalties, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5390 to Senate amendment H-8746, filed April 12, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Miller 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. 723), 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	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 723** be **immediately messaged** to the House.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 118.

### House Concurrent Resolution 118

On motion of Senator Iverson, **House Concurrent Resolution 118**, a concurrent resolution requesting the office of the attorney general to establish an operating while intoxicated (OWI) task force to review the clarity, complexity, and functionality of current operating while intoxicated Code provisions and to make recommendations to the

general assembly, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 118, which motion prevailed by a voice vote.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 115.

#### **Senate Concurrent Resolution 115**

On motion of Senator Iverson, **Senate Concurrent Resolution 115**, a concurrent resolution requesting the state department of transportation to review federal outdoor advertising bonus program restrictions on signing and advertising adjacent to the interstate highway system and to make recommendations to the general assembly, with report of committee recommending passage, was taken up for consideration.

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 119** be **substituted** for **Senate Concurrent Resolution 115**.

#### **House Concurrent Resolution 119**

On motion of Senator Iverson, **House Concurrent Resolution 119**, a concurrent resolution requesting the state department of transportation to review federal outdoor advertising bonus program restrictions on signing and advertising adjacent to the interstate highway system and to make recommendations to the general assembly, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 119, which motion prevailed by a voice vote.

## WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 115** be **withdrawn** from further consideration of the Senate.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Shearer, until he returns, on request of Senator Dvorsky; and Senator Lundby, until she returns, on request of Senator Hedge.

## HOUSE AMENDMENT CONSIDERED

### **Senate File 2313**

Senator McKean called up for consideration Senate File 2313, a bill for an act relating to motor vehicles, including driver licensing, the use of child restraints and safety belts for children, and the designation of vehicles as authorized emergency vehicles, making a penalty applicable, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S-5352, filed April 5, 2000.

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. 2313), 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	Jensen
Johnson	Judge	Kibbie	King

Kramer	Lamberti	Maddox	McCoy
McKean	McKibben	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Lundby	McLaren	Shearer
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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 Hedge asked and received unanimous consent that **Senate File 2313** be **immediately messaged** to the House.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redwine, until he returns, on request of Senator McKean.

### BUSINESS PENDING

### House File 2378

The Senate resumed consideration of **House File 2378**, a bill for an act relating to requirements of and authorizations for schools and area education agencies, and providing an effective date, previously deferred.

Senator Lamberti asked and received unanimous consent to withdraw amendment S-5406, filed by him from the floor to page 3 of the bill.

Senator Rehberg called up the motion to reconsider the vote by which amendment S-5303 to House File 2378 failed to be adopted by

the Senate on April 13, 2000, filed by her on April 13, 2000, found on page 1142 of the Senate Journal, and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S-5303 be adopted?" (H.F. 2378) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Angelo	Bartz	Behn	Boettger
Deluhery	Drake	Fink	Fraise
Freeman	Gaskill	Hansen	Hedge
Horn	Jensen	Kibbie	King
Lundby	Miller	Rehberg	Rife
Schuerer	Sexton	Veenstra	Zieman

Nays, 23:

Black	Bolkcom	Connolly	Dearden
Dvorsky	Flynn	Gronstal	Hammond
Harper	Iverson	Johnson	Judge
Kramer	Lamberti	Maddox	McCoy
McKean	McKibben	Redfern	Rittmer
Soukup	Szymoniak	Tinsman	

Absent or not voting, 3:

McLaren	Redwine	Shearer
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The motion prevailed and amendment S-5303 by Senators Schuerer and Kibbie to pages 2-5 of the bill, was taken up for reconsideration.

Senator Schuerer moved the adoption of amendment S-5303 and requested a record roll call.

On the question "Shall amendment S-5303 be adopted?" (H.F. 2378) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Angelo	Bartz	Behn	Black
Boettger	Fink	Fraise	Freeman
Gaskill	Gronstal	Hedge	Horn
Jensen	Johnson	Kibbie	King
Lamberti	Lundby	Maddox	McKibben
Miller	Rehberg	Rife	Schuerer
Sexton	Veenstra	Zieman	

Nays, 22:

Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Flynn	Hammond
Hansen	Harper	Iverson	Judge
Kramer	McCoy	McKean	Redfern
Redwine	Rittmer	Shearer	Soukup
Szymoniak	Tinsman		

Absent or not voting, 1:

McLaren

Amendment S-5303 was adopted.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McLaren, until he arrives, on request of Senator Bartz; and Senators Iverson and Kramer, until they return, on request of Senator Hedge.

## BUSINESS PENDING

### House File 2378

The Senate resumed consideration of House File 2378.

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. 2378), 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	Jensen	Johnson
Judge	Kibbie	King	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Iverson	Kramer	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.

## RECESS

On motion of Senator Hedge, the Senate recessed at 3:47 p.m., until the fall of the gavel.



**APPENDIX****REPORTS OF COMMITTEE MEETINGS****HUMAN RESOURCES**

**Convened:** April 12, 2000, 10:04 a.m.

**Members Present:** Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Tinsman, and Veenstra.

**Members Absent:** Shearer (excused).

**Committee Business:** Passed SF 2449, as amended.

**Recessed:** 11:08 a.m.

**Reconvened:** April 13, 2000, 10:45 a.m.

**Adjourned:** 11:04 a.m.

**WAYS AND MEANS**

**Convened:** April 13, 2000, 11:15 a.m.

**Members Present:** Johnson, Chair; McKibben, Vice Chair; Harper, Ranking Member; Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, Redwine, and Soukup.

**Members Absent:** McLaren (excused).

**Committee Business:** Passed HF's 2540 (as amended) and 2561.

**Adjourned:** 11:55 a.m.

**STUDY BILLS RECEIVED****SSB 3232      Appropriations**

Relating to and making appropriations from the tobacco settlement fund.

**SSB 3233      Ways and Means**

Relating to an alternative method of computing the research activities credit for purposes of state income tax and including a retroactive applicability date provision.

SUBCOMMITTEE ASSIGNMENTS

**SSB 3232**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

**SSB 3233**

WAYS AND MEANS: McKibben, Chair; Flynn and Johnson

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on April 13, 2000, when the vote was taken on the motion to reconsider amendment S-5303 to House File 2378. Had I been present, I would have voted "Nay."

JOHN REDWINE

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 13, 2000, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 428 – Relating to the authority of cities and counties to adopt rent control ordinances.

S.F. 2047 – Relating to the powers and duties of county officers with respect to county warrants.

S.F. 2253 – Relating to certain county officers' duties relating to property transfer instruments, records of fees paid to a county, notice of certification of utility liens, and notice of mobile homes departing and entering mobile home parks.

S.F. 2326 – Relating to funding of certain household hazardous material collection efforts and events.

S.F. 2342 – Relating to the creation of a real estate improvement district.

S.F. 2368 – Relating to the family investment program and associated provisions.

AMENDMENTS FILED

S-5410	S.F.	2448	Merlin E. Bartz
S-5411	S.F.	2452	Richard F. Drake
			John P. Kibbie
S-5412	H.F.	2548	Joe Bolkcom

## RECONVENED

The Senate reconvened at 4:49 p.m., President Kramer presiding.

## QUORUM CALL

Senator Angelo requested a non-record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent, and a quorum present.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolutions 118, 119**, and **House File 2378** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 103.

**Senate Resolution 103**

On motion of Senator Freeman, **Senate Resolution 103**, a resolution honoring native Iowan and St. Louis Rams offensive lineman Adam Timmerman, with report of committee recommending passage, was taken up for consideration.

Senator Freeman moved the adoption of Senate Resolution 103, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTIONS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 117 and Senate Concurrent Resolution 117.

**Senate Resolution 117**

On motion of Senator Szymoniak, **Senate Resolution 117**, a resolution congratulating the Drake Women's Basketball Team, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak moved the adoption of Senate Resolution 117, which motion prevailed by a voice vote.

**Senate Concurrent Resolution 117**

On motion of Senator Dvorsky, **Senate Concurrent Resolution 117**, a concurrent resolution relating to racist activities intended to harass students and faculty at the University of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Concurrent Resolution 117, which motion prevailed by a voice vote.

UNFINISHED BUSINESS  
(Deferred April 12, 2000)

**Senate File 2448**

The Senate resumed consideration of **Senate File 2448**, a bill for an act establishing a health enhancement and value-added energy initiative, providing for revenues, the expenditure of moneys, and providing for penalties, deferred April 12, 2000.

Senator Bartz called up the motion to reconsider the vote by which amendment S-5388 to Senate File 2448 was adopted by the Senate on April 12, 2000, filed by him on April 12, 2000, found on page 1133 of the Senate Journal.

The Senate stood at ease at 5:23 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:08 p.m., President Kramer presiding.

Senator Bartz moved the motion to reconsider amendment S-5388 and requested a record roll call.

On the question "Shall the motion to reconsider amendment S-5388 be adopted?" (S.F. 2448) the vote was:

Ayes, 22:

Bartz	Behn	Boettger	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Harper	Horn	Iverson
Jensen	Judge	Kibbie	King
McKean	Miller	Rehberg	Rife
Schuerer	Szymoniak		

Nays, 27:

Angelo	Black	Bolkcom	Connolly
Dearden	Deluhery	Gaskill	Gronstal
Hammond	Hansen	Hedge	Johnson
Kramer	Lamberti	Lundby	Maddox
McCoy	McKibben	Redfern	Redwine
Rittmer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Absent or not voting, 1:

McLaren

The motion lost.

Senator Kibbie asked and received unanimous consent that action on **Senate File 2448** be **deferred**.

## CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Joyce McGlory, Commission on the Status of African-Americans

Timothy Galm, Agricultural Development Authority

George Price, Board of Dietetic Examiners

John Krogh, Iowa Emergency Response Commission

Susan Long, Engineering and Land Surveying Examining Board

Barry Cleveland, Healthy and Well Kids in Iowa (HAWK-I) Board

David Biehl, Landscape Architectural Examining Board

Barbara Scheetz, Board of Optometry Examiners

William Connet, Board of Physician Assistant Examiners

William Niedert, State Board for Respiratory Care

Theresa Wallace, Iowa Board of Veterinary Medicine

Daniel Purcell, Iowa Workforce Development Board

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" 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	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McLaren

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT  
(Individual Confirmation Calendar)  
(Deferred April 11, 2000)

The Senate resumed consideration of the appointment of Harold M. Thompson, as Executive Director of the Iowa Telecommunications and Technology Commission, deferred April 11, 2000.

Senator Jensen moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" 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	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McLaren

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS  
(Individual Confirmation Calendar)

Senator Iverson called up the appointment of Kathleen H. Chapman, as Administrator of Professional Licensing and

Regulation, placed on the Individual Confirmation Calendar on February 15, 2000, and found on page 287 of the Senate Journal.

Senator King moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

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	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra			

Nays, 3:

Angelo	King	Zieman
--------	------	--------

Absent or not voting, 2:

McLaren	Rife
---------	------

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Sally Stutsman, as a member of the Mental Health Risk Board, placed on the Individual Confirmation Calendar on March 29, 2000, and found on page 941 of the Senate Journal.

Senator Bolkcom moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" 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	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McLaren

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Eric Seuren, as a member of the Renewable Fuels and Coproducts Advisory Committee, placed on the Individual Confirmation Calendar on February 17, 2000, and found on page 318 of the Senate Journal.

Senator Bartz moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" 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	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McLaren

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

### CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolutions 113, 114, and 115.

#### **Senate Resolution 113**

On motion of Senator Johnson, **Senate Resolution 113**, a resolution congratulating the Iowa State Cyclones Women's Gymnastics Team, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Resolution 113, which motion prevailed by a voice vote.

#### **Senate Resolution 114**

On motion of Senator Miller, **Senate Resolution 114**, a resolution honoring the Harper Brush Works for its 100 years of continuing business, with report of committee recommending passage, was taken up for consideration.

Senator Miller moved the adoption of Senate Resolution 114, which motion prevailed by a voice vote.

#### **Senate Resolution 115**

On motion of Senator Johnson, **Senate Resolution 115**, a resolution congratulating the Iowa State Cyclones Women's Basketball Team, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Resolution 115, which motion prevailed by a voice vote.

### CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Concurrent Resolution 111 and Senate Resolution 118.

#### **House Concurrent Resolution 111**

On motion of Senator Lundby, **House Concurrent Resolution 111**, a concurrent resolution encouraging state and local governments, business interests, health care professionals, and individuals with interest in good health to help in educating the public to raise awareness regarding osteoporosis prevention, detection, and treatment, with report of committee recommending passage, was taken up for consideration.

Senator Lundby moved the adoption of House Concurrent Resolution 111, which motion prevailed by a voice vote.

#### **Senate Resolution 118**

On motion of Senator Kibbie, **Senate Resolution 118**, a resolution congratulating members of the All-Iowa Community College Academic Team, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie moved the adoption of Senate Resolution 118 and requested the resolution be read, which motion prevailed by a voice vote.

### UNFINISHED BUSINESS

#### **House File 2496**

On motion of Senator Rehberg, **House File 2496**, a bill for an act providing supplementary weighting for determining enrollment in school districts involved in district-to-district or district-to-

community-college sharing programs, and at-risk programs, and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Redfern offered amendment S-5417, filed by him from the floor to pages 6 and 7 of the bill.

Senator Connolly offered amendment S-5424, filed by Senators Connolly, et al., from the floor to pages 1-3 of amendment S-5417, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5424 be adopted?" (H.F. 2496) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	McKibben	Redwine	Shearer
Soukup	Szymoniak		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	Miller	Redfern	Rehberg
Rife	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 1:

McLaren

Amendment S-5424 lost.

Senator Fink offered amendment S-5423, filed by him from the floor to page 1 of amendment S-5417, and moved its adoption.

Amendment S-5423 was adopted by a voice vote.

Senator Connolly offered amendment S-5422, filed by him from the floor to pages 2 and 3 of amendment S-5417, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5422 be adopted?" (H.F. 2496) the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
Lundby	McCoy	McKibben	Shearer
Soukup	Szymoniak		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKean
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 1:

McLaren

Amendment S-5422 lost.

Senator Iverson asked and received unanimous consent that action on **House File 2496** be **deferred**.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2126

Senator Johnson called up for consideration Senate File 2126, a bill for an act relating to third-party payment of health care coverage

costs for prescription contraceptive drugs, devices, and services, amended by the House, and moved that the Senate concur in House amendment S-5383, filed April 11, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Johnson 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. 2126), the vote was:

Ayes, 44:

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	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	Zieman

Nays, 5:

Behn	Flynn	King	Lamberti
Schuerer			

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.

Senator Boettger took the chair at 7:55 p.m.

## BUSINESS PENDING

**House File 2496**

The Senate resumed consideration of **House File 2496**, a bill for an act providing supplementary weighting for determining enrollment in school districts involved in district-to-district or district-to-community-college sharing programs, and at-risk programs, and providing an effective date, previously deferred.

Senator Fink offered amendment S-5429, filed by him from the floor to page 1 of amendment S-5417, and moved its adoption.

Amendment S-5429 was adopted by a voice vote.

Senator Redfern moved the adoption of amendment S-5417, as amended.

Amendment S-5417 was adopted by a voice vote.

With the adoption of amendment S-5417, the Chair ruled amendment S-5171, filed by Senators Fink and Connolly on March 6, 2000, to page 7 of the bill, out of order.

Senator Redfern offered amendment S-5426, filed by him from the floor to page 7 of the bill, and moved its adoption.

Amendment S-5426 was adopted by a voice vote.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2496), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	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	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, 2:

Connolly                      Shearer

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.

#### IMMEDIATELY MESSAGED

Senator Hedge asked and received unanimous consent that **Senate Concurrent Resolution 117, House Concurrent Resolution 111, Senate File 2126, and House File 2496** be **immediately messaged** to the House.

#### BUSINESS PENDING

#### **House File 2548**

The Senate resumed consideration of **House File 2548**, 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, sales and use, hotel and motel, real estate transfer, environmental protection charge on petroleum diminution, property, motor fuel, special fuel, cigarette and tobacco products, and inheritance taxes, treatment of motor fuel under the local option taxes, and authorizing tax agreements with Indian tribes, and including effective and retroactive applicability date provisions, previously deferred.

Senator Lamberti offered amendment S-5428, filed by him from the floor striking everything after the enacting clause and to the title page of the bill, and moved its adoption.



Amendment S-5428 was adopted by a voice vote.

With the adoption of amendment S-5428, the Chair ruled the following amendments out of order:

Amendment S-5348 divisions A and B, filed by the committee on Ways and Means on April 5, 2000, to pages 2, 17, and 19-22 of the bill, previously deferred;

Amendment S-5401, filed by Senator Bolkcom from the floor to page 1 of amendment S-5348;

Amendment S-5425, filed by Senator Redwine from the floor to page 3 of the bill;

Amendment S-5412, filed by Senator Bolkcom from the floor to pages 19 and 22 of the bill;

Amendment S-5409, filed by Senator Bolkcom from the floor to pages 20-22 of the bill; and

Amendment S-5408, filed by Senator Bolkcom from the floor to pages 20 and 21 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. 2548), 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	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Hedge asked and received unanimous consent that **House File 2548** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration Senate File 2450.

### **Senate File 2450**

On motion of Senator Kramer, **Senate File 2450**, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations, was taken up for consideration.

Senator Kramer offered amendment S-5391, filed by her on April 12, 2000, to page 5 of the bill, and moved its adoption.

Amendment S-5391 was adopted by a voice vote.

Senator Dvorsky offered amendment S-5400, filed by Senators Dvorsky, Fraise, and Dearden from the floor to pages 7 and 8 of the bill, and moved its adoption.

Amendment S-5400 lost by a voice vote.

Senator Dvorsky offered amendment S-5407, filed by Senators Dvorsky, Bolkcom, and Hammond from the floor to pages 7 and 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5407 be adopted?" (H.F. 2450) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fink	Fraise
Gronstal	Hammond	Harper	Horn
Judge	Kibbie	McCoy	Redfern
Shearer	Soukup	Szymoniak	

Nays, 27:

Angelo	Bartz	Behn	Boettger
Flynn	Freeman	Gaskill	Hansen
Hedge	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Maddox
McKean	McKibben	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 4:

Dearden	Lundby	McLaren	Rife
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Amendment S-5407 lost.

Senator Kramer 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. 2450), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	Miller	Redfern
Rehberg	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, 2:

Hansen	Redwine
--------	---------

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.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2450** 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 13, 2000, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 2437**, a bill for an act relating to disclosure by a postsecondary education institution of information to the parent or guardian of a student.

ALSO: That the House has on April 13, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2429**, 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 effective dates and retroactive applicability provisions.(S-5415)

ALSO: That the House has on April 13, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2565**, a bill for an act relating to tobacco use prevention and control and providing an effective date.

Read first time and attached to **companion Senate File 2449**.

**APPENDIX****REPORT OF COMMITTEE MEETING****EDUCATION**

**Convened:** April 13, 2000, 3:50 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:** Discussion on HF 2496.

**Adjourned:** 4:30 p.m.

**COMPANION BILL RECEIVED**

On April 13, 2000, **House File 2565** was received and attached to companion **Senate File 2449** on the Senate calendar.

**GOVERNOR'S VETO MESSAGE**

April 13, 2000

Michael Marshall  
Secretary of the Senate  
State Capitol Building  
L O C A L

Dear Mr. Marshall:

I hereby transmit Senate File 2220, an act relating to forcible entry and detainer actions in small claims court following a default on a contract for deed, pursuant to Article III, section 16, of the Constitution of Iowa.

I have a number of concerns with the impact of this legislation on Iowa consumers utilizing real estate contracts that compel me to disapprove it. This legislation is inconsistent with current practices regarding the involvement of the district courts in disputed forfeiture claims. I am not persuaded that changing current small claims court jurisdiction levels is appropriate. I feel that current requirements for a completed forfeiture action in real estate contract cases provides broader procedural protections for consumers than the provisions of this bill. As an example, the current forfeiture process allows those representing consumers in these cases to use a "discovery" process to obtain more information for their clients. Such would not be allowed under the provisions of Senate File 2220. In consultation with the Attorney General, I have also found that this legislation also could expose unwary Iowans to

other unscrupulous practices which could result in some individuals losing both their equity and their homes. In short, this legislation proposes to reduce a number of current legal protections extended to Iowans who are purchasing real estate on contract.

For the above reasons, I hereby respectfully disapprove Senate File 2220.

Sincerely,  
THOMAS J. VILSACK  
Governor

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 119**, by Iverson and Gronstal, a concurrent resolution relating to a study of the issues involving railroad rights-of-way crossings by utilities.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## COMMITTEE REPORTS

### HUMAN RESOURCES

**Final Bill Action:** SENATE FILE 2449, a bill for an act relating to tobacco use prevention and control and providing an effective date.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5413.

**Final Vote:** Ayes, 12: Boettger, Redwine, Szymoniak, Bartz, Behn, Dvorsky, Hammond, Harper, Miller, Schuerer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Shearer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### WAYS AND MEANS

**Final Bill Action:** \*HOUSE FILE 2540, a bill for an act relating to economic development programs and related tax credits and including effective and retroactive applicability date provisions.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5414.

**Final Vote:** Ayes, 14: Johnson, McKibben, Harper, Bartz, Bolckcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, Redwine, and Soukup. Nays, none. Absent or not voting, 1: McLaren.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2540, and they were attached to the committee report.

ALSO:

**Final Bill Action:** HOUSE FILE 2561, a bill for an act providing for interest on delinquent assessments payable to the Iowa egg council.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, Redwine, and Soukup. Nays, none. Absent or not voting, 1: McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### AMENDMENTS FILED

S-5413	S.F.	2449	Human Resources
S-5414	H.F.	2540	Ways and Means
S-5415	S.F.	2429	House
S-5416	H.F.	2206	Steve King Jeff Lamberti
S-5417	H.F.	2496	Donald B. Redfern
S-5418	S.F.	2447	Mary A. Lundby Andy McKean Wally E. Horn Robert E. Dvorsky
S-5419	S.F.	2447	Mary A. Lundby Andy McKean Wally E. Horn Robert E. Dvorsky Joe Bolkcom
S-5420	S.F.	2447	Mary A. Lundby Andy McKean Wally E. Horn Robert E. Dvorsky Joe Bolkcom
S-5421	S.F.	2447	Mary A. Lundby Andy McKean Wally E. Horn Joe Bolkcom Robert E. Dvorsky

S-5422	H.F.	2496	Michael W. Connolly
S-5423	H.F.	2496	Bill Fink
S-5424	H.F.	2496	Michael W. Connolly
			Michael E. Gronstal
			Bill Fink
			Robert E. Dvorsky
			Betty A. Soukup
			Patricia Harper
			Steve Hansen
S-5425	H.F.	2548	John Redwine
S-5426	H.F.	2496	Donald B. Redfern
S-5427	S.F.	2452	Neal Schuerer
S-5428	H.F.	2548	Jeff Lamberti
S-5429	H.F.	2496	Bill Fink

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:10 p.m., until 9:00 a.m., Friday, April 14, 2000.



*State of Iowa*

# **JOURNAL OF THE SENATE**

**2000**

## **REGULAR SESSION SEVENTY-EIGHTH GENERAL ASSEMBLY**

**Convened January 10, 2000  
Adjourned April 26, 2000**

**Volume II  
April 14, 2000—General Index**

**MARY E. KRAMER, President of the Senate  
BRENT SIEGRIST, Speaker of the House**

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# JOURNAL OF THE SENATE

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NINETY-SIXTH CALENDAR DAY  
FIFTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, April 14, 2000

The Senate met in regular session at 9:04 a.m., Senator Hedge presiding.

The Journal of Thursday, April 13, 2000, 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 13, 2000, amended and passed the following bills in which the **concurrence** of the **Senate** is asked:

**Senate File 2428**, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, and making related statutory changes.(S-5430)

**Senate File 2430**, a bill for an act relating to and making appropriations for agriculture and natural resources and providing effective dates.(S-5431)

**APPENDIX****STUDY BILL RECEIVED****SSB 3234      Ways and Means**

Exempting from the sales and use taxes the gross receipts from all sales of goods and services used in fulfillment of a construction contract for a nonprofit hospital, providing for refunds, and including an effective and retroactive applicability date provision.

**SUBCOMMITTEE ASSIGNMENT****SSB 3234**

WAYS AND MEANS: Maddox, Chair; Flynn and Johnson

**REPORT OF THE SECRETARY OF THE SENATE**

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2366, the following corrections were made:

1. Page 2, line 33, the word and number "Sec. 4." were changed to the word and number "Sec. 4."
2. Page 6, line 14, the number "(1)" was changed to the following ~~(a)~~ (1).
3. Page 6, line 16, the number "(2)" was changed to the following ~~(b)~~ (2).
4. Page 6, line 18, the number "(3)" was changed to the following ~~(c)~~ (3).

MICHAEL E. MARSHALL  
Secretary of the Senate

**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 14th day of April, 2000:

Senate Files 2079, 2274, and 2366.

MICHAEL E. MARSHALL  
Secretary of the Senate

## COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 14, 2000

## LEGISLATIVE SERVICE BUREAU

Final Report of the Sentencing Commission.

## AMENDMENTS FILED

S-5430	S.F.	2428	House
S-5431	S.F.	2430	House

## ADJOURNMENT

On motion of Senator Redwine, the Senate adjourned at 9:06 a.m., until 10:00 a.m., Monday, April 17, 2000.

# JOURNAL OF THE SENATE

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NINETY-NINTH CALENDAR DAY  
FIFTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 17, 2000

The Senate met in regular session at 10:05 a.m., Senator Boettger presiding.

Prayer was offered by Nikki Peters, a junior from Marshalltown High School, who sang “They Could Not” and “The Lord’s Prayer.” She was the guest of Senator McKibben and recently released her first CD “Take It Away.”

The Journal of Friday, April 14, 2000, was approved.

## SPECIAL GUESTS

Senator Szymoniak introduced Mr. Joachim Herrmann, a member of the Bavarian Parliament. He is visiting Iowa with the International Relations Committee. Mr. Herrmann is a member of the Bavarian majority party, which is the Christian Social Union.

Senator Kibbie introduced Dr. Fritz and Christa Lauritsch from Austria and their four daughters. Their daughter, Lisa, was a foreign exchange student in Emmetsburg, Iowa.

## QUORUM CALL

Senator Black requested a non-record roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent, and a quorum present.



LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zieman, until he arrives, on request of Senator Redwine.

The Senate stood at ease at 10:52 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:26 a.m., President Kramer presiding.

RECESS

On motion of Senator Harper, the Senate recessed at 11:27 a.m., until 1:00 p.m.

**APPENDIX****BILLS SIGNED BY THE GOVERNOR**

A communication was received announcing that on April 14, 2000, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 324 – Relating to certain franchise agreements and the rights and responsibilities of the parties under such agreements.

S.F. 2158 – Relating to the limitation on deposits which may be held by a depository institution or holding company and establishment of a procedure for determining compliance with such limitation, providing for the Act's applicability, and providing an effective date.

S.F. 2248 – Relating to the college student aid commission's membership, duties, and authority, and related federal employment reports.

S.F. 2254 – Relating to child support, immunity from liability for financial institutions relating to data matching and levies against accounts, including medical support and payment of costs to financial institutions for data matching and automation program development and providing for retroactive applicability.

S.F. 2307 – Relating to public and workplace safety and wage collection laws administered by the labor commissioner, including changes in the regulation of boilers in places of public assembly and of elevator installers, and of employers under the wage payment collection law.

S.F. 2416 – Relating to energy conservation including making appropriations of petroleum overcharge funds.

**GOVERNOR'S VETO MESSAGE**

April 14, 2000

Michael Marshall  
Secretary of the Senate  
State Capitol Building  
LOCAL

Dear Mr. Marshall:

I hereby transmit:

I hereby transmit Senate File 2274, an Act declaring Executive Order number 7 and Executive Order number 11, enacted by this office on September 14, 1999, null and void.

I am unable to approve Senate File 2274 and hereby transmit it to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

I am profoundly disappointed that the legislature has chosen to invest valuable state resources to draft, debate, and pass this bill. I have made it very clear from the outset that Executive Order number 7 and Executive Order number 11 constitute good state policy and are constitutionally sound.

Both orders constitute the appropriate exercise of gubernatorial authority under Iowa law. Executive Order number 7 does not depart from the policy expressly stated in the Iowa Code, which states that "[i]t is the policy of this state to provide equal opportunity in state employment to all persons."

It is unnecessary to submit the provisions set out in Executive Order number 7 to the general assembly for legislative approval. Any attempt by the legislature to portray this order as clandestine legislation fails to recognize that the executive branch may adopt policies that administer state statutes when such administration does not contravene those statutes. It also ignores the fact that the Iowa Senate followed a similar legal interpretation when it redrafted the Legislative Council's Affirmative Action Policy to provide protection to persons, regardless of sexual orientation, without presenting the new policy to the governor for approval through the ordinary course of the legislative process.

Executive Order number 11 also constitutes a valid exercise of gubernatorial authority. Iowa law permits state agencies to waive their enforcement of agency rules in compliance with state and federal law. A number of state agencies currently issue waivers under certain circumstances. As the supreme executive magistrate for the state, the holder of this office possesses the legal authority to direct executive branch agencies to adopt a common waiver provision. By signing Senate File 2274 into law, I would disrupt the balance between our two branches of government by relinquishing authority vested within the executive branch.

The executive orders send a clear message that all persons within the executive branch of state government will be afforded an equal opportunity in employment. They also ensure that individuals and businesses will benefit from an efficient, economical, and responsive state government.

For the above reasons, I hereby respectfully disapprove of Senate File 2274.

Sincerely,  
Thomas J. Vilsack  
Governor

## PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Middle school students from Oelwein, Iowa. Senator Rehberg.

## AFTERNOON SESSION

The Senate reconvened at 1:17 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 39 present, 11 absent, and a quorum present.

UNFINISHED BUSINESS  
(Deferred April 13, 2000)**Senate File 2448**

The Senate resumed consideration of **Senate File 2448**, a bill for an act establishing a health enhancement and value-added energy initiative, providing for revenues, the expenditure of moneys, and providing for penalties, deferred April 13, 2000.

Senator Drake asked and received unanimous consent to withdraw amendment S-5392, filed by Senators Drake, et al., on April 12, 2000, to pages 1 and 9 of the bill.

Senator Bartz offered amendment S-5432, filed him from the floor to pages 3, 11, and 12 of the bill, and moved its adoption.

Amendment S-5432 was adopted by a voice vote.

Senator Bartz and received unanimous consent to withdraw amendments S-5404, S-5405, and S-5410, filed by him on April 12, 2000, to page 4 of the bill.

POINT OF PARLIAMENTARY INQUIRY  
(Senate File 2448)

Senator Kibbie rose on a point of parliamentary inquiry that Senate File 2448, by the committee on Ways and Means, should be re-referred to the committee on Appropriations, pursuant to Senate Rule 38.

The Chair ruled that the point was well taken.

Senator Iverson asked and received unanimous consent that Senate File 2448 be re-referred from the Unfinished Business Calendar to the committee on Appropriations for the time certain period of ten minutes.

#### RECESS

On motion of Senator Iverson, the Senate recessed at 1:52 p.m., for the purpose of a meeting of the committee on Appropriations.

#### RECONVENED

The Senate reconvened at 2:18 p.m., President Kramer presiding.

#### BILL RETURNED TO CALENDAR

Pursuant to Senate Rule 13, Senate File 2448, re-referred to the committee on Appropriations on April 17, 2000, was returned to the Unfinished Business Calendar.

The Senate stood at ease at 2:21 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 3:00 p.m., President Kramer presiding.

BUSINESS PENDING

**Senate File 2448**

The Senate resumed consideration of **Senate File 2448**, a bill for an act establishing a health enhancement and value-added energy initiative, providing for revenues, the expenditure of moneys, and providing for penalties.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hammond, for the remainder of the day, on request of Senator Dvorsky.

BUSINESS PENDING

**Senate File 2448**

The Senate resumed consideration of Senate File 2448.

Senator Bartz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2448), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Angelo	Bartz	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

Nays, 20:

Behn	Black	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gronstal	Hansen

Harper  
McCoy

Horn  
Shearer

Judge  
Soukup

Kibbie  
Szymoniak

Absent or not voting, 2:

Hammond

Zieman

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 2448** be **immediately messaged** to the House.

### HOUSE AMENDMENT CONSIDERED

#### **Senate File 2428**

Senator Schuerer called up for consideration **Senate File 2428**, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, and making related statutory changes, amended by the House, and moved that the Senate concur in House amendment S-5430, filed April 14, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Schuerer 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. 2428), the vote was:

Ayes, 48:

Angelo  
Boettger  
Deluhery  
Flynn  
Gronstal

Bartz  
Bolkcom  
Drake  
Fraise  
Hansen

Behn  
Connolly  
Dvorsky  
Freeman  
Harper

Black  
Dearden  
Fink  
Gaskill  
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

Nays, none.

Absent or not voting, 2:

Hammond                      Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2449.

#### **Senate File 2449**

On motion of Senator Boettger, **Senate File 2449**, a bill for an act relating to tobacco use prevention and control and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Boettger asked and received unanimous consent to withdraw amendment S-5413, filed by the committee on Human Resources on April 13, 2000, to pages 1 and 3-14 of the bill.

Senator Boettger offered amendment S-5440, filed by her from the floor to pages 1-14 of the bill.

Senator Bolkcom asked and received unanimous consent that action on amendment S-5440 and **Senate File 2449** be **deferred**.

Senator Bolkcom withdrew his motion to defer.

Senator Boettger moved the adoption of amendment S-5440.



Amendment S-5440 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5399, filed by him on April 13, 2000, to page 14 of the bill.

Senator Boettger asked and received unanimous consent that **House File 2565** be **substituted** for **Senate File 2449**.

### **House File 2565**

On motion of Senator Boettger, **House File 2565**, a bill for an act relating to tobacco use prevention and control and providing an effective date, was taken up for consideration.

Senator Connolly offered amendment S-5438, filed by him from the floor to pages 1 and 15, and called for a division:

Division S-5438A: Lines 1-9.

Division S-5438B: Lines 10-18.

Senator Connolly withdrew division S-5438B.

Senator Miller offered amendment S-5441, filed by him from the floor to page 1 of amendment S-5438.

Senator Connolly raised the point of order that amendment S-5441 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5441 out of order.

Senator Connolly moved the adoption of division S-5438A.

Senator Boettger raised the point of order that division S-5438A was not germane to the bill.

The Chair ruled the point well taken and division S-5438A out of order.

Senator Connolly asked and received unanimous consent that action on **House File 2565** be **deferred**.

## UNFINISHED BUSINESS

### House File 2474

On motion of Senator Tinsman, **House File 2474**, a bill for an act providing for the adoption of administrative rules requiring school districts and accredited nonpublic schools to adopt policies relating to health services, media services programs and guidance programs as part of the accreditation standards applicable to school districts, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5166, filed by him on March 16, 2000, striking everything after the enacting clause and to the title page of the bill.

With the withdrawal of amendment S-5166, the Chair ruled amendment S-5287, filed by Senator Connolly on March 28, 2000, to pages 1 and 2 of amendment S-5166, out of order.

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. 2474), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Flynn
Fraise	Freeman	Gaskill	Gronstal
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  
Tinsman

Shearer  
Veenstra

Soukup

Szymoniak

Nays, 1:

Fink

Absent or not voting, 3:

Hammond

Rife

Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2474** be **immediately messaged** to the House.

### RECESS

On motion of Senator Iverson, the Senate recessed at 4:35 p.m., until 6:00 p.m.

**APPENDIX****REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS**

**Convened:** April 17, 2000, 1:53 p.m.

**Members Present:** McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, and Soukup.

**Members Absent:** Tinsman (excused).

**Committee Business:** Discussed SF 2448.

**Adjourned:** 2:09 p.m.

**RULES AND ADMINISTRATION**

**Convened:** April 17, 2000, 4:40 p.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 119, SF 2454, HJR 2014, and HCR 121.

**Adjourned:** 4:45 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 17th day of April, 2000:

Senate Files 2249, 2312, 2348, 2360, 2418, and 2420.

MICHAEL E. MARSHALL  
Secretary of the Senate

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2348, the following correction was made:

1. Page 1, line 23, the words ““land form”” were changed to the word “landform”.

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 17, 2000, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2079 – Relating to the prohibition of shipping or importing into the state, or the offering for sale, selling, transporting, distributing, or possessing within the state, of cigarettes and tobacco products which were previously exported from or which are manufactured for use outside the United States, making penalties applicable, and providing an effective date.

S.F. 2366 – Relating to the purchase, possession, and sale of cigarettes and tobacco products and providing penalties.

## PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifth grade students from Pleasant View School, Pleasant Valley, accompanied by Mr. Mark Wilson. Senators Rittmer and Tinsman.

## INTRODUCTION OF BILL

**Senate File 2454**, by Iverson and Gronstal, a bill for an act relating to the designation of a “Bill of Rights Day”.

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 Senate File 2428 passed the Senate on April 17, 2000.

STEWART E. IVERSON, JR.

## AMENDMENTS FILED

S-5432	S.F.	2448	Merlin E. Bartz
S-5433	H.F.	2351	JoAnn Johnson
S-5434	S.F.	2447	Jeff Lamberti
S-5435	S.F.	2453	Jeff Lamberti
S-5436	S.F.	2453	Jeff Lamberti
S-5437	S.F.	2447	Neal Schuerer
			Mary A. Lundby
			John W. Jensen
			David Miller
			Jerry Behn
			H. Kay Hedge
			Steve King
			John P. Kibbie
			John Judge
			Bill Fink
			Ken Veenstra
			Nancy Boettger
			Kitty Rehberg
			Richard F. Drake
			Patricia Harper
			Steve Hansen
S-5438	H.F.	2565	Michael W. Connolly
S-5439	H.F.	2565	Nancy Boettger
S-5440	S.F.	2449	Nancy Boettger
S-5441	H.F.	2565	David Miller
S-5442	H.F.	2351	Neal Schuerer
			Robert E. Dvorsky
S-5443	H.F.	2565	Michael W. Connolly
S-5444	H.F.	2557	John Redwine
			Betty A. Soukup
S-5445	H.F.	2565	Joe Bolkcom
S-5446	H.F.	2565	Joe Bolkcom
			Robert E. Dvorsky

## EVENING SESSION

The Senate reconvened at 6:43 p.m., President Kramer presiding.

## QUORUM CALL

Senator Jensen requested a non-record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent, and a quorum present.

## HOUSE AMENDMENT DEFERRED

**Senate File 2430**

Senator Behn called up for consideration **Senate File 2430**, a bill for an act relating to and making appropriations for agriculture and natural resources and providing effective dates, amended by the House in House amendment S-5431, filed April 14, 2000.

Senator Behn offered amendment S-5448, filed by Senators Behn, McLaren, and Black from the floor to pages 1-6 of House amendment S-5431, and moved its adoption.

Amendment S-5448 was adopted by a voice vote.

Senator Fink offered amendment S-5451, filed by him from the floor to page 1 of House amendment S-5431.

Senator Fink asked and received unanimous consent that action on amendment S-5451 to House amendment S-5431, House amendment S-5431 (as amended), and **Senate File 2430** be **deferred**.

## HOUSE AMENDMENT DEFERRED

**Senate File 2429**

Senator Rife called up for consideration **Senate File 2429**, 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 effective dates and retroactive applicability provisions, amended by the House in House amendment S-5415, filed April 13, 2000.

Senator Rife offered amendment S-5452, filed by him from the floor to page 1 of House amendment S-5415.

Senator Hansen called for a division of amendment S-5452:

Division S-5452A: Lines 1-25.

Division S-5452B: Lines 26-49.

Senator Rife moved the adoption of division S-5452A.

Division S-5452A was adopted by a voice vote.

Senator Hansen raised the point of order that division S-5452B was not germane to the bill.

The Chair ruled the point well taken and division S-5452B out of order.

Senator Rife asked and received unanimous consent that action on House amendment S-5415 (as amended) and **Senate File 2429** be **deferred**.

## BUSINESS PENDING

### **Senate File 2430**

The Senate resumed consideration of **Senate File 2430**, a bill for an act relating to and making appropriations for agriculture and natural resources and providing effective dates, House amendment S-5431 (as amended), and amendment S-5451 to House amendment S-5431, previously deferred.

Senator Fink asked and received unanimous consent to withdraw amendment S-5451.



Senator Behn 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 Behn 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. 2430), 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	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra			

Nays, none.

Absent or not voting, 1:

Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2557 and 2561.

**House File 2557**

On motion of Senator Redwine, **House File 2557**, a bill for an act relating to the state's disposition of unclaimed property law by setting a limit on the retention of abandoned property records, excluding certain property from being considered abandoned property, and setting requirements and conditions for hiring independent auditors, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Redwine offered amendment S-5396, filed by the committee on Ways and Means on April 12, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5396 was adopted by a voice vote.

Senator Redwine offered amendment S-5444, filed by Senators Redwine and Soukup from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5444 was adopted by a voice vote.

Senator Lundby asked and received unanimous consent that action on **House File 2557** be **deferred**.

**House File 2561**

On motion of Senator Hedge, **House File 2561**, a bill for an act providing for interest on delinquent assessments payable to the Iowa egg council, 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. 2561), the vote was:

Ayes, 49:

Angelo  
Boettger  
Deluhery

Bartz  
Bolkcom  
Drake

Behn  
Connolly  
Dvorsky

Black  
Dearden  
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			

Nays, none.

Absent or not voting, 1:

Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2561** 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 2438.

### **Senate File 2438**

On motion of Senator Bartz, **Senate File 2438**, a bill for an act relating to the creation of a water quality district, providing for the levy of a tax, and providing for other properly related matters, was taken up for consideration.

Senator Bartz offered amendment S-5343, filed by him on April 5, 2000, to pages 1-3 of the bill, and moved its adoption.

Amendment S-5343 was adopted by a voice vote.

Senator Bartz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2438), 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	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra			

Nays, none.

Absent or not voting, 1:

Zieman

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 2541.

### **House File 2541**

On motion of Senator Bartz, **House File 2541**, a bill for an act expanding the number of counties that may designate unincorporated areas containing private lakes as rural improvement zones and setting the limits for the standby taxes imposed in those zones, 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. 2541), 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	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra			

Nays, none.

Absent or not voting, 1:

Zieman

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 2438** and **House File 2541** be **immediately messaged** to the House.

Senator Boettger took the chair at 8:10 p.m.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2447.

**Senate File 2447**

On motion of Senator Lamberti, **Senate File 2447**, a bill for an act providing financial assistance to communities and school districts by creating a school infrastructure program and fund, continuing the community attraction and tourism development program and fund, creating a vision Iowa board, creating a vision Iowa program and fund, providing bonding authority to the treasurer of state, and exempting certain income from taxation, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Lamberti offered amendment S-5371, filed by the committee on Ways and Means on April 6, 2000, to pages 16-18 and 20 of the bill, and moved its adoption.

Amendment S-5371 was adopted by a voice vote.

Senator Lamberti offered amendment S-5434, filed by him from the floor to pages 1-5, 7-16, 21-23, and to the title page of the bill, and moved its adoption.

Amendment S-5434 was adopted by a voice vote.

Senator McLaren offered amendment S-5458, filed by him from the floor to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5458 be adopted?" (S.F. 2447) the vote was:

Ayes, 34:

Bartz	Black	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Jensen	Judge
Kibbie	King	Lamberti	McCoy
McKean	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Shearer
Soukup	Szymoniak		

Nays, 15:

Angelo	Behn	Boettger	Drake
Iverson	Johnson	Kramer	Lundby
Maddox	McKibben	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	

Absent or not voting, 1:

Zieman

Amendment S-5458 was adopted.

Senator Rehberg offered amendment S-5447, filed by her from the floor to pages 4-6, and called for a division:

Division S-5447A: Page 1, lines 2-18; and page 2, lines 5-9.

Division S-5447B: Page 1, lines 19-50; and page 2, lines 1-4 and 10.

Senator Rehberg withdrew division S-5447A.

Senator Rehberg moved the adoption of division S-5447B.

Division S-5447B lost by a voice vote.

Senator Schuerer offered amendment S-5437, filed by Senators Schuerer, et al., from the floor to page 6 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5437 be adopted?" (S.F. 2447) the vote was:

Ayes, 16:

Bartz	Behn	Boettger	Fink
Hansen	Harper	Hedge	Jensen
Judge	Kibbie	King	Lundby
McLaren	Miller	Rehberg	Veenstra

Nays, 33:

Angelo	Black	Bolkcom	Connolly
Dearden	Deluhery	Drake	Dvorsky
Flynn	Fraise	Freeman	Gaskill

Gronstal	Hammond	Horn	Iverson
Johnson	Kramer	Lamberti	Maddox
McCoy	McKean	McKibben	Redfern
Redwine	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman			

Absent or not voting, 1:

Zieman

Amendment S-5437 lost.

With the adoption of amendment S-5434, the Chair ruled amendment S-5418, filed by Senators Lundby, et al., on April 13, 2000, to pages 6, 9, and 13 of the bill, out of order.

Senator Lundby offered amendment S-5420, filed by Senators Lundby, et al., on April 13, 2000, to page 7 of the bill, and moved its adoption.

Amendment S-5420 lost by a voice vote.

Senator Redfern offered amendment S-5453, filed by him from the floor to page 7 of the bill, and moved its adoption.

Amendment S-5453 lost by a voice vote.

Senator Redfern offered amendment S-5460, filed by him from the floor to pages 8 and 9 of the bill, and moved its adoption.

Amendment S-5460 was adopted by a voice vote.

Senator Lundby asked and received unanimous consent to withdraw amendment S-5421, filed by Senators Lundby, et al., on April 13, 2000, to page 9 of the bill.

Senator Lundby offered amendment S-5419, filed by Senators Lundby, et al., on April 13, 2000, to page 9 of the bill, and moved its adoption.



A non-record roll call was requested.

The ayes were 13, nays 32.

Amendment S-5419 lost.

Senator Redfern offered amendment S-5454, filed by him from the floor to page 13 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5454 be adopted?" (S.F. 2447) the vote was:

Ayes, 20:

Boettger	Deluhery	Drake	Flynn
Fraise	Freeman	Harper	Hedge
Jensen	Judge	Kibbie	King
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Soukup	Veenstra

Nays, 29:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Dvorsky
Fink	Gaskill	Gronstal	Hammond
Hansen	Horn	Iverson	Johnson
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	Rittmer
Schuerer	Sexton	Shearer	Szymoniak
Tinsman			

Absent or not voting, 1:

Zieman

Amendment S-5454 lost.

Senator McLaren offered amendment S-5455, filed by him from the floor to page 13 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5455 be adopted?" (S.F. 2447) the vote was:

Ayes, 20:

Boettger	Deluhery	Flynn	Fraise
Freeman	Hansen	Harper	Hedge
Jensen	Judge	Kibbie	King
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Soukup	Veenstra

Nays, 29:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fink	Gaskill	Gronstal
Hammond	Horn	Iverson	Johnson
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	Rittmer
Schuerer	Sexton	Shearer	Szymoniak
Tinsman			

Absent or not voting, 1:

Zieman

Amendment S-5455 lost.

Senator McKean offered amendment S-5470, filed by Senators McKean and Black from the floor to pages 5 and 8 of the bill, and moved its adoption.

Amendment S-5470 lost by a voice vote.

Senator Kibbie offered amendment S-5465, filed by Senators Kibbie and Fraise from the floor to page 6 of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 16, nays 29.

Amendment S-5465 lost.

Senator McKean asked and received unanimous consent to withdraw amendment S-5463, filed by Senators McKean and Black from the floor to page 8 of the bill.

Senator Redfern offered amendment S-5468, filed by him from the floor to page 9 of the bill, and moved its adoption.

Amendment S-5468 lost by a voice vote.

Senator Lundby asked and received unanimous consent to withdraw amendment S-5462, filed by Senators Lundby and Black from the floor to page 13 of the bill.

Senator Lamberti offered amendment S-5467, filed by him from the floor to pages 16 and 22 of the bill.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5471, filed by him from the floor to page 1 of amendment S-5467.

Senator Connolly offered amendment S-5472, filed by him from the floor to page 1 of amendment S-5467, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5472 be adopted?" (S.F. 2447) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 29:

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			

Absent or not voting, 1:

Zieman

Amendment S-5472 lost.

Senator Lamberti offered amendment S-5469, filed by him from the floor to page 3 of amendment S-5467, and moved its adoption.

Amendment S-5469 was adopted by a voice vote.

Senator Lamberti moved the adoption of amendment S-5467, as amended.

Amendment S-5467 was adopted by a voice vote.

Senator Lamberti offered amendment S-5466, filed by him from the floor to page 21 of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 29, nays 14.

Amendment S-5466 was adopted.

Senator Schuerer withdrew the following motion to reconsider filed from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5437 to Senate File 2447 failed to be adopted by the Senate on April 17, 2000.

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. 2447), the vote was:

Ayes, 40:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gaskill	Gronstal	Hammond
Hansen	Harper	Horn	Iverson

Johnson	Judge	Kibbie	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	Miller	Redfern
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra

Nays, 9:

Drake	Freeman	Hedge	Jensen
King	McLaren	Redwine	Rehberg
Rife			

Absent or not voting, 1:

Zieman

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 2447** 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 17, 2000, passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 2419**, a bill for an act providing for limitations on investments by city hospitals.

**Senate File 2444**, a bill for an act relating to the taxation of property used by the Iowa national guard.

ALSO: That the House has on April 17, 2000, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 2433**, a bill for an act relating to community college governance.

ALSO: That the House has on April 17, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2563**, a bill for an act exempting from the sales and use taxes the gross receipts from all sales of goods and services used in fulfillment of a construction contract for a nonprofit hospital, providing for refunds, and including an effective and retroactive applicability date provision.

Read first time and referred to committee on **Ways and Means**.

**House File 2569**, a bill for an act exempting the sale of livestock ear tags by certain nonprofit organizations from the sales and use taxes.

Read first time and referred to committee on **Ways and Means**.

**House File 2570**, a bill for an act exempting the increase in assessed value of a farm structure due to improvements made to the structure to preserve it as a barn.

Read first time and referred to committee on **Ways and Means**.

**House File 2573**, a bill for an act relating to eligibility for United States armed forces retired special motor vehicle license plates.

Read first time and referred to committee on **Transportation**.

ALSO: That the House has on April 17, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2450**, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.(S-5449)

ALSO: That the House has on April 17, 2000, refused to concur in the Senate amendment to the following bill in which the **concurrence** of the **House** was asked:

**House File 2548**, 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, sales and use, hotel and motel, real estate transfer, environmental protection charge on petroleum diminution, property,

motor fuel, special fuel, cigarette and tobacco products, and inheritance taxes, treatment of motor fuel under the local option taxes, and authorizing tax agreements with Indian tribes, and including effective and retroactive applicability date provisions.

**APPENDIX****COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 17, 2000

**DEPARTMENT OF PUBLIC HEALTH**

Iowa Termination of Pregnancy Report, March 2000.

**MOTION TO RECONSIDER**

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2430 passed the Senate on April 17, 2000.

JACK RIFE

**INTRODUCTION OF RESOLUTION**

**Senate Resolution 119**, by McLaren, Iverson, and Gronstal, a resolution recognizing the contribution of a singular farm employee for his contribution to the Senate during the 2000 Session of the Seventy-eighth General Assembly.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**STUDY BILL RECEIVED****SSB 3235      Ways and Means**

Relating to certification of the need for the physical plant and equipment property tax levy in certain urban renewal areas and providing an applicability date.

**SUBCOMMITTEE ASSIGNMENTS****House File 2563**

WAYS AND MEANS: Maddox, Chair; Flynn and Johnson



**House File 2569**

WAYS AND MEANS: Hedge, Chair; Deluhery and Johnson

**House File 2570**

WAYS AND MEANS: Bartz, Chair; McKibben and Soukup

**SSB 3235**

WAYS AND MEANS: Johnson, Chair; Connolly and McKibben

**COMMITTEE REPORTS****RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 119, a concurrent resolution relating to a study of the issues involving railroad rights-of-way crossings by utilities.

**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 FILE 2454, a bill for an act relating to the designation of a "Bill of Rights Day".

**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:** HOUSE JOINT RESOLUTION 2014, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

**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:** HOUSE CONCURRENT RESOLUTION 121, a concurrent resolution to urge and petition the United States Department of Agriculture to make lands which are under the conservation reserve program eligible for grazing by livestock.

**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-5447	S.F.	2447	Kitty Rehberg
S-5448	S.F.	2430	Jerry Behn
			Derryl McLaren
			Dennis H. Black
S-5449	S.F.	2450	House
S-5450	H.F.	2565	Michael W. Connolly
S-5451	S.F.	2430	Bill Fink
S-5452	S.F.	2429	Jack Rife
S-5453	S.F.	2447	Donald B. Redfern
S-5454	S.F.	2447	Donald B. Redfern
S-5455	S.F.	2447	Derryl McLaren
S-5456	H.F.	2565	Gene Maddox
S-5457	S.F.	2452	Merlin E. Bartz
S-5458	S.F.	2447	Derryl McLaren
S-5459	S.F.	2452	Derryl McLaren
S-5460	S.F.	2447	Donald B. Redfern
S-5461	H.F.	2565	David Miller
S-5462	S.F.	2447	Mary A. Lundby
			Dennis H. Black
S-5463	S.F.	2447	Andy McKean
			Dennis H. Black
S-5464	H.F.	2565	David Miller
S-5465	S.F.	2447	John P. Kibbie
			Eugene Fraise
S-5466	S.F.	2447	Jeff Lamberti
S-5467	S.F.	2447	Jeff Lamberti
S-5468	S.F.	2447	Donald B. Redfern
S-5469	S.F.	2447	Jeff Lamberti

S-5470	S.F.	2447	Andy McKean Dennis H. Black
S-5471	S.F.	2447	Michael W. Connolly
S-5472	S.F.	2447	Michael W. Connolly

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 12:56 a.m., until 10:00 a.m., Tuesday, April 18, 2000.

# JOURNAL OF THE SENATE

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ONE-HUNDREDTH CALENDAR DAY  
FIFTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 18, 2000

The Senate met in regular session at 10:08 a.m., Senator Bartz presiding.

Prayer was offered by the Reverend Bob Connors, pastor of the Union Park Christian Church of Des Moines, Iowa, guest of Senator Dearden. Reverend Connors sang “Because He Lives” and “I Go To The Rock.”

The Journal of Monday, April 17, 2000, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gaskill, until he arrives, on request of Senator Sexton; and Senator Zieman, for the day, on request of Senator Iverson.

## 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 18, 2000, passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 292**, a bill for an act providing for the designation of investigative information possessed by the board of educational examiners as privileged and confidential.

**Senate File 2213**, a bill for an act relating to on-site presence of a pipeline company representative during farmland improvements near pipelines.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2441.

**Senate File 2441**

On motion of Senator McKibben, **Senate File 2441**, a bill for an act relating to the transferability of the investment tax credit under the new jobs and income program and including an effective date and applicability provision, was taken up for consideration.

President Kramer took the chair at 10:53 a.m.

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?" (S.F. 2441), 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	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra

Nays, none.

Absent or not voting, 2:

Gaskill	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.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2441** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:04 a.m., until 1:00 p.m.

**APPENDIX****INTRODUCTION OF BILL**

**Senate File 2455**, by Iverson and Gronstal, a bill for an act relating to eligibility for United States armed forces retired special motor vehicle license plates.

Read first time under Rule 28 and referred to committee on **Transportation**.

**REPORT OF THE SECRETARY OF THE SENATE**

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2324, the following correction was made:

1. Page 1, line 31, the "2." at the end of that line was moved to the beginning of line 32.

MICHAEL E. MARSHALL  
Secretary of the Senate

**BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 18th day of April, 2000:

Senate Files 2126, 2141, 2294, 2324, 2369, and 2443.

MICHAEL E. MARSHALL  
Secretary of the Senate

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2455**

TRANSPORTATION: Drake, Chair; Jensen and McCoy

**House File 2573**

TRANSPORTATION: Drake, Chair; Jensen and McCoy

## AFTERNOON SESSION

The Senate reconvened at 1:07 p.m., Senator Tinsman presiding.

## QUORUM CALL

Senator Hedge requested a non-record roll call to determine that a quorum was present.

The vote revealed 32 present, 18 absent, and a quorum present.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Hedge asked and received unanimous consent to take up for immediate consideration Senate Resolution 108.

**Senate Resolution 108**

On motion of Senator Kramer, **Senate Resolution 108**, a resolution honoring student volunteers Alison Mostrom of West Des Moines and Matthew Ternus of Vinton for their outstanding community service, with report of committee recommending passage, was taken up for consideration.

Senator Kramer moved the adoption of Senate Resolution 108, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Hedge asked and received unanimous consent to take up for immediate consideration Senate Resolution 107.

**Senate Resolution 107**

On motion of Senator Deluhery, **Senate Resolution 107**, a resolution supporting the placement of additional federal production work at, and continued utilization of, the Rock Island Arsenal, was taken up for consideration.



Senator Deluhery moved the adoption of Senate Resolution 107, which motion prevailed by a voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Flynn.

### UNFINISHED BUSINESS

#### **House File 2145**

On motion of Senator Redwine, **House File 2145**, a bill for an act providing for the utilization of budget enrollment in determining gifted and talented program funding, and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

President Kramer took the chair at 1:28 p.m.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5039, filed by him on March 1, 2000, to page 1 and to the title page of the bill.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5113, filed by him on March 9, 2000, to page 1 and to the title page of the bill.

Senator Hammond offered amendment S-5260, filed by Senators Hammond and Bolkcom on March 28, 2000, to page 1 and to the title page of the bill.

Senator Redwine raised the point of order that amendment S-5260 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5260 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. 2145), 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	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 3:

Gaskill	McCoy	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.

## HOUSE AMENDMENT DEFERRED

### Senate File 2395

Senator King called up for consideration **Senate File 2395**, a bill for an act relating to the creation of an information technology department and making related changes, amended by the House in House amendment S-5380, filed April 11, 2000.

Senator Gronstal asked and received unanimous consent that action on House amendment S-5380 and **Senate File 2395** be **deferred**.

## MOTION TO RECONSIDER ADOPTED

Senator Hansen called up the motion to reconsider House File 2008, filed by him on March 30, 2000, found on page 957 of the Senate Journal, and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2008) 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	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra

Nays, none.

Absent or not voting, 2:

Gaskill	Zieman
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The motion prevailed.

Senator Bartz moved to reconsider the vote by which House File 2008 went to its last reading, which motion prevailed by a voice vote.

**House File 2008**

On motion of Senator Bartz, **House File 2008**, a bill for an act providing residency status to certain members of the armed forces for purposes of hunting, fishing, and fur harvesting, was taken up for reconsideration.

Senator Bartz offered amendment S-5340, filed by him on April 5, 2000, to page 1 of the bill, and moved its adoption.

Amendment S-5340 was adopted by a voice vote.

Senator Bartz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2008), 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	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra

Nays, none.

Absent or not voting, 2:

Gaskill	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.

Senator Boettger took the chair at 2:17 p.m.

### IMMEDIATELY MESSAGED

Senator Hedge asked and received unanimous consent that **House Files 2008** and **2145** be **immediately messaged** to the House.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Angelo, until he returns, on request of Senator Hedge.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration Senate File 2454.

**Senate File 2454**

On motion of Senator Fraise, **Senate File 2454**, a bill for an act relating to the designation of a "Bill of Rights Day," with report of committee recommending passage, was taken up for consideration.

Senator Fraise moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2454), the vote was:

Ayes, 47:

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
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 3:

Angelo	Gaskill	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.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2450**

Senator Kramer called up for consideration **Senate File 2450**, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations, amended by the House, and moved that the Senate concur in House amendment S-5449, filed April 17, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Kramer 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. 2450), the vote was:

Ayes, 45:

Bartz	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gronstal	Hammond
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			

Nays, 2:

Hansen	Redwine
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Absent or not voting, 3:

Angelo	Gaskill	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.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2550.

**House File 2550**

On motion of Senator Redwine, **House File 2550**, a bill for an act relating to the Iowa educational savings plan trust and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2550), the vote was:

Ayes, 47:

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
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 3:

Angelo	Gaskill	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.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2450, 2454, and House File 2550** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 115.

**House Concurrent Resolution 115**

On motion of Senator Iverson, **House Concurrent Resolution 115**, a concurrent resolution urging citizen participation in and cooperation with the conducting of the year 2000 census, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 115, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 121.

**House Concurrent Resolution 121**

On motion of Senator Iverson, **House Concurrent Resolution 121**, a concurrent resolution to urge and petition the United States Department of Agriculture to make lands which are under the conservation reserve program eligible for grazing by livestock, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 121, which motion prevailed by a voice vote.



## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Kramer, Iverson, and McLaren, until they return, on request of Senator Redwine.

HOUSE AMENDMENT CONSIDERED  
(Deferred April 17, 2000)

**Senate File 2429**

The Senate resumed consideration of **Senate File 2429**, 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 effective dates and retroactive applicability provisions, and House amendment S-5415 (as amended), deferred April 17, 2000.

President Kramer took the chair at 2:42 p.m.

Senator Rife offered amendment S-5478, filed by him from the floor to pages 1 and 2 of House amendment S-5415, and moved its adoption.

Amendment S-5478 was adopted by a voice vote.

Senator Boettger took the chair at 3:10 p.m.

Senator Rife 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 Rife 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. 2429), the vote was:

Ayes, 46:

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	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra		

Nays, none.

Absent or not voting, 4:

Iverson	Kramer	McLaren	Zieman
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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.

## MOTION TO RECONSIDER WITHDRAWN

### Senate File 2430

Senator Rife withdrew the motion to reconsider Senate File 2430, a bill for an act relating to and making appropriations for agriculture and natural resources and providing effective dates, filed by him on April 17, 2000, found on page 1210 of the Senate Journal.

## IMMEDIATELY MESSAGED

Senator Hedge asked and received unanimous consent that **House Concurrent Resolutions 115, 121, Senate Files 2429, and 2430** be **immediately messaged** to the House.

## RECESS

On motion of Senator Hedge, the Senate recessed at 3:28 p.m., until the fall of the gavel.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Ernie Backerman, Seventh Grade Science Teacher at Spirit Lake High School – For receiving a \$10,000 grant award from the Toyota TAPESTRY Program. Senator Kibbie (04/18/00).

Edith Crabb, Sun Lakes, Arizona, and Okoboji, Iowa – For celebrating your 85th birthday on April 23, 2000. Senator Kibbie (04/18/00).

Hampton-Dumont Fifth Graders – For completing the D.A.R.E. Program. Senator Iverson (04/18/00).

Mark Muxfeldt, Story City – For achieving the rank of Eagle Scout on June 11, 2000. Senator McKibben (04/18/00).

Andrew Olson, Waukon – For achieving the rank of Eagle Scout on April 15, 2000. Senator Zieman (04/18/00).

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Jo Heying, wife and secretary to former Senator H.L. Heying; her foreign exchange student, Frank Brandt, from Wolfsburg, Germany; her daughter, Therese Slack, a former Senate page; her son-in-law, Bob Slack; and her grandson, Bobby Slack, a seventh grade student at North Fayette Middle School in West Union, Iowa. Senator Rehberg.

### REPORT OF COMMITTEE MEETING

#### WAYS AND MEANS

**Convened:** April 18, 2000, 11:10 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:** Passed SF 2167 (as amended), SSBs 3120, 3233, 3235, 3237 (as amended), HF's 2563 and 2569.

**Recessed:** 11:55 a.m.

**Reconvened:** 3:40 p.m.

**Adjourned:** 4:05 p.m.

## INTRODUCTION OF BILLS

**Senate File 2456**, by committee on Ways and Means, a bill for an act relating to an alternative method of computing the research activities credit for purposes of state income tax and including a retroactive applicability date provision.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate File 2457**, by committee on Ways and Means, a bill for an act relating to certification of the need for the physical plant and equipment property tax levy in certain urban renewal areas and providing an applicability date.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate File 2458**, by committee on Ways and Means, a bill for an act exempting the providing of environmental laboratory services from the state sales and use taxes.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

## STUDY BILLS RECEIVED

### **SSB 3236      Ways and Means**

Relating to the administration of the taxation of motor fuel or special fuel under state and local taxes and including an effective date.

### **SSB 3237      Ways and Means**

Relating to the deadline for municipalities to file annual financial reports for urban renewal areas.

## SUBCOMMITTEE ASSIGNMENTS

**SSB 3236**

WAYS AND MEANS: Lamberti, Chair; Harper and Johnson

**SSB 3237**

WAYS AND MEANS: Johnson, Chair; Drake and Harper

## COMMITTEE REPORTS

**WAYS AND MEANS**

**Final Bill Action:** \*SENATE FILE 2456 (SSB 3233), a bill for an act relating to an alternative method of computing the research activities credit for purposes of state income tax and including a retroactive applicability date 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. Absent or not voting, none.

**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 Ways and Means Committee on Senate File 2456, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2457 (SSB 3235), a bill for an act relating to certification of the need for the physical plant and equipment property tax levy in certain urban renewal areas and providing an applicability date.

**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. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2458 (SSB 3120), a bill for an act exempting the providing of environmental laboratory services from the state sales and use taxes.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Johnson, McKibben, Bartz, Deluhery, Drake, Flynn, Lamberti, Maddox, and Redwine. Nays, 5: Harper, Bolkcom, Connolly, Hedge, and Soukup. Absent or not voting, 1: McLaren.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2563, a bill for an act exempting from the sales and use taxes the gross receipts from all sales of goods and services used in fulfillment of a construction contract for a nonprofit hospital, providing for refunds, and including an effective and retroactive applicability date provision.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Drake, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup. Nays, none. Absent or not voting, 1: Flynn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2569, a bill for an act exempting the sale of livestock ear tags by certain nonprofit organizations from the sales and use taxes.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AMENDMENTS FILED

S-5473	H.F.	2562	Jeff Lamberti JoAnn Johnson
S-5474	H.F.	2351	Steve Hansen
S-5475	H.F.	2351	Steve Hansen
S-5476	S.F.	2446	Michael W. Connolly
S-5477	H.F.	2351	Steve Hansen
S-5478	S.F.	2429	Jack Rife
S-5479	H.F.	2549	Elaine Szymoniak
S-5480	S.F.	419	Richard F. Drake
S-5481	H.F.	2205	Steve King Jeff Lamberti
S-5482	H.F.	2351	Steve Hansen

## EVENING SESSION

The Senate reconvened at 6:31 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 18, 2000, 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 2378**, a bill for an act relating to requirements of and authorizations for schools and area education agencies, and providing an effective date.(S-5485)

**House File 2496**, a bill for an act providing supplementary weighting for determining enrollment in school districts involved in district-to-district or district-to-community-college sharing programs, and at-risk programs, and providing an effective date.(S-5497)

ALSO: That the House has on April 18, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2555**, a bill for an act relating to and making appropriations from the tobacco settlement fund.

Read first time and referred to committee on **Appropriations**.

ALSO: That the House has on April 18, 2000, refused to concur in the Senate amendment to the House amendment to the following bill in which the **concurrence** of the **House** was asked:

**Senate File 2429**, 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 effective dates and retroactive applicability provisions.

ALSO: That the House has on April 18, 2000, 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 2430**, a bill for an act relating to and making appropriations for agriculture and natural resources and providing effective dates.



**APPENDIX****REPORT OF COMMITTEE MEETING****TRANSPORTATION**

**Convened:** April 18, 2000, 3:35 p.m.

**Members Present:** Drake, Chair; Sexton, Vice Chair; McCoy, Ranking Member; Fink, Fraise, Jensen, Judge, Kibbie, McKibben, and Rittmer.

**Members Absent:** Freeman, McKean, and Zieman (all excused).

**Committee Business:** Passed SF 2455.

**Adjourned:** 3:37 p.m.

**COMMITTEE REPORT****TRANSPORTATION**

**Final Bill Action:** SENATE FILE 2455, a bill for an act relating to eligibility for United States armed forces retired special motor vehicle license plates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Drake, Sexton, McCoy, Fink, Fraise, Jensen, Judge, Kibbie, McKibben, and Rittmer. Nays, none. Absent or not voting, 3: Freeman, McKean, and Zieman.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**AMENDMENTS FILED**

S-5483	S.F.	2412	Steve King
S-5484	S.F.	2412	Steve King
S-5485	H.F.	2378	House
S-5486	S.F.	2453	Patrick J. Deluhery
			Tom Flynn
			Joe Bolkcom
			Patricia Harper
S-5487	S.F.	2453	Bill Fink
			Robert E. Dvorsky
			Betty A. Soukup
			Eugene Fraise
			Joe Bolkcom

			Patricia Harper
			Patrick J. Deluhery
S-5488	S.F.	2453	Patricia Harper
			Joe Bolkcom
S-5489	S.F.	2453	Patrick J. Deluhery
			Joe Bolkcom
			Patricia Harper
			Johnie Hammond
			Robert E. Dvorsky
			Bill Fink
S-5490	S.F.	2453	Michael W. Connolly
S-5491	S.F.	2453	John P. Kibbie
			Patrick J. Deluhery
S-5492	S.F.	2453	Dennis H. Black
			Bill Fink
			Tom Flynn
			Patrick J. Deluhery
S-5493	S.F.	2453	John Judge
			Tom Flynn
			Patrick J. Deluhery
			Joe Bolkcom
			Patricia Harper
			Johnie Hammond
			Betty A. Soukup
			Eugene Fraise
			Bill Fink
S-5494	S.F.	2453	Robert E. Dvorsky
			Johnie Hammond
			Joe Bolkcom
S-5495	H.F.	2565	Michael W. Connolly
S-5496	S.F.	2453	Jeff Lamberti
S-5497	H.F.	2496	House

### ADJOURNMENT

On motion of Senator McKean, the Senate adjourned at 6:34 p.m., until 9:00 a.m., Wednesday, April 19, 2000.

# JOURNAL OF THE SENATE

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ONE-HUNDRED AND FIRST CALENDAR DAY  
SIXTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 19, 2000

The Senate met in regular session at 9:02 a.m., President Kramer presiding.

Prayer was offered by Senator Mike Connolly from Dubuque, Iowa.

The Journal of Tuesday, April 18, 2000, was approved.

## SPECIAL PRESENTATION

Senator Jensen presented Senator Drake with a 50 mile per hour speed limit sign in appreciation of his dedication to highway safety in Iowa and in recognition of the 50th wedding anniversary of Senator Drake and his wife, Shirley Drake.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he arrives, on request of Senator Fraise.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2455.

### **Senate File 2455**

On motion of Senator Drake, **Senate File 2455**, a bill for an act relating to eligibility for United States armed forces retired special

motor vehicle license plates, 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?" (S.F. 2455), 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
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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

### Senate File 2345

On motion of Senator King, **Senate File 2345**, a bill for an act relating to the determination of fair value of the shares of dissenting shareholders of a bank or bank holding company, placed on the Unfinished Business Calendar on March 22, 2000, was taken up for consideration.

Senator King asked and received unanimous consent that **House File 2197** be **substituted** for **Senate File 2345**.

**House File 2197**

On motion of Senator King, **House File 2197**, a bill for an act relating to the determination of fair value of the shares of dissenting shareholders of a bank or bank holding company, was taken up for consideration.

Senator King moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2197), 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.

**WITHDRAWN**

Senator King asked and received unanimous consent that **Senate File 2345** be **withdrawn** from further consideration of the Senate.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zieman, for the day, on request of Senator Hedge.

## IMMEDIATELY MESSAGED

Senator Hedge asked and received unanimous consent that **Senate File 2455** and **House File 2197** be **immediately messaged** to the House.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen, until he returns, on request of Senator Redfern.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2453.

**Senate File 2453**

On motion of Senator Freeman, **Senate File 2453**, a bill for an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department for the blind, the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the judicial branch, the department of public safety, the state board of regents, the state department of transportation, the office of treasurer of state, and the commission of veterans affairs, creating an environment first fund and making appropriations from that fund for environmental purposes, making related Code language changes, and providing effective dates, was taken up for consideration.

The Senate stood at ease at 9:34 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:25 a.m., President Kramer presiding.

Senator Lamberti asked and received unanimous consent to withdraw amendment S-5435, filed by him on April 17, 2000, to pages 1, 7, and 8 of the bill.

Senator Connolly offered amendment S-5490, filed by him on April 18, 2000, to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5490 be adopted?" (S.F. 2453) the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra

Absent or not voting, 2:

Jensen	Zieman
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Amendment S-5490 lost.

Senator Connolly offered amendment S-5504, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5504 be adopted?" (S.F. 2453), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra

Absent or not voting, 2:

Jensen	Zieman
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Amendment S-5504 lost.

Senator Lamberti asked and received unanimous consent to withdraw amendment S-5436, filed by him on April 17, 2000, to pages 2 and 7-9 of the bill.

Senator Kibbie offered amendment S-5491, filed by Senators Kibbie and Deluhery on April 18, 2000, to page 3 of the bill.

Senator Kibbie asked and received unanimous consent to withdraw amendment S-5491.

Senator Freeman asked and received unanimous consent to withdraw amendment S-5498, filed by her from the floor to pages 3, 4, 6, and 9 of the bill.

Senator Deluhery offered amendment S-5489, filed by Senators Deluhery, et al., on April 18, 2000, to page 3 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5489 be adopted?" (S.F. 2453), the vote was:



Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra

Absent or not voting, 2:

Jensen	Zieman
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Amendment S-5489 lost.

Senator Deluhery offered amendment S-5486, filed by Senators Deluhery, et al., on April 18, 2000, to pages 3 and 4 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5486 be adopted?" (S.F. 2453), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra

Absent or not voting, 2:

Jensen                      Zieman

Amendment S-5486 lost.

Senator Judge offered amendment S-5493, filed by Senators Judge, et al., on April 18, 2000, to page 3 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5493 be adopted?" (S.F. 2453), the vote was:

Ayes, 20:

Bartz	Black	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Shearer	Soukup	Szymoniak

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Hedge	Iverson
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra

Absent or not voting, 2:

Jensen                      Zieman

Amendment S-5493 lost.

Senator Connolly offered amendment S-5505, filed by him from the floor to pages 3 and 6 of the bill.

Senator Connolly asked and received unanimous consent that action on amendment S-5505 be deferred.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5503, filed by him from the floor to page 4 of the bill.

Senator Harper offered amendment S-5488, filed by Senators Harper and Bolkcom on April 18, 2000, to page 8 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5488 be adopted?" (S.F. 2453), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra

Absent or not voting, 2:

Jensen	Zieman
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Amendment S-5488 lost.

Senator Lamberti asked and received unanimous consent to withdraw amendment S-5496, filed by him on April 18, 2000, to pages 9, 17, 19, and to the title page of the bill.

With the withdrawal of amendment S-5496, the Chair ruled amendment S-5500, filed by Senator Lamberti from the floor to page 1 of amendment S-5496, out of order.

Senator Lamberti offered amendment S-5512, filed by him from the floor to pages 9, 17, 19, and to the title page of the bill.

Senator Lamberti asked and received unanimous consent to withdraw amendment S-5513, filed by him from the floor to page 1 of amendment S-5512.

Senator Lamberti moved the adoption of amendment S-5512.

Amendment S-5512 was adopted by a voice vote.

Senator Dvorsky offered amendment S-5494, filed by Senators Dvorsky, Hammond, and Bolkcom on April 18, 2000, to page 10 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5494 be adopted?" (S.F. 2453), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Redfern	Rife	Shearer
Soukup	Szymoniak		

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra		

Absent or not voting, 2:

Jensen	Zieman
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Amendment S-5494 lost.

Senator Fink offered amendment S-5487, filed by Senators Fink, et al., on April 18, 2000, to pages 11 and 16 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5487 be adopted?" (S.F. 2453), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra

Absent or not voting, 2:

Jensen	Zieman
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Amendment S-5487 lost.

Senator Boettger took the chair at 12:33 p.m.

Senator Black offered amendment S-5492, filed by Senators Black, et al., on April 18, 2000, to page 17 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5492 be adopted?" (S.F. 2453), 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	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
King	Lundby	McCoy	McKean
Shearer	Soukup	Szymoniak	

Nays, 25:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	Kramer
Lamberti	Maddox	McKibben	McLaren
Miller	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Tinsman
Veenstra			

Absent or not voting, 2:

Redfern                      Zieman

Amendment S-5492 lost.

Senator Connolly offered amendment S-5506, filed by him from the floor to page 17 of the bill, and moved its adoption.

Amendment S-5506 lost by a voice vote.

Senator Connolly offered amendment S-5502, filed by him from the floor to page 17 of the bill, and moved its adoption.

Amendment S-5502 lost by a voice vote.

The Senate resumed consideration of amendment S-5505, previously deferred.

Senator Connolly offered amendment S-5519, filed by him from the floor to page 1 of amendment S-5505, and moved its adoption.

Amendment S-5519 was adopted by a voice vote.

Senator Connolly moved the adoption of amendment S-5505, as amended.

Amendment S-5505 was adopted by a voice vote.

Senator Freeman offered amendment S-5516, filed by her from the floor to pages 3, 4, and 6, and called for a division:

Division S-5516A: Lines 2-32, 36, and 37.

Division S-5516B: Lines 33-35.

Senator Freeman withdrew division S-5516B.

Senator Freeman moved the adoption of division S-5516A.

Division S-5516A was adopted by a voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer, until she returns, on request of Senator Iverson.

### BUSINESS PENDING

### Senate File 2453

The Senate resumed consideration of Senate File 2453.

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?" (S.F. 2453), the vote was:

Ayes, 39:

Angelo	Bartz	Behn	Boettger
Connolly	Dearden	Drake	Flynn
Fraise	Freeman	Gaskill	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, 9:

Black	Bolkcom	Deluhery	Dvorsky
Fink	Gronstal	Hammond	Hansen
Shearer			

Absent or not voting, 2:

Kramer	Zieman
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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 19, 2000, adopted the following resolution in which the **concurrence** of the **Senate** is asked:

**House Concurrent Resolution 109**, a concurrent resolution requesting that the Governor annually designate the week in June beginning with Father's Day, as prostate cancer awareness week.

Read first time and referred to committee on **Rules and Administration**.

ALSO: That the House has on April 19, 2000, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 2008**, a bill for an act providing residency status to certain members of the armed forces for purposes of hunting, fishing, and fur harvesting.

ALSO: That the House has on April 19, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2144**, a bill for an act relating to regulation and inspection of health care facilities including the establishment of a quality-based inspections system.(S-5517)

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2453** be **immediately messaged** to the House.

### RECESS

On motion of Senator Iverson, the Senate recessed at 1:01 p.m., until 2:00 p.m.



## APPENDIX

### EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on April 18, 2000, when the votes were taken on Senate Files 2450, 2454, and House File 2550. Had I been present, I would have voted "Aye" on all.

JEFF ANGELO

### PETITION

The following petition was presented and placed on file:

From 150 residents of Johnson and Linn counties favoring legislation that would discontinue the horsepower restrictions on Lake MacBride. Senator Bartz.

### INTRODUCTION OF BILLS

**Senate File 2459**, by committee on Ways and Means, a bill for an act relating to the deadline for municipalities to file annual financial reports for urban renewal areas.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate File 2460**, by committee on Ways and Means, a bill for an act relating to sales tax exemptions for fuel used in certain activities related to agriculture, providing an effective date, and making provisions retroactively applicable.

Read first time under Rule 28 and placed on **Ways and Means calendar**.

**Senate File 2461**, by Iverson, a bill for an act creating a tobacco settlement authority Act, authorizing the issuance of bonds, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Judiciary**.

## COMMITTEE REPORTS

## WAYS AND MEANS

**Final Bill Action:** \*SENATE FILE 2459 (SSB 3237), a bill for an act relating to the deadline for municipalities to file annual financial reports for urban renewal areas.

**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. Absent or not voting, none.

**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 Ways and Means Committee on Senate File 2459, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2460 (Formerly SF 2178), a bill for an act relating to sales tax exemptions for fuel used in certain activities related to agriculture, providing an effective date, and making provisions retroactively applicable.

**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. Absent or not voting, none.

**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 Ways and Means Committee on Senate File 2460, and they were attached to the committee report.

## AMENDMENTS FILED

S-5498	S.F.	2453	Mary Lou Freeman
S-5499	H.F.	2565	Michael W. Connolly
S-5500	S.F.	2453	Jeff Lamberti
S-5501	H.F.	2205	Larry McKibben
			Donald B. Redfern
			Andy McKean
			Derryl McLaren
			Jeff Angelo
			Wally E. Horn

			Gene Maddox
			John P. Kibbie
			Matt McCoy
			Nancy Boettger
S-5502	S.F.	2453	Michael W. Connolly
S-5503	S.F.	2453	Michael W. Connolly
S-5504	S.F.	2453	Michael W. Connolly
S-5505	S.F.	2453	Michael W. Connolly
S-5506	S.F.	2453	Michael W. Connolly
S-5507	S.F.	2395	Robert E. Dvorsky
S-5508	S.F.	2395	Robert E. Dvorsky
S-5509	S.F.	2395	Robert E. Dvorsky
S-5510	S.F.	2395	Patrick J. Deluhery
S-5511	S.F.	2395	Patrick J. Deluhery
S-5512	S.F.	2453	Jeff Lamberti
S-5513	S.F.	2453	Jeff Lamberti
S-5514	S.F.	2395	Robert E. Dvorsky
S-5515	H.F.	2205	Steve King
			Joe Bolkcom
S-5516	S.F.	2453	Mary Lou Freeman
S-5517	S.F.	2144	House
S-5518	H.F.	2565	Michael W. Connolly
S-5519	S.F.	2453	Michael W. Connolly
S-5520	H.F.	2540	Matt McCoy
			Bill Fink
			Joe Bolkcom
			Robert E. Dvorsky
			Betty A. Soukup
			Elaine Szymoniak
			Dick Dearden
			Patricia Harper
S-5521	H.F.	2540	Matt McCoy
			Bill Fink
			Joe Bolkcom
			Mark Shearer
			Robert E. Dvorsky
			Elaine Szymoniak
			Betty A. Soukup
			Dick Dearden
			Patricia Harper
S-5522	H.F.	2545	Matt McCoy

S-5523	H.F.	2205	Steve King
S-5524	H.F.	2205	JoAnn Johnson
S-5525	H.F.	2555	Ken Veenstra
S-5526	H.F.	2549	Ken Veenstra
			H. Kay Hedge
			Neal Schuerer
			Steve King

## AFTERNOON SESSION

The Senate reconvened at 2:12 p.m., President Kramer presiding.

## QUORUM CALL

Senator Freeman requested a non-record roll call to determine that a quorum was present.

The vote revealed 31 present, 19 absent, and a quorum present.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Joint Resolution 2014.

**House Joint Resolution 2014**

On motion of Senator Iverson, **House Joint Resolution 2014**, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the resolution was read the last time.

**House Joint Resolution 2014**, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Section 1. Notwithstanding 401 IAC 1.6(6) and any contrary provisions of chapter 123, prohibiting the use and consumption of alcoholic beverages in public places, wine may be used and consumed within the State Capitol at an awards ceremony, to be held on or around October 12, 2000, hosted and organized in whole or in part by the World Food Prize Foundation if the person providing the food and wine at the awards ceremony possesses an appropriate valid liquor

control license. For the purpose of this section and section 123.95, the State Capitol is a private place.

On the question "Shall the resolution be adopted?" (H.J.R. 2014), the vote was:

Yeas, 43:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Deluhery	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, 2:

Bartz	McKean
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Absent or not voting, 5:

Dearden	Gaskill	Gronstal	Rittmer
Zieman			

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gaskill, until he arrives, on request of Senator Sexton.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2569.

**House File 2569**

On motion of Senator Hedge, **House File 2569**, a bill for an act exempting the sale of livestock ear tags by certain nonprofit organizations from the sales and use taxes, 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. 2569), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	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
Soukup	Tinsman	Veenstra	

Nays, 5:

Dearden	Lundby	McCoy	Shearer
Szymoniak			

Absent or not voting, 2:

Gaskill	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.

UNFINISHED BUSINESS  
(Deferred April 17, 2000)

**House File 2557**

The Senate resumed consideration of **House File 2557**, a bill for an act relating to the state's disposition of unclaimed property law by

setting a limit on the retention of abandoned property records and requiring the filing of rules setting requirements and conditions for hiring independent auditors, deferred April 17, 2000.

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. 2557), the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Flynn	Freeman	Gaskill	Iverson
Jensen	Johnson	Judge	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Tinsman
Veenstra			

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Fraise	Gronstal	Hammond	Hansen
Harper	Hedge	Horn	Kibbie
Miller	Shearer	Soukup	Szymoniak

Absent or not voting, 1:

Zieman

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 2557** and **2569** be **immediately messaged** to the House.



UNFINISHED BUSINESS  
(Deferred April 17, 2000)

**House File 2565**

The Senate resumed consideration of **House File 2565**, a bill for an act relating to tobacco use prevention and control and providing an effective date, deferred April 17, 2000.

With the previous ruling of germaneness on division S-5438A, the Chair ruled amendment S-5443, filed by Senator Connolly on April 17, 2000, to page 1 of the bill, out of order.

Senator Connolly offered amendment S-5450, filed by him on April 17, 2000, to page 1 of the bill.

Senator Boettger raised the point of order that amendment S-5450 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5450 out of order.

Amendment S-5461, filed by Senator Miller on April 17, 2000, to amendment S-5450, was out of order.

Senator Connolly offered amendment S-5499, filed by him from the floor to page 1 of the bill.

Senator Boettger raised the point of order that amendment S-5499 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5499 out of order.

Amendment S-5518, filed by Senator Connolly from the floor to amendment S-5499, was out of order.

Senator Bolcom offered amendment S-5446, filed by Senators Bolcom and Dvorsky on April 17, 2000, to page 1 of the bill.

Senator Redfern took the chair at 3:42 p.m.

Senator Bolkcom moved the adoption of amendment S-5446.

A record roll call was requested.

On the question "Shall amendment S-5446 be adopted?" (H.F. 2565), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Harper
Hedge	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Tinsman	Veenstra		

Absent or not voting, 1:

Zieman

Amendment S-5446 lost.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5495, filed by him on April 18, 2000, to page 3 of the bill.

Senator Miller asked and received unanimous consent to withdraw amendment S-5464, filed by him on April 17, 2000, to page 10 of the bill.

Senator Boettger asked and received unanimous consent to withdraw amendment S-5439, filed by her on April 17, 2000, to pages 10 and 14 of the bill.

Senator Maddox asked and received unanimous consent to withdraw amendment S-5456, filed by him on April 17, 2000, to page 14 of the bill.

Senator Bolkcom asked and received unanimous consent to withdraw amendment S-5445, filed by him on April 17, 2000, to page 14 of the bill.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hammond, until she returns, on request of Senator Bolkcom.

### BUSINESS PENDING

### House File 2565

The Senate resumed consideration of House File 2565.

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. 2565), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
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	

Nays, 1:

Bolkcom

Absent or not voting, 2:

Hammond                      Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Boettger asked and received unanimous consent that **Senate File 2449** be **withdrawn** from further consideration of the Senate.

### SPECIAL GUESTS

Senator Miller welcomed Svetlana Zadoya from Krasnodarsky Kray, in the southern region of Russia. She holds a four-year teaching degree from Russia and is now a second-year student at Iowa Central Community College in Fort Dodge, working towards a bachelor's degree in computer programming or computer design.

Ms. Zadoya was accompanied by Dave Drissell, Chair of Social Sciences.

### IMMEDIATELY MESSAGED

Senator Hedge asked and received unanimous consent that **House File 2565** and **House Joint Resolution 2014** be **immediately messaged** to the House.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redwine, until he returns, on request of Senator Schuerer.

### UNFINISHED BUSINESS

#### **House File 2206**

On motion of Senator King, **House File 2206**, a bill for an act providing for the waiver or variance of administrative rules by state agencies, with report of committee recommending passage, placed on

the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator King offered amendment S-5416, filed by Senators King and Lamberti on April 13, 2000, to page 3 of the bill.

Senator Connolly raised the point of order that amendment S-5416 was not germane to the bill.

Senator Connolly withdrew his point of order.

Senator King asked and received unanimous consent to withdraw amendment S-5416.

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. 2206), 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	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra			

Nays, none.

Absent or not voting, 1:

Zieman

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 2206** be **immediately messaged** to the House.

## UNFINISHED BUSINESS

**Senate File 2425**

On motion of Senator Lamberti, **Senate File 2425**, a bill for an act providing an assistive device tax credit under the individual and corporate taxes for the acquisition or modification of assistive technology or the modification of the workplace in order to assist persons with a disability in the workplace, limiting the total amount of credits allowed, and including an effective and retroactive applicability date provision, placed on the Unfinished Business Calendar on March 16, 2000, 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. 2425), 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	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra			

Nays, none.

Absent or not voting, 1:

Zieman

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 2425** be **immediately messaged** to the House.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 114.

#### **Senate Concurrent Resolution 114**

On motion of Senator Iverson, **Senate Concurrent Resolution 114**, a concurrent resolution requesting the office of the attorney general to establish an operating while intoxicated (OWI) task force to review the clarity, complexity, and functionality of current operating while intoxicated Code provisions and to make recommendations to the general assembly, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 114, which motion prevailed by a voice vote.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 116.

#### **Senate Concurrent Resolution 116**

On motion of Senator Iverson, **Senate Concurrent Resolution 116**, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 state quarters program and to direct the commission to develop designs incorporating the Old Capitol as a symbol for the

state, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 116, which motion prevailed by a voice vote.

#### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 15.

#### **House Concurrent Resolution 15**

On motion of Senator Iverson, **House Concurrent Resolution 15**, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 state quarters program, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 15, which motion prevailed by a voice vote.

#### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 116.

#### **House Concurrent Resolution 116**

On motion of Senator Iverson, **House Concurrent Resolution 116**, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 state quarters program and to direct the commission to develop designs incorporating the Loess Hills as a symbol for the state, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 116, which motion prevailed by a voice vote.



CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 103.

**House Concurrent Resolution 103**

On motion of Senator Iverson, **House Concurrent Resolution 103**, a concurrent resolution relating to the fair treatment of women in the drafting of wills and trusts by estate planners, trust officers, investment advisers, and other financial planners and advisers, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 103, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolutions 114, 116, House Concurrent Resolutions 15, 103, and 116** be **immediately messaged** to the House.

President Kramer took the chair at 5:14 p.m.

UNFINISHED BUSINESS

**House File 2205**

On motion of Senator King, **House File 2205**, a bill for an act relating to electronic commerce by establishing requirements for electronic transactions and electronic records and providing penalties, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 23, 2000, was taken up for consideration.

Senator King offered amendment S-5162, filed by the committee on Commerce on March 15, 2000, to pages 4, 15, and 17 of the bill.

Senator McKibben asked and received unanimous consent that action on amendment S-5162 and **House File 2205** be **deferred**.

RECESS

On motion of Senator Iverson, the Senate recessed at 5:23 p.m., until 6:15 p.m.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 19, 2000

#### IOWA CIVIL RIGHTS COMMISSION

FY 1999 Annual Report of the Civil Rights Commission, as pursuant to Iowa Code section 216.

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Alison Mostrom, West Des Moines – For receiving a 2000 Prudential Spirit of Community Award and for your outstanding volunteer service to your community. Senator Kramer (04/19/00).

Matthew Ternus, Vinton – For receiving a 2000 Prudential Spirit of Community Award and for your outstanding volunteer service to your community. Senator Kramer (04/19/00).

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS

**Convened:** April 19, 2000, 1:35 p.m.

**Members Present:** McLaren, Chair; Flynn, Ranking Member; Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman.

**Members Absent:** Kramer, Vice Chair (excused).

**Committee Business:** Passed HFs 2545, 2549, 2552, 2554, and 2555.

**Adjourned:** 1:55 p.m.

## SUBCOMMITTEE ASSIGNMENT

**House File 2555**

APPROPRIATIONS: Kramer, Chair; Bolkcom, Hammond, Rife, and Tinsman

## COMMITTEE REPORTS

**APPROPRIATIONS**

**Final Bill Action:** HOUSE FILE 2545, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McLaren, Behn, Freeman, Hedge, Jensen, Johnson, King, Lamberti, Maddox, Redwine, Rehberg, Rife, Schuerer, and Tinsman. Nays, 9: Flynn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Horn, McCoy, and Soukup. Absent or not voting, 2: Kramer and Hammond.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2549, 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 for retroactive applicability and effective dates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McLaren, Behn, Freeman, Hedge, Jensen, Johnson, King, Lamberti, Maddox, Redwine, Rehberg, Rife, Schuerer, and Tinsman. Nays, 9: Flynn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Horn, McCoy, and Soukup. Absent or not voting, 2: Kramer and Hammond.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2552, a bill for an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McLaren, Behn, Freeman, Hedge, Jensen, Johnson, King, Lamberti, Maddox, Redwine, Rehberg, Rife, Schuerer, and Tinsman. Nays, 9: Flynn,

Black, Bolkcom, Connolly, Deluhery, Dvorsky, Horn, McCoy, and Soukup. Absent or not voting, 2: Kramer and Hammond.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2554, a bill for an act relating to and making appropriations to the judicial branch.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 23: McLaren, Flynn, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, 2: Kramer and Hammond.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2555, a bill for an act relating to and making appropriations from the tobacco settlement fund, providing an effective date, and providing for retroactive applicability.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 24: McLaren, Flynn, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Freeman, Hammond, Hedge, Horn, Jensen, Johnson, King, Lamberti, Maddox, McCoy, Redwine, Rehberg, Rife, Schuerer, Soukup, and Tinsman. Nays, none. Absent or not voting, 1: Kramer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## 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 19th day of April, 2000:

Senate Files 2143, 2146, 2308, 2313, 2329, and 2450.

MICHAEL E. MARSHALL  
Secretary of the Senate

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2453, the following corrections were made:

1. Page 21, line 30, the words and numbers "Sections 100, 101, 102, 103, and 104" were changed to the words and numbers "Sections 17, 29, 30, 31, and 36".

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

S-5527	H.F.	2545	Jack Rife Dennis H. Black Matt McCoy
S-5528	H.F.	2540	Bill Fink
S-5529	H.F.	2205	JoAnn Johnson
S-5530	S.F.	419	Richard F. Drake
S-5531	H.F.	2554	Gene Maddox Derryl McLaren

## EVENING SESSION

The Senate reconvened at 6:21 p.m., President Kramer presiding.

## QUORUM CALL

Senator Angelo requested a non-record roll call to determine that a quorum was present.

The vote revealed 29 present, 21 absent, and a quorum present.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Drake, McLaren, and Rife, until they arrive, on request of Senator Freeman; and Senator Miller, until he arrives, on request of Senator Johnson.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration Senate File 2457.

**Senate File 2457**

On motion of Senator Johnson, **Senate File 2457**, a bill for an act relating to certification of the need for the physical plant and equipment property tax levy in certain urban renewal areas and providing an applicability date, 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. 2457), the vote was:

Ayes, 45:

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	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra			

Nays, none.

Absent or not voting, 5:

Drake	McLaren	Miller	Rife
Zieman			

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 File 2457** be **immediately messaged** to the House.

#### BUSINESS PENDING

#### House File 2205

The Senate resumed consideration of **House File 2205**, a bill for an act relating to electronic commerce by establishing requirements for electronic transactions and electronic records and providing penalties, and amendment S-5162, previously deferred.

Senator McKibben offered amendment S-5501, filed by Senators McKibben, et al., from the floor to pages 1 and 2 of amendment S-5162, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5501 be adopted?" (H.F. 2205), the vote was:

Ayes, 16:

Angelo	Boettger	Dearden	Hansen
Horn	Iverson	Kibbie	Maddox



McCoy	McKean	McKibben	McLaren
Miller	Redfern	Rife	Soukup

Nays, 33:

Bartz	Behn	Black	Bolkcom
Connolly	Deluhery	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Hammond	Harper
Hedge	Jensen	Johnson	Judge
King	Kramer	Lamberti	Lundby
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Szymoniak	Tinsman
Veenstra			

Absent or not voting, 1:

Zieman

Amendment S-5501 lost.

Senator King offered amendment S-5481, filed by Senators King and Lamberti on April 18, 2000, to pages 1 and 2 of amendment S-5162.

Senator McKibben asked and received unanimous consent that action on amendment S-5481 to amendment S-5162 and **House File 2205** be **deferred**.

HOUSE AMENDMENT DEFERRED  
(Deferred April 18, 2000)

**Senate File 2395**

The Senate resumed consideration of **Senate File 2395**, a bill for an act relating to the creation of an information technology department and making related changes, and House amendment S-5380, previously deferred.

Senator Boettger took the chair at 7:44 p.m.

Senator Deluhery asked and received unanimous consent to withdraw amendment S-5511, filed by him from the floor to pages 1 and 6 of House amendment S-5380.

Senator Deluhery offered amendment S-5510, filed by him from the floor to pages 1 and 2 of House amendment S-5380, and moved its adoption.

Amendment S-5510 lost by a voice vote.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5509, filed by him from the floor to page 2 of House amendment S-5380.

Senator Dvorsky offered amendment S-5508, filed by him from the floor to page 2 of House amendment S-5380, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5508 be adopted?" (S.F. 2395), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 29:

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			

Absent or not voting, 1:

Zieman

Amendment S-5508 lost.

Senator Dvorsky offered amendment S-5507, filed by him from the floor to page 2 of House amendment S-5380, and moved its adoption.

Amendment S-5507 lost by a voice vote.

Senator Dvorsky offered amendment S-5535, filed by him from the floor to page 2 of House amendment S-5380, and moved its adoption.

Amendment S-5535 lost by a voice vote.

Senator Dvorsky offered amendment S-5514, filed by him from the floor to page 6 of House amendment S-5380, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5514 be adopted?" (S.F. 2395), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 29:

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			

Absent or not voting, 1:

Zieman

Amendment S-5514 lost.

Senator Hansen asked and received unanimous consent that action on House amendment S-5380 and **Senate File 2395** be **deferred**.

The Senate stood at ease at 8:20 p.m. until the fall of the gavel, for the purpose of party caucuses.

The Senate resumed session at 8:44 p.m., President Kramer presiding.

## BUSINESS PENDING

**Senate File 2395**

The Senate resumed consideration of **Senate File 2395**, a bill for an act relating to the creation of an information technology department and making related changes, and House amendment S-5380, previously deferred.

Senator King 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 King 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. 2395), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Freeman	Gaskill	Hedge	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Sexton
Tinsman	Veenstra		

Nays, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Schuerer	Shearer
Soukup	Szymoniak		

Absent or not voting, 2:

McLaren

Zieman

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 2395** be **immediately messaged** to the House.

### BUSINESS PENDING

### House File 2205

The Senate resumed consideration of **House File 2205**, a bill for an act relating to electronic commerce by establishing requirements for electronic transactions and electronic records and providing penalties, amendment S-5162, and amendment S-5481 to amendment S-5162, previously deferred.

Senator King moved the adoption of amendment S-5481.

Amendment S-5481 was adopted by a voice vote.

Senator McKibben offered amendment S-5539, filed by him from the floor to page 1 of amendment S-5162, and moved its adoption.

Amendment S-5539 was adopted by a voice vote.

Senator King moved the adoption of amendment S-5162, as amended, which motion prevailed by a voice vote.

Senator King offered amendment S-5523, filed by him from the floor to page 5 of the bill, and moved its adoption.

Amendment S-5523 was adopted by a voice vote.

Senator King offered amendment S-5515, filed by Senators King and Bolkcom from the floor to page 16 of the bill, and moved its adoption.

Amendment S-5515 was adopted by a voice vote.

Senator Johnson offered amendment S-5524, filed by her from the floor to page 17 and to the title page of the bill.

Senator Johnson offered amendment S-5529, filed by her from the floor to page 2 of amendment S-5524, and moved its adoption.

Amendment S-5529 was adopted by a voice vote.

Senator Johnson moved the adoption of amendment S-5524, as amended, which motion prevailed by a voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren, until he returns, on request of Senator Bartz.

### BUSINESS PENDING

### House File 2205

The Senate resumed consideration of House File 2205.

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. 2205), the vote was:

Ayes, 46:

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	Rittmer
Schuerer	Sexton	Shearer	Szymoniak
Tinsman	Veenstra		

Nays, 2:

Rife                      Soukup

Absent or not voting, 2:

McLaren                Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2205** be **immediately messaged** to the House.

## APPENDIX

### INTRODUCTION OF RESOLUTION

**Senate Resolution 120**, by Redfern, Horn, and Lundby, a resolution honoring native Iowan and St. Louis Rams quarterback Kurt Warner.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

### SUBCOMMITTEE ASSIGNMENT

#### Senate File 2461

JUDICIARY: Lamberti, Chair; Hansen and Redfern

### AMENDMENTS FILED

S-5532	H.F.	2563	Mark Shearer Patricia Harper
S-5533	H.F.	2545	Johnie Hammond Patricia Harper
S-5534	H.F.	2555	Johnie Hammond
S-5535	S.F.	2395	Robert E. Dvorsky
S-5536	H.F.	2555	Michael E. Gronstal
S-5537	H.F.	2555	Betty A. Soukup
S-5538	H.F.	2552	Patricia Harper
S-5539	H.F.	2205	Larry McKibben
S-5540	H.F.	2552	Mark Shearer
S-5541	S.F.	466	Mike Sexton
S-5542	H.F.	2552	Gene Maddox
S-5543	H.F.	2562	JoAnn Johnson
S-5544	H.F.	2552	Mark Shearer Eugene Fraise

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:10 p.m., until 9:00 a.m., Thursday, April 20, 2000.



# JOURNAL OF THE SENATE

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ONE-HUNDRED AND SECOND CALENDAR DAY  
SIXTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 20, 2000

The Senate met in regular session at 9:24 a.m., President Kramer presiding.

Prayer was offered by Sarah Carlson, Senate Page from Rockwell City, Iowa, who sang "The Lord's Prayer." She was the guest of President Kramer.

The Senate stood at ease at 9:30 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:12 a.m., 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 19, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2447**, a bill for an act relating to public improvements and providing financial assistance to communities and school districts by creating a school infrastructure program and fund, continuing the community attraction and tourism program and fund, creating a vision Iowa board, creating a vision Iowa program and fund, providing bonding authority to the treasurer of state, and exempting certain income from taxation.(S-5545)

## INTRODUCTION OF RESOLUTION

**Senate Resolution 121**, by Deluhery, Black, Bolkcom, Connolly, Dearden, Dvorsky, Fink, Flynn, Fraise, Gronstal, Hammond, Hansen, Harper, Horn, Judge, Kibbie, McCoy, Shearer, Soukup, and Szymoniak, a resolution requesting an interim study regarding assignment of benefits under an insurance policy or contract or a health benefit plan.

Read first time and referred to committee on **Rules and Administration**.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Zieman, for the day, on request of Senator Lundby; and Senator Rehberg, until she arrives, on request of Senator Behn.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2447**

Senator Lamberti called up for consideration Senate File 2447, a bill for an act relating to public improvements and providing financial assistance to communities and school districts by creating a school infrastructure program and fund, continuing the community attraction and tourism program and fund, creating a vision Iowa board, creating a vision Iowa program and fund, providing bonding authority to the treasurer of state, and exempting certain income from taxation, amended by the House, and moved that the Senate concur in House amendment S-5545, filed April 20, 2000.

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. 2447), the vote was:

Ayes, 40:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gaskill	Gronstal	Hammond
Hansen	Harper	Horn	Iverson
Johnson	Judge	Kibbie	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	Miller	Redfern
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymaniak	Tinsman	Veenstra

Nays, 8:

Drake	Freeman	Hedge	Jensen
King	McLaren	Redwine	Rife

Absent or not voting, 2:

Rehberg	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.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2447** be **immediately messaged** to the House.

### MOTION TO OVERRIDE GOVERNOR'S VETO LOST

Senator King called up for consideration **Senate File 2203**, a bill for an act to allow the assignment of benefits under an insurance policy or contract, or health benefit plan to the provider of health care services, and moved to reconsider and pass the bill, the objection of the Governor notwithstanding, as vetoed by the Governor on March 30, 2000.

Senator Boettger took the chair at 12:05 p.m.

President Kramer took the chair at 12:15 p.m.

Senator Bartz took the chair at 12:45 p.m.

President Kramer took the chair at 1:15 p.m.

Senator Boettger took the chair at 1:39 p.m.

On the question "Shall the Senate on reconsideration, agree to pass the bill, the objections of the Governor to the contrary notwithstanding?" (S.F. 2203), the vote was:

Ayes, 26:

Angelo	Bartz	Behn	Black
Boettger	Drake	Freeman	Gaskill
Iverson	Jensen	Johnson	King
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra		

Nays, 22:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Judge	Kibbie
McCoy	Redfern	Rife	Shearer
Soukup	Szymoniak		

Present, 1:

Kramer

Absent or not voting, 1:

Zieman

The motion, having **failed to receive** a two-thirds majority, was declared to have lost and the Governor's veto was sustained.

## RECESS

On motion of Senator Iverson, the Senate recessed at 2:05 p.m., until 2:30 p.m.

## AFTERNOON SESSION

The Senate reconvened at 2:30 p.m., Senator McKibben presiding.

## QUORUM CALL

Senator Freeman requested a non-record roll call to determine that a quorum was present.

The vote revealed 28 present, 22 absent, and a quorum present.

President Kramer took the chair at 2:16 p.m.

Senator Boettger took the chair at 2:18 p.m.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2540.

**House File 2540**

On motion of Senator McKibben, **House File 2540**, a bill for an act relating to economic development programs and related tax credits and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator McKibben offered amendment S-5414, filed by the committee on Ways and Means on April 13, 2000, to pages 1-8 of the bill, and asked and received unanimous consent that action on amendment S-5414 be deferred.

Senator McKibben offered amendment S-5549, filed by him from the floor to pages 1-8 of the bill.

Senator McCoy asked and received unanimous consent that action on amendment S-5549 and **House File 2540** be **deferred**.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2446.

**Senate File 2446**

On motion of Senator Lamberti, **Senate File 2446**, a bill for an act relating to the treatment for sales and use tax purposes of sales where the substance of the transactions is delivered by electromagnetic waves, digitally, or by way of cable or fiber optics, the exemption from the sales and use taxes of the furnishing, sale, or rental of information services, providing of refunds, and including an effective and retroactive applicability date provision, was taken up for consideration.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5476, filed by him on April 18, 2000, to page 1 of the bill.

Senator Lamberti asked and received unanimous consent that **House File 2562** be **substituted** for **Senate File 2446**.

**House File 2562**

On motion of Senator Lamberti, **House File 2562**, a bill for an act relating to the treatment for sales and use tax purposes of sales where the substance of the transactions is delivered by electromagnetic waves, digitally, or by way of cable or fiber optics, the exemption from the sales and use taxes of the furnishing, sale, or rental of information services, providing of refunds, and including an effective and retroactive applicability date provision, was taken up for consideration.

Senator Lamberti offered amendment S-5473, filed by Senators Lamberti and Johnson on April 18, 2000, to page 1 and to the title page of the bill.

Senator Johnson offered amendment S-5543, filed by her on April 19, 2000, to pages 1-3 of amendment S-5473.

Senator Johnson asked and received unanimous consent that action on amendment S-5543 and **House File 2562** be **deferred**.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration House File 2555.

**House File 2555**

On motion of Senator Tinsman, **House File 2555**, a bill for an act relating to and making appropriations from the tobacco settlement fund, providing an effective date, and providing for retroactive applicability, with report of committee recommending passage, was taken up for consideration.

The Senate stood at ease at 3:29 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 4:10 p.m., President Kramer presiding.

Senator Soukup offered amendment S-5537, filed by her on April 19, 2000, to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5537 be adopted?" (H.F. 2555), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra

Absent or not voting, 2:

Rife

Zieman

Amendment S-5537 lost.

Senator Hammond asked and received unanimous consent to withdraw amendment S-5534, filed by her on April 19, 2000, to page 3 of the bill.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Hammond.

### BUSINESS PENDING

### House File 2555

The Senate resumed consideration of House File 2555.

Senator Gronstal offered amendment S-5536, filed by him on April 19, 2000, to pages 4 and 11 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5536 be adopted?" (H.F. 2555), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Lundby	Maddox	Shearer
Soukup	Szymoniak		

Nays, 26:

Angelo	Bartz	Behn	Boettger
Freeman	Gaskill	Hedge	Iverson
Jensen	Johnson	King	Kramer
Lamberti	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg



Rife	Rittmer	Schuerer	Sexton
Tinsman	Veenstra		

Absent or not voting, 2:

McCoy	Zieman
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Amendment S-5536 lost.

Senator Deluhery offered amendment S-5546, filed by him from the floor to pages 4 and 11 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5546 be adopted?" (H.F. 2555), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 29:

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			

Absent or not voting, 1:

Zieman

Amendment S-5546 lost.

Senator Gronstal offered amendment S-5547, filed by him from the floor to pages 6 and 11 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5547 be adopted?" (H.F. 2555), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 29:

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			

Absent or not voting, 1:

Zieman

Amendment S-5547 lost.

Senator Veenstra asked and received unanimous consent to withdraw amendment S-5525, filed by him on April 19, 2000, to page 9 of the bill.

Senator Rife asked and received unanimous consent that action on **House File 2555** be **deferred**.

The Journal of Wednesday, April 19, 2000, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 4:39 p.m., until the fall of the gavel.

RECONVENED

The Senate reconvened at 5:26 p.m., President Kramer presiding.

## BUSINESS PENDING

**House File 2555**

The Senate resumed consideration of **House File 2555**, a bill for an act relating to and making appropriations from the tobacco settlement fund, providing an effective date, and providing for retroactive applicability, previously deferred.

Senator Rife offered amendment S-5556, filed by Senators Rife and Drake from the floor to pages 11, 13, and to the title page of the bill.

Senator Connolly raised the point of order that amendment S-5556 was not germane to the bill.

Senator Connolly asked and received unanimous consent to withdraw his point of order.

Senator Rife asked and received unanimous consent to withdraw amendment S-5556.

Senator Rife asked and received unanimous consent that action on **House File 2555** be **deferred**.

## HOUSE AMENDMENT CONSIDERED

**Senate File 466**

Senator Sexton called up for consideration 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, amended by the House in House amendment S-5398, filed April 13, 2000.

Senator Sexton offered amendment S-5541, filed him on April 19, 2000, to pages 1 and 3 of House amendment S-5398, and moved its adoption.

Amendment S-5541 was adopted by a voice vote.

Senator Sexton 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 Sexton 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. 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	Maddox	McCoy
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra

Nays, none.

Absent or not voting, 2:

Lundby	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.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2459.

**Senate File 2459**

On motion of Senator Johnson, **Senate File 2459**, a bill for an act relating to the deadline for municipalities to file annual financial reports for urban renewal areas, 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. 2459), 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	Jensen
Johnson	Judge	Kibbie	King
Kramer	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 3:

Lamberti	Lundby	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.

**RECESS**

On motion of Senator Iverson, the Senate recessed at 5:55 p.m., until the fall of the gavel.

**EVENING SESSION**

The Senate reconvened at 6:00 p.m., President Kramer presiding.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2563.

**House File 2563**

On motion of Senator Maddox, **House File 2563**, a bill for an act exempting from the sales and use taxes the gross receipts from all sales of goods and services used in fulfillment of a construction contract for a nonprofit hospital, providing for refunds, and including an effective and retroactive applicability date provision, with report of committee recommending passage, was taken up for consideration.

Senator Shearer asked and received unanimous consent to withdraw amendment S-5532, filed by Senators Shearer and Harper on April 17, 2000, to page 1 and to the title page of the bill.

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. 2563), 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	Szymoniak	Tinsman	Veenstra

Nays, none.

Present, 1:

Flynn

Absent or not voting, 1:

Zieman

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 466, 2459, and House File 2563** be **immediately messaged** to the House.

### BUSINESS PENDING

#### House File 2540

The Senate resumed consideration of **House File 2540**, a bill for an act relating to economic development programs and related tax credits and including effective and retroactive applicability date provisions, and amendment S-5549, previously deferred.

Senator McCoy offered amendment S-5557, filed by him from the floor to page 2 of amendment S-5549, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5557 be adopted?" (H.F. 2540), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Kibbie	Lamberti
McCoy	Rittmer	Shearer	Soukup
Szymoniak			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	Judge
King	Kramer	Lundby	Maddox

McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rife
Schuerer	Sexton	Tinsman	Veenstra

Absent or not voting, 1:

Zieman

Amendment S-5557 lost.

Senator McCoy offered amendment S-5558, filed by him from the floor to page 2 of amendment S-5549, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5558 be adopted?" (H.F. 2540), the vote was:

Ayes, 14:

Black	Bolkcom	Dearden	Deluhery
Dvorsky	Fink	Flynn	Hammond
Harper	Horn	McCoy	Shearer
Soukup	Szymoniak		

Nays, 35:

Angelo	Bartz	Behn	Boettger
Connolly	Drake	Fraise	Freeman
Gaskill	Gronstal	Hansen	Hedge
Iverson	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	

Absent or not voting, 1:

Zieman

Amendment S-5558 lost.

Senator McCoy asked and received unanimous consent to withdraw amendment S-5559, filed by him from the floor to page 2 of amendment S-5549.



Senator Fink offered amendment S-5555, filed by him from the floor to page 3 of amendment S-5549.

Senator McKibben raised the point of order that amendment S-5555 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5555 out of order.

Senator McKibben moved the adoption of amendment S-5549, which motion prevailed by a voice vote.

With the adoption of amendment S-5549, the Chair ruled the following amendments out of order:

Amendment S-5414, previously deferred;

Amendment S-5520, filed by Senators McCoy, et al., on April 19, 2000, to page 1 of amendment S-5414;

Amendment S-5521, filed by Senators McCoy, et al., on April 19, 2000, to page 1 of amendment S-5414; and

Amendment S-5528, filed by Senator Fink on April 19, 2000, to page 8 and to the title page of the bill.

Senator Lamberti asked and received unanimous consent to withdraw amendment S-5554, filed by him from the floor to page 3 of the bill.

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. 2540), 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	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra			

Nays, none.

Absent or not voting, 1:

Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2540** be **immediately messaged** to the House.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fink, for the remainder of the day, on request of Senator Black.

### BUSINESS PENDING

### House File 2555

The Senate resumed consideration of **House File 2555**, a bill for an act relating to and making appropriations from the tobacco settlement fund, providing an effective date, and providing for retroactive applicability, previously deferred.

Senator Rife asked and received unanimous consent to withdraw amendment S-5560, filed by Senators Rife and Drake from the floor to pages 11, 13, and to the title page of the bill.

Senator Rife offered amendment S-5561, filed by Senators Rife and Drake from the floor to pages 11, 13, and to the title page of the bill.

Senator Connolly raised the point of order that amendment S-5561 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5561 out of order.

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. 2555), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	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	

Nays, none.

Present, 1:

Redwine

Absent or not voting, 2:

Fink	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.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2555** 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, 2000, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 2557**, a bill for an act relating to the state's disposition of unclaimed property law by setting a limit on the retention of abandoned property records and requiring the filing of rules setting requirements and conditions for hiring independent auditors.

ALSO: That the House has on April 20, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2579**, a bill for an act creating a tobacco settlement authority Act, authorizing the issuance of bonds, and providing an effective date.

Read first time and **passed on file**.

## **APPENDIX**

### **PRESENTATION OF VISITORS**

The Chair welcomed the following visitors who were present in the Senate gallery:

Members of the Association of Iowa Hospitals and Health Systems.

### **EXPLANATION OF VOTE**

MADAM PRESIDENT: I was present in the Senate Chamber on April 20, 2000, when the vote was taken on Senate File 2203 (Veto Override). I was present, and I voted "Aye." My vote Aye represented an inadvertent and accidental use of the green button (Aye), when in fact I had intended to exercise the red button (Nay) in the vote. The President of the Senate had closed the machine prior to my being able to change my vote. Let it herein be noted that I opposed the veto override attempt on Senate File 2203.

DENNIS H. BLACK

### **BILLS SIGNED BY THE GOVERNOR**

A communication was received announcing that on April 19, 2000, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2249 – Relating to a state agency purchasing preference for bio-based hydraulic fluids, greases, and other industrial lubricants.

S.F. 2312 – Relating to pseudorabies control, making penalties applicable, for implementation, and providing an effective date.

S.F. 2348 – Relating to the Loess Hills Development and Conservation Authority by creating a hungry canyons alliance, providing membership guidelines for board of directors of the conservation authority and Loess Hills Alliance, and providing for the assistance of state agencies.

S.F. 2360 – Relating to state and local administrative and employment provisions involving human services and providing an effective date.

S.F. 2418 – Relating to certification of property taxes by townships and providing an effective date.

S.F. 2420 – Relating to the administration and enforcement of the replacement tax imposed on the generation, transmission, and delivery, consumption, and use of electricity and natural gas, providing for the Act's retroactive applicability, and providing an effective date.

ALSO:

A communication was received announcing that on April 20, 2000, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2126 – Relating to third-party payment of health care coverage costs for prescription contraceptive drugs, devices, and services.

S.F. 2141 – Creating a merchant marine bonus fund and making an appropriation.

S.F. 2294 – Relating to payment of education costs for certain juvenile facilities and providing an effective date.

S.F. 2324 – Relating to DNA profiling.

S.F. 2369 – Relating to the sharing of juvenile court social records, child abuse records, or other information.

S.F. 2443 – Relating to compacts or agreements entered into by the Iowa lottery board and commissioner of the lottery.

## REPORT OF COMMITTEE MEETING

### JUDICIARY

**Convened:** April 20, 2000, 4:41 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman.

**Members Absent:** None.

**Committee Business:** Subcommittee assignment.

**Adjourned:** 5:04 p.m.

### RULES AND ADMINISTRATION

**Convened:** April 20, 2000, 5:55 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Dvorsky, Fink, Harper, Jensen, Redfern, and Rittmer.

**Members Absent:** Lundby and Rehberg (all excused).

**Committee Business:** Passed SRs 119, 120, 121, and HCR 109.

**Adjourned:** 5:58 p.m.

## INTRODUCTION OF RESOLUTIONS

**Senate Resolution 122**, by Iverson and Gronstal, a resolution honoring Senator John P. "Jack" Kibbie for his years of legislative service.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 123**, by committee on Rules and Administration, a resolution honoring Senator H. Kay Hedge.

Read first time under Rule 28 and placed on **calendar**.

**Senate Resolution 124**, by committee on Rules and Administration, a resolution honoring Senator Elaine Szymoniak.

Read first time under Rule 28 and placed on **calendar**.

**Senate Resolution 125**, by committee on Rules and Administration, a resolution honoring Senator Lyle Zieman.

Read first time under Rule 28 and placed on **calendar**.

## COMMITTEE REPORTS

## RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 119, a resolution recognizing the contribution of a singular farm employee for his contribution to the Senate during the 2000 Session of the Seventy-eighth General Assembly.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Redfern, and Rittmer. Nays, none. Absent or not voting, 2: Lundby and Rehberg.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 120, a resolution honoring native Iowan and St. Louis Rams quarterback Kurt Warner.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Redfern, and Rittmer. Nays, none. Absent or not voting, 2: Lundby and Rehberg.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 121, a resolution requesting an interim study regarding assignment of benefits under an insurance policy or contract or a health benefit plan.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Redfern, and Rittmer. Nays, none. Absent or not voting, 2: Lundby and Rehberg.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 123, a resolution honoring Senator H. Kay Hedge.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Redfern, and Rittmer. Nays, none. Absent or not voting, 2: Lundby and Rehberg.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 124, a resolution honoring Senator Elaine Szymoniak.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Redfern, and Rittmer. Nays, none. Absent or not voting, 2: Lundby and Rehberg.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 125, a resolution honoring Senator Lyle Zieman.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Redfern, and Rittmer. Nays, none. Absent or not voting, 2: Lundby and Rehberg.



**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 109, a concurrent resolution requesting that the Governor annually designate the week in June beginning with Father's Day, as prostate cancer awareness week.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Redfern, and Rittmer. Nays, none. Absent or not voting, 2: Lundby and Rehberg.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### AMENDMENTS FILED

S-5545	S.F.	2447	House
S-5546	H.F.	2555	Patrick J. Deluhery
S-5547	H.F.	2555	Michael E. Gronstal
S-5548	H.F.	2552	Mark Shearer
S-5549	H.F.	2540	Larry McKibben
S-5550	H.F.	2552	Mark Shearer
			Robert E. Dvorsky
			Eugene Fraise
S-5551	S.F.	2452	Derryl McLaren
S-5552	S.F.	2460	Neal Schuerer
			Robert E. Dvorsky
S-5553	H.F.	2552	Gene Maddox
S-5554	H.F.	2540	Jeff Lamberti
S-5555	H.F.	2540	Bill Fink
S-5556	H.F.	2555	Jack Rife
			Richard F. Drake
S-5557	H.F.	2540	Matt McCoy
S-5558	H.F.	2540	Matt McCoy
S-5559	H.F.	2540	Matt McCoy
S-5560	H.F.	2555	Jack Rife
			Richard F. Drake
S-5561	H.F.	2555	Jack Rife
			Richard F. Drake

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:12 p.m., until 10:00 a.m., Monday, April 24, 2000.

# JOURNAL OF THE SENATE

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ONE-HUNDRED AND SIXTH CALENDAR DAY  
SIXTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 24, 2000

The Senate met in regular session at 10:13 a.m., President Kramer presiding.

Prayer was offered by Senator Elaine Szymoniak from Des Moines, Iowa.

The Journal of Thursday, April 20, 2000, was approved.

Senator Boettger took the chair at 10:30 a.m.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKean and McLaren, until they arrive, on request of Senator Jensen; Senator Ziemann, for the day, on request of Senator Jensen; Senator Dearden, for the day, on request of Senator Fraise; and Senators Rife and Miller, until they arrive, on request of Senator Bartz.

## HOUSE AMENDMENT CONSIDERED

### **Senate File 419**

Senator Drake called up for consideration **Senate File 419**, a bill for an act applying certain veterinary practice requirements to persons providing veterinary medical services, owning a veterinary clinic, or practicing veterinary medicine, amended by the House in House amendment S-5368, filed April 6, 2000.

Senator Drake asked and received unanimous consent to withdraw amendment S-5480, filed by him on April 18, 2000, to page 1 of House amendment S-5368.

Senator Drake offered amendment S-5530, filed by him on April 19, 2000, to page 1 of House amendment S-5368, and moved its adoption.

Amendment S-5530 was adopted by a voice vote.

Senator Drake 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 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, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 419), the vote was:

Ayes, 44:

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
McKibben	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra

Nays, none.

Absent or not voting, 6:

Dearden	McKean	McLaren	Miller
Rife	Zieman		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS  
(Deferred April 20, 2000)

**House File 2562**

The Senate resumed consideration of **House File 2562**, a bill for an act relating to the treatment for sales and use tax purposes of sales where the substance of the transactions is delivered by electromagnetic waves, digitally, or by way of cable or fiber optics, the exemption from the sales and use taxes of the furnishing, sale, or rental of information services, providing of refunds, and including an effective and retroactive applicability date provision, amendment S-5473, and amendment S-5543 to amendment S-5473, deferred April 20, 2000.

Senator Johnson asked and received unanimous consent to withdraw amendment S-5543.

Senator Lamberti moved the adoption of amendment S-5473, which motion prevailed 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. 2562), the vote was:

Ayes, 44:

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
McKibben	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra

Nays, none.

Absent or not voting, 6:

Dearden  
Rife

McKean  
Zieman

McLaren

Miller

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Lamberti asked and received unanimous consent that **Senate File 2446** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 419** and **House File 2562** be **immediately messaged** to the House.

### RECESS

On motion of Senator Iverson, the Senate recessed at 11:00 a.m., until 1:30 p.m.

## 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 24, 2000

#### CITIZENS' AIDE/OMBUDSMAN

1999 Annual Report of the Citizens' Aide/Ombudsman, as pursuant to Iowa Code section 2C.

#### DEPARTMENT OF TRANSPORTATION

Quadrennial Need Study — Report on Highways, Roads, and Streets. January 2000 Second Annual Update, pursuant to Iowa Code section 307A.2(14A).

### INTRODUCTION OF RESOLUTION

**Senate Resolution 126**, by Iverson and Gronstal, a resolution honoring Senator Richard F. Drake for his years of legislative service.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

### SUBCOMMITTEE ASSIGNMENT

#### **House File 2560**

WAYS AND MEANS: McKibben, Chair; Harper and Johnson

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 21, 2000, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2143 – Relating to the eligibility of certain school organizations to conduct games and raffles and the disposition of receipts from games and raffles.

S.F. 2146 – Relating to the appearance in court and the release from custody of certain criminal defendants.

S.F. 2308 – Relating to domestic violence protective orders and harassment via electronic communications and making penalties applicable.

S.F. 2313 – Relating to motor vehicles, including driver licensing, the use of child restraints and safety belts for children, owner liability for damages, and the designation of vehicles as authorized emergency vehicles, making a penalty applicable, and providing an effective date.

S.F. 2329 – Relating to transportation, by enhancing penalties for certain vehicle violations relating to railroad crossings, modifying vehicle registration provisions, regulating the closing of railway crossings, requiring adoption of rules for hours of service for certain drivers, and modifying a definition relating to motor vehicle dealers.

S.F. 2450 – Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

#### AMENDMENTS FILED

S-5562	S.F.	2241	House
S-5563	H.F.	2560	Kitty Rehberg Steve King Larry McKibben
S-5564	H.F.	2552	Robert E. Dvorsky Gene Maddox Jeff Angelo
S-5565	H.F.	2545	John P. Kibbie
S-5566	H.F.	2545	John P. Kibbie
S-5567	H.F.	2545	John Redwine

## AFTERNOON SESSION

The Senate reconvened at 2:25 p.m., Senator Szymoniak presiding.

## QUORUM CALL

Senator Boettger requested a non-record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Concurrent Resolution 109.

**House Concurrent Resolution 109**

On motion of Senator Iverson, **House Concurrent Resolution 109**, a concurrent resolution requesting that the Governor annually designate the week in June beginning with Father's Day, as prostate cancer awareness week, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 109, which motion prevailed by a voice vote.

Senator Kramer took the chair at 2:31 p.m.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

**Senate Resolution 124**

Senator Iverson asked and received unanimous consent to take up the following resolution:

- 1           SENATE RESOLUTION NO. 124
- 2   By: Committee on Rules and Administration
- 3   A resolution honoring Senator Elaine Szymoniak.
- 4   WHEREAS, Senator Szymoniak is retiring from



5 legislative office after completing three terms in  
6 office as a State Senator; and  
7 WHEREAS, Senator Szymoniak's distinguished career  
8 as a state legislator has included service as an  
9 Assistant Minority Leader during the Seventy-eighth  
10 General Assembly; and  
11 WHEREAS, Senator Szymoniak has served as a member  
12 of the Seventy-third through Seventy-eighth General  
13 Assemblies, and will have served 12 years at the time  
14 of her retirement; and  
15 WHEREAS, Senator Szymoniak's distinguished career  
16 has also included service in the Senate as Chairperson  
17 of the Human Resources Committee and of the Human  
18 Services Appropriations Subcommittee; as Vice  
19 Chairperson of the Local Government Committee and the  
20 Human Services Appropriations Subcommittee; and as  
21 Ranking Member on the Ethics Committee and Human  
22 Resources Committee; and  
23 WHEREAS, Senator Szymoniak's record of service is  
24 not limited to the Iowa General Assembly, but includes  
25 service as a member of the Des Moines City Council  
26 from 1977 to 1988; as Board President of the Iowa  
27 Council for International Understanding; and on the  
28 Boards of Directors for the House of Mercy, Urban  
29 Dreams, and Westminster House; and  
30 WHEREAS, Senator Szymoniak was one of four women

## Page 2

1 inducted into the Iowa Women's Hall of Fame in 1999  
2 and has recently been named one of twelve Women of  
3 Influence in Des Moines by the Business Record; and  
4 WHEREAS, Senator Szymoniak has sponsored  
5 legislation and been instrumental in programs to  
6 protect children and families and to reform the  
7 welfare system; has worked to develop the concept of  
8 community empowerment to assist young children and to  
9 expand options for child care for working families;  
10 and has worked to ensure that Iowa children and  
11 families have access to needed health care; and  
12 WHEREAS, Senator Szymoniak has been an outspoken  
13 leader and mediator in the area of health and human  
14 services, and has labored diligently to reach  
15 consensus on many sensitive human services issues, in  
16 order to serve the needs of children and families in  
17 Iowa; and  
18 WHEREAS, Senator Szymoniak has served honorably and  
19 has unselfishly given of her time and efforts to  
20 further the interests of the State of Iowa and to  
21 provide beneficial programs for the citizens of Iowa,  
22 and has been an influential and devoted legislator in  
23 this state; NOW THEREFORE,

24 BE IT RESOLVED BY THE SENATE, That the Senate pay  
25 tribute to Senator Elaine Szymoniak for her devoted  
26 service to the Iowa General Assembly and the citizens  
27 of this state and wish her the very best in the years  
28 ahead; and  
29 BE IT FURTHER RESOLVED, That an official copy of  
30 this Resolution be prepared and presented to Senator

### Page 3

1 Szymoniak.

Senator Boettger took the chair at 2:59 p.m.

Senator Szymoniak addressed the Senate with brief remarks.

Senator Iverson moved the adoption of Senate Resolution 124 which motion prevailed by a voice vote.

President Kramer took the chair at 3:15 p.m.

Senator Szymoniak approached the well of the Senate where she was presented with a plaque in appreciation of her years of service and an enrolled copy of Senate Resolution 124.

The Senate rose and expressed its tribute to Senator Szymoniak.

SENATE RECEDES

### House File 2548

Senator Lamberti called up for consideration **House File 2548**, 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, sales and use, hotel and motel, real estate transfer, environmental protection charge on petroleum diminution, property, motor fuel, special fuel, cigarette and tobacco products, and inheritance taxes, treatment of motor fuel under the local option taxes, and authorizing tax agreements with Indian tribes, and including effective and retroactive applicability date provisions, amended by the Senate, and moved that the Senate recedes from its amendment.

Senator Gronstal asked unanimous consent that action on **House File 2548** be **deferred**.

Senator Gronstal withdrew his motion to defer.

A record roll call was requested.

On the question "Shall the motion to recede be adopted?" (H.F. 2548), the vote was:

Ayes, 26:

Angelo	Behn	Black	Boettger
Drake	Fraise	Freeman	Gaskill
Hedge	Horn	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
McKibben	McLaren	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Veenstra		

Nays, 21:

Bartz	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Gronstal
Hammond	Hansen	Harper	Johnson
Judge	Lundby	Maddox	McCoy
McKean	Shearer	Soukup	Szymoniak
Tinsman			

Absent or not voting, 3:

Dearden	Miller	Zieman
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The motion prevailed and the Senate **receded** from its amendment.

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. 2548), the vote was:

Ayes, 32:

Angelo	Bartz	Behn	Black
Boettger	Drake	Fraise	Freeman
Gaskill	Gronstal	Hedge	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra

Nays, 15:

Bolkcom	Connolly	Deluhery	Dvorsky
Fink	Flynn	Hammond	Hansen
Harper	Judge	Lundby	McCoy
Shearer	Soukup	Szymoniak	

Absent or not voting, 3:

Dearden	Miller	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.

### 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 17, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2241**, a bill for an act relating to the consolidation of certain criminal offenses concerning computer access, damage, or theft, video rental theft, election bribery, and voting duress.(S-5562)

ALSO: That the House has on April, 20, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2560**, a bill for an act providing an individual and corporate income tax credit for the rehabilitation of certain eligible commercial and residential property and barns.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 24, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2581**, a bill for an act relating to the authorization of the Iowa higher education loan authority to make loans and issue obligations to make loans to entities other than educational institutions, and to finance projects to be leased to educational institutions, and providing that the obligations and income from obligations are exempt from taxation.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 24, 2000, passed the following bill in which the **concurrence** of the **House** was asked:

**Senate File 2455**, a bill for an act relating to eligibility for United States armed forces retired special motor vehicle license plates.

ALSO: That the House has on April 24, 2000, amended and passed the following bills in which the **concurrence** of the **Senate** is asked:

**Senate File 2010**, a bill for an act relating to the traditional livestock producer's linked investment loan program by modifying eligibility requirements.(S-5569)

**Senate File 2327**, a bill for an act relating to certain procedures for the purchase or condemnation of interest in private property by a utility subject to the jurisdiction of the Iowa utilities board.(S-5568)

**Senate File 2438**, a bill for an act relating to the creation of a water quality district, providing for the levy of a tax, and providing for other properly related matters.(S-5578)

ALSO: That the House has on April 24, 2000, 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 419**, a bill for an act applying certain veterinary practice requirements to persons providing veterinary medical services, owning a veterinary clinic, or practicing veterinary medicine.

RECESS

On motion of Senator Iverson, the Senate recessed at 3:51 p.m., until 4:45 p.m.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jerry Arganbright, Principal of West High School, Iowa City – For being recognized as a 2000 Administrator of the Year by the Iowa High School Athletic Director's Association. Senator Dvorsky (04/24/00).

The Preucil School of Music, Iowa City – For your 25th anniversary. Senator Dvorsky (04/24/00).

### REPORTS OF COMMITTEE MEETINGS

#### JUDICIARY

**Convened:** April 24, 2000, 4:03 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Redfern, and Tinsman.

**Members Absent:** Miller (excused).

**Committee Business:** Discussion of SF 2461.

**Adjourned:** 4:25 p.m.

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** April 24, 2000, 3:50 p.m.

**Members Present:** Bartz, Chair; King, Vice Chair; Fink, Ranking Member; Bolkcom, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Rehberg, and Rife.

**Members Absent:** Black, Dearden, and Miller (all excused).

**Committee Business:** Approved SSB 3238.

**Adjourned:** 3:56 p.m.

#### WAYS AND MEANS

**Convened:** April 24, 2000, 1:15 p.m.

**Members Present:** Johnson, Chair; McKibben, Vice Chair; Harper, Ranking Member; Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, Redwine, and Soukup.

**Members Absent:** McLaren (excused).

**Committee Business:** Passed HF 2560, as amended.

**Adjourned:** 2:20 p.m.

## STUDY BILL RECEIVED

### **SSB 3238      Natural Resources and Environment**

A resolution requesting an interim study of issues relating to increasing the demand and availability of renewable reformulated fuel.

## SUBCOMMITTEE ASSIGNMENT

### **SSB 3238**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Fink, Kibbie, King, and Rehberg

## COMMITTEE REPORT

### **WAYS AND MEANS**

**Final Bill Action:** \*HOUSE FILE 2560, a bill for an act providing an individual and corporate income tax credit for the rehabilitation of certain eligible commercial and residential property and barns, an alternative method for computing the individual and corporate income tax credit for increasing research and development, an assistive device tax credit under the individual and corporate taxes for assisting persons with a disability in the workplace, and an increase in the deduction for pension and retirement income for income tax purposes, and including applicability dates.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5577.

**Final Vote:** Ayes, 14: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, Redwine, and Soukup. Nays, none. Absent or not voting, 1: McLaren.

**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 Ways and Means Committee on House File 2560, and they were attached to the committee report.

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2447, the following corrections were made:

1. Page 9, line 32, the words "but is not limited to, the the value of labor and services," were changed to the words "but is not limited to, the value of labor and services".
2. Page 11, line 7, the word and number "subsection 1" were changed to the word and number "subsection 2".

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 21st day of April, 2000:

Senate Files 2213, 2302, 2395, and 2426.

MICHAEL E. MARSHALL  
Secretary of the Senate

ALSO:

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 24th day of April, 2000:

Senate Files 228, 421, 2113, 2390, 2424, and 2447.

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

S-5568	S.F.	2327	House
S-5569	S.F.	2010	House
S-5570	H.F.	2545	John Redwine
S-5571	H.F.	2545	Matt McCoy



S-5572	H.F.	2545	Matt McCoy
S-5573	S.F.	2452	Richard F. Drake
			Michael E. Gronstal
S-5574	H.F.	2545	Matt McCoy
S-5575	H.F.	2552	Gene Maddox
S-5576	S.F.	2432	Steve King
			John W. Jensen
S-5577	H.F.	2560	Ways and Means
S-5578	S.F.	2438	House
S-5579	H.F.	2545	John Redwine
S-5580	H.F.	2545	Matt McCoy
S-5581	H.F.	2351	Johnie Hammond
			Elaine Szymoniak
			Robert E. Dvorsky
			Eugene Fraise
			John P. Kibbie
			Steve Hansen
			Dennis H. Black
			Patrick J. Deluhery
			Michael E. Gronstal
			Joe Bolkcom
			John Judge
			Michael W. Connolly
			Patricia Harper
			Betty A. Soukup
			Matt McCoy
			Tom Flynn
			Bill Fink
			Mark Shearer
S-5582	H.F.	2560	Johnie Hammond
			Elaine Szymoniak
			Eugene Fraise
			John P. Kibbie
			Steve Hansen
			Dennis H. Black
			Robert E. Dvorsky
			Patrick J. Deluhery
			Michael E. Gronstal
			Joe Bolkcom
			John Judge
			Michael W. Connolly

			Patricia Harper
			Betty A. Soukup
			Matt McCoy
			Tom Flynn
			Bill Fink
			Mark Shearer
S-5583	H.F.	2545	Johnie Hammond
S-5584	H.F.	2552	Gene Maddox

## RECONVENED

The Senate reconvened at 5:00 p.m., President Kramer presiding.

## QUORUM CALL

Senator Bartz requested a non-record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent, and a quorum present.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2545.

**House File 2545**

On motion of Senator Redwine, **House File 2545**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, with report of committee recommending passage, was taken up for consideration.

The Senate stood at ease at 5:07 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:27 p.m., President Kramer presiding.

Senator Redwine asked and received unanimous consent to withdraw amendment S-5567, filed by him from the floor to pages 3, 6, 7, 9-12, 14, 15, 17, and 27-33 of the bill.

Senator Redwine offered amendment S-5570, filed by him from the floor to pages 3, 6, 7, 9-12, 14, 15, 17, and 27-33 of the bill.

Senator McCoy offered amendment S-5574, filed by him from the floor to page 1 of amendment S-5570, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5574 be adopted?" (H.F. 2545), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 24:

Angelo	Behn	Boettger	Drake
Gaskill	Hedge	Iverson	Jensen
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra

Absent or not voting, 7:

Bartz	Dearden	Freeman	McLaren
Miller	Rife	Zieman	

Amendment S-5574 lost.

Senator McCoy offered amendment S-5571, filed by him from the floor to page 1 of amendment S-5570, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5571 be adopted?" (H.F. 2545), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 25:

Angelo	Bartz	Behn	Boettger
Drake	Gaskill	Hedge	Iverson
Jensen	Johnson	King	Kramer

Lamberti	Lundby	Maddox	McKean
McKibben	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra			

Absent or not voting, 6:

Dearden	Freeman	McLaren	Miller
Rife	Zieman		

Amendment S-5571 lost.

Senator Redwine offered amendment S-5579, filed by him from the floor to page 1 of amendment S-5570, and moved its adoption.

Amendment S-5579 was adopted by a voice vote.

Senator McCoy asked and received unanimous consent to withdraw amendment S-5572, filed by him from the floor to page 2 of amendment S-5570.

Senator McCoy offered amendment S-5580, filed by him from the floor to page 2 of amendment S-5570, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5580 be adopted?" (H.F. 2545), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 25:

Angelo	Bartz	Behn	Boettger
Drake	Gaskill	Hedge	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra			

Absent or not voting, 6:

Dearden	Freeman	McLaren	Miller
Rife	Zieman		

Amendment S-5580 lost.

Senator Redwine moved the adoption of amendment S-5570, as amended, which motion prevailed by a voice vote.

Senator Gronstal offered amendment S-5586, filed by him from the floor to pages 5 and 33 of the bill.

Senator Redwine raised the point of order that amendment S-5586 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5586 out of order.

Senator McCoy offered amendment S-5527, filed by Senators Rife, Black, and McCoy on April 19, 2000, to page 13 of the bill.

Senator Rife moved the adoption of amendment S-5527.

A record roll call was requested.

On the question "Shall amendment S-5527 be adopted?" (H.F. 2545), the vote was:

Ayes, 38:

Angelo	Bartz	Black	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	McLaren	Redfern	Rife
Rittmer	Schuerer	Shearer	Soukup
Szymoniak	Tinsman		

Nays, 8:

Behn	Boettger	Bolkcom	McKean
McKibben	Redwine	Sexton	Veenstra

Absent or not voting, 4:

Dearden

Miller

Rehberg

Zieman

Amendment S-5527 was adopted.

Senator Kibbie offered amendment S-5565, filed by him from the floor to page 18 and called for a division:

Division S-5565A: Lines 3-5.

Division S-5565B: Lines 1-2 and 6-7.

Senator Kibbie withdrew division S-5565A.

Senator Kibbie moved the adoption of division S-5565B, which motion prevailed by a voice vote.

Senator Kibbie offered amendment S-5566, filed by him from the floor to page 18 of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 20, nays 26.

Amendment S-5566 lost.

Senator McCoy offered amendment S-5522, filed by him on April 19, 2000, to page 29 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5522 be adopted?" (H.F. 2545), the vote was:

Ayes, 19:

Black  
Dvorsky  
Gronstal  
Horn  
Shearer

Bolkcom  
Fink  
Hammond  
Judge  
Soukup

Connolly  
Flynn  
Hansen  
Kibbie  
Szymoniak

Deluhery  
Fraise  
Harper  
McCoy

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra

Absent or not voting, 3:

Dearden	Miller	Zieman
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Amendment S-5522 lost.

With the adoption of amendment S-5570, the Chair ruled amendment S-5372, filed by Senator Kibbie on April 6, 2000, to pages 31-33 of the bill, out of order.

Senator McKean asked and received unanimous consent to withdraw amendment S-5309, filed by him on March 30, 2000, to page 32 of the bill.

Senator Hammond offered amendment S-5533, filed by Senators Hammond and Harper on April 19, 2000, to page 33 of the bill.

Senator Redwine raised the point of order that amendment S-5533 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5533 out of order.

Senator Hammond offered amendment S-5583, filed by her from the floor to page 33 of the bill.

Senator Redwine raised the point of order that amendment S-5583 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5583 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. 2545), the vote was:

Ayes, 47:

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	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 3:

Dearden	Miller	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.

Senator Boettger took the chair at 6:39 p.m.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2545** and **House Concurrent Resolution 109** be **immediately messaged** to the House.

### HOUSE AMENDMENT CONSIDERED

### Senate File 2438

Senator Bartz called up for consideration **Senate File 2438**, a bill for an act relating to the creation of a water quality district, providing for the levy of a tax, and providing for other properly

related matters, amended by the House, and moved that the Senate concur in House amendment S-5578, filed April 24, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Bartz moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2438), the vote was:

Ayes, 47:

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	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 3:

Dearden	Miller	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.

The Senate stood at ease at 6:45 p.m. until the fall of the gavel.

The Senate resumed session at 6:47 p.m., Senator Boettger presiding.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2552.

**House File 2552**

On motion of Senator Maddox, **House File 2552**, a bill for an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky offered amendment S-5590, filed by him from the floor to page 1 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5590 be adopted?" (H.F. 2552), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra

Absent or not voting, 3:

Dearden	Miller	Zieman
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Amendment S-5590 lost.

Senator Redfern took the chair at 7:04 p.m.

Senator Dvorsky offered amendment S-5591, filed by him from the floor to page 3 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5591 be adopted?" (H.F. 2552), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	Lundby
McCoy	Shearer	Soukup	Szymoniak

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	

Absent or not voting, 3:

Dearden	Miller	Zieman
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Amendment S-5591 lost.

Senator Maddox asked and received unanimous consent to withdraw amendment S-5575, filed by him from the floor to pages 5-7, 13, 14, 20, and 21 of the bill.

Senator Maddox offered amendment S-5584, filed by him from the floor to pages 5-7, 13, 14, 20, and 21 of the bill.

President Kramer took the chair at 7:15 p.m.

Senator Flynn offered amendment S-5597, filed by him from the floor to pages 1 and 2 of amendment S-5584, and moved its adoption.

Amendment S-5597 lost by a voice vote.

Senator Fraise offered amendment S-5592, filed by him from the floor to page 1 of amendment S-5584, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5592 be adopted?" (H.F. 2552), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
McKean	Shearer	Soukup	Szymoniak

Nays, 25:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKibben	McLaren	Redfern	Redwine
Rehberg	Schuerer	Sexton	Tinsman
Veenstra			

Absent or not voting, 5:

Dearden	Miller	Rife	Rittmer
Zieman			

Amendment S-5592 lost.

Senator Iverson took the chair at 7:25 p.m.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer, until she returns, on request of Senator Hedge.

### BUSINESS PENDING

### House File 2552

The Senate resumed consideration of House File 2552.

Senator Sexton offered amendment S-5585, filed by him from the floor to page 1 of amendment S-5584, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5585 be adopted?" (H.F. 2552), the vote was:

Ayes, 39:

Angelo	Bartz	Behn	Black
Boettger	Drake	Fink	Flynn
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Hedge	Iverson
Jensen	Johnson	Judge	Kibbie
King	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, 7:

Bolkcom	Connolly	Deluhery	Dvorsky
Fraise	Horn	McCoy	

Absent or not voting, 4:

Dearden	Kramer	Miller	Zieman
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Amendment S-5585 was adopted.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5595, filed by Senators Dvorsky and Fraise from the floor to pages 1, 13, and 14 of amendment S-5584.

Senator Judge offered amendment S-5593, filed by him from the floor to page 2 of amendment S-5584, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5593 be adopted?" (H.F. 2552), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise

Gronstal	Hammond	Hansen	Harper
Horn	Jensen	Judge	Kibbie
McCoy	Shearer	Soukup	Szymoniak

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Johnson	King	Lamberti
Lundby	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Tinsman	Veenstra		

Absent or not voting, 4:

Dearden	Kramer	Miller	Zieman
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Amendment S-5593 lost.

The Chair ruled that action on amendment S-5584 be deferred.

Senator Shearer asked and received unanimous consent to withdraw amendment S-5544, filed by Senators Shearer and Fraise on April 19, 2000, to page 5 of the bill.

Senator Shearer offered amendment S-5548, filed by him on April 20, 2000, to page 5 of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 19, nays 25.

Amendment S-5548 lost.

Senator Shearer offered amendment S-5540, filed by him on April 19, 2000, to page 10 of the bill, and moved its adoption.

Amendment S-5540 lost by a voice vote.

Senator Maddox asked and received unanimous consent to withdraw amendment S-5542, filed by him on April 19, 2000, to pages 13 and 14 of the bill.

Senator Harper offered amendment S-5538, filed by her on April 19, 2000, to page 18 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5538 be adopted?" (H.F. 2552), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gaskill	Gronstal	Hammond	Hansen
Harper	Horn	Jensen	Judge
Kibbie	McCoy	Redfern	Shearer
Soukup	Szymoniak		

Nays, 24:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Hedge	Iverson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McLaren
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra

Absent or not voting, 4:

Dearden	Johnson	Miller	Zieman
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Amendment S-5538 lost.

Senator Bolkcom offered amendment S-5594, filed by him from the floor to page 20 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5594 be adopted?" (H.F. 2552), the vote was:

Ayes, 19:

Bartz	Black	Bolkcom	Connolly
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	



Nays, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Hedge	Iverson
Jensen	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Tinsman	Veenstra		

Absent or not voting, 5:

Dearden	Hansen	Johnson	Miller
Zieman			

Amendment S-5594 lost.

Senator Bolkcom offered amendment S-5596, filed by him from the floor, to page 20 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5596 be adopted?" (H.F. 2552), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	

Absent or not voting, 4:

Dearden	Johnson	Miller	Zieman
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Amendment S-5596 lost.

Senator McLaren offered amendment S-5587, filed by Senator McLaren, et al., from the floor to pages 23 and 24 of the bill, and moved its adoption.

Amendment S-5587 was adopted by a voice vote.

Senator Maddox offered amendment S-5553, filed by him on April 20, 2000, to page 25 of the bill, and moved its adoption.

Amendment S-5553 was adopted by a voice vote.

Senator Shearer offered amendment S-5550, filed by Senators Shearer, Dvorsky, and Fraise on April 20, 2000, to page 27 of the bill.

Senator Shearer asked and received unanimous consent to withdraw amendment S-5550.

Senator Dvorsky offered amendment S-5564, filed by Senators Dvorsky, Maddox, and Angelo from the floor to page 27 of the bill, and moved its adoption.

Amendment S-5564 was adopted by a voice vote.

Senator McKean offered amendment S-5598, filed by Senator McKean, et al., from the floor to pages 25-27 and to the title page of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5598 be adopted?" (H.F. 2552), the vote was:

Ayes, 47:

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	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 3:

Dearden

Miller

Zieman

Amendment S-5598 was adopted.

Senator Harper offered amendment S-5599, filed by her from the floor to page 20 of the bill.

Senator Maddox raised the point of order that amendment S-5599 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5599 out of order.

Senator Dvorsky offered amendment S-5604, filed by him from the floor to page 1 of amendment S-5584, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5604 be adopted?" (H.F. 2552), the vote was:

Ayes, 19:

Black  
Dvorsky  
Gronstal  
Horn  
Shearer

Bolkcom  
Fink  
Hammond  
Judge  
Soukup

Connolly  
Flynn  
Hansen  
Kibbie  
Szymoniak

Deluhery  
Fraise  
Harper  
McCoy

Nays, 28:

Angelo  
Drake  
Iverson  
Kramer  
McKean  
Redwine  
Schuerer

Bartz  
Freeman  
Jensen  
Lamberti  
McKibben  
Rehberg  
Sexton

Behn  
Gaskill  
Johnson  
Lundby  
McLaren  
Rife  
Tinsman

Boettger  
Hedge  
King  
Maddox  
Redfern  
Rittmer  
Veenstra

Absent or not voting, 3:

Dearden

Miller

Zieman

Amendment S-5604 lost.

President Kramer took the chair at 8:39 p.m.

Senator Maddox moved the adoption of amendment S-5584, as amended, which motion prevailed by a voice vote.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2552), the vote was:

Ayes, 47:

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	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 3:

Dearden	Miller	Zieman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2552** 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 2554.

**House File 2554**

On motion of Senator Maddox, **House File 2554**, a bill for an act relating to and making appropriations to the judicial branch, with report of committee recommending passage, was taken up for consideration.

Senator Maddox offered amendment S-5531, filed by Senators Maddox and McLaren on April 19, 2000, to page 3 of the bill, and moved its adoption.

Amendment S-5531 was adopted by a voice vote.

Senator Maddox asked and received unanimous consent to withdraw amendment S-5589, filed by him from the floor to page 6 of the bill.

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. 2554), the vote was:

Ayes, 47:

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	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 3:

Dearden	Miller	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.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2554** and **Senate File 2438** be **immediately messaged** to the House.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2144**

Senator Szymoniak called up for consideration **Senate File 2144**, a bill for an act relating to regulation and inspection of health care facilities including the establishment of a quality-based inspections system, amended by the House, and moved that the Senate concur in House amendment S-5517, filed April 19, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Szymoniak 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. 2144), the vote was:

Ayes, 39:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Drake	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hansen	Hedge	Horn	Iverson
Johnson	Judge	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, 7:

Bolkcom	Deluhery	Dvorsky	Fink
Hammond	Harper	McCoy	

Absent or not voting, 4:

Dearden

Jensen

Miller

Zieman

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 File 2144** 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 24, 2000, 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 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.

ALSO: That the House has on April 24, 2000, passed the following bills in which the **concurrence** of the **Senate** is asked:

**House File 2578**, a bill for an act relating to the size of an estate that may be distributed by affidavit, making related changes, and providing for the Act's applicability.

Read first time and referred to committee on **Ways and Means**.

**House File 2584**, a bill for an act relating to the dissolution of the Iowa housing corporation and providing an effective date.

Read first time and referred to committee on **Appropriations**.

ALSO: That the House has on April 24, 2000, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 2540**, a bill for an act relating to economic development programs and related tax credits and including effective and retroactive applicability date provisions.

ALSO: That the House has on April 24, 2000, passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 2459**, a bill for an act relating to the deadline for municipalities to file annual financial reports for urban renewal areas.

**Senate File 2243**, a bill for an act relating to the placement in treatment programs of offenders sentenced for operating while intoxicated violations.

ALSO: That the House has on April 24, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2246**, a bill for an act relating to the accumulation of credit upon an inmate's sentence for Iowa inmates incarcerated in another jurisdiction.(S-5588)



## APPENDIX

### INTRODUCTION OF RESOLUTION

**Senate Resolution 127**, by committee on Natural Resources and Environment, a resolution requesting an interim study of issues relating to increasing the demand and availability of renewable reformulated fuel.

Read first time under Rule 28 and placed on **calendar**.

### COMMITTEE REPORT

#### NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** SENATE RESOLUTION 127 (SSB 3238), a resolution requesting an interim study of issues relating to increasing the demand and availability of renewable reformulated fuel.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Bartz, King, Fink, Bolkcom, Deluhery, Drake, Freeman, Gaskill, Johnson, Kibbie, Rehberg, and Rife. Nays, none. Absent or not voting, 3: Black, Dearden, and Miller.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### BILL ASSIGNED TO COMMITTEE

President Kramer announced the assignment of the following bill to committee:

H.F.      2579      Judiciary

### MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which House File 2548 passed the Senate on April 24, 2000.

JEFF LAMBERTI

MADAM PRESIDENT: I move to reconsider the vote by which House File 2548 passed the Senate on April 24, 2000.

MICHAEL E. GRONSTAL

## AMENDMENTS FILED

S-5585	H.F.	2552	Mike Sexton
S-5586	H.F.	2545	Michael E. Gronstal
S-5587	H.F.	2552	Derryl McLaren Stewart E. Iverson, Jr. Michael E. Gronstal Tom Flynn
S-5588	S.F.	2246	House
S-5589	H.F.	2554	Gene Maddox
S-5590	H.F.	2552	Robert E. Dvorsky
S-5591	H.F.	2552	Robert E. Dvorsky
S-5592	H.F.	2552	Eugene Fraise
S-5593	H.F.	2552	John Judge
S-5594	H.F.	2552	Joe Bolkcom
S-5595	H.F.	2552	Robert E. Dvorsky Eugene Fraise
S-5596	H.F.	2552	Joe Bolkcom
S-5597	H.F.	2552	Tom Flynn
S-5598	H.F.	2552	Andy McKean Jeff Angelo Robert E. Dvorsky Eugene Fraise Gene Maddox
S-5599	H.F.	2552	Patricia Harper
S-5600	H.F.	2560	Steve Hansen
S-5601	H.F.	2560	JoAnn Johnson
S-5602	S.F.	2435	Jack Rife
S-5603	H.F.	2560	Michael W. Connolly
S-5604	H.F.	2552	Robert E. Dvorsky

## ADJOURNMENT

On motion of Senator Hedge, the Senate adjourned at 9:06 p.m., until 9:00 a.m., Tuesday, April 25, 2000.

# JOURNAL OF THE SENATE

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ONE-HUNDRED AND SEVENTH CALENDAR DAY  
SIXTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 25, 2000

The Senate met in regular session at 9:05 a.m., Senator Boettger presiding.

Prayer was offered by Kristofer Lyons, Senate Clerk, from Anamosa. He was the guest of Senator McKean.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dearden, until he arrives, on request of Senator Fink; Senator Lundby, until she arrives, on request of Senator Freeman; Senator McCoy, until he arrives, on request of Senator Fink; Senator Zeman, until he arrives, on request of Senator Kramer; and Senator McLaren, until he arrives, on request of Senator Freeman.

## HOUSE AMENDMENT CONSIDERED

### **Senate File 2010**

Senator Sexton called up for consideration **Senate File 2010**, a bill for an act relating to the traditional livestock producer's linked investment loan program by modifying eligibility requirements, amended by the House, and moved that the Senate concur in House amendment S-5569, filed April 24, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Sexton 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. 2010), the vote was:

Ayes, 45:

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	Maddox	McKean	McKibben
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra			

Nays, none.

Absent or not voting, 5:

Dearden	Lundby	McCoy	McLaren
Zieman			

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 2327

Senator Angelo called up for consideration **Senate File 2327**, a bill for an act relating to certain procedures for the purchase or condemnation of interest in private property by a utility subject to the jurisdiction of the Iowa utilities board, amended by the House, and moved that the Senate concur in House amendment S-5568, filed April 24, 2000.

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. 2327), the vote was:

Ayes, 47:

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	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 3:

Dearden	McLaren	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.

### IMMEDIATELY MESSAGED

Senator Hedge asked and received unanimous consent that **Senate Files 2010** and **2327** 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 24, 2000, 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 2562**, a bill for an act relating to the treatment for sales and use tax purposes of sales where the substance of the transactions is delivered by electromagnetic waves, digitally, or by way of cable or fiber optics, the exemption from the sales and use taxes of the furnishing, sale, or rental of information services,

providing of refunds, and including an effective and retroactive applicability date provision.(S-5605)

ALSO: That the House has on April 25, 2000, passed the following bill in which the **concurrence** of the **House** was asked:

**Senate File 2427**, a bill for an act relating to the definition of factory-built structures, the relocation of factory-built structures, the certification of installers of manufactured homes and providing for a fee, an appropriation, and a civil penalty.

#### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### **House File 2562**

Senator Lamberti called up for consideration **House File 2562**, a bill for an act relating to the treatment for sales and use tax purposes of sales where the substance of the transactions is delivered by electromagnetic waves, digitally, or by way of cable or fiber optics, the exemption from the sales and use taxes of the furnishing, sale, or rental of information services, providing of refunds, and including an effective and retroactive applicability date provision, amended by the Senate, further amended by the House, and moved that the Senate refuse to concur in House amendment S-5605 to Senate amendment H-9048, filed April 25, 2000.

The motion prevailed by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

#### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration House File 2351.

#### **House File 2351**

On motion of Senator Drake, **House File 2351**, a bill for an act relating to a sales and use tax exemption for the sales of clothing and footwear for a limited time period annually and including an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Schuerer asked and received unanimous consent to withdraw amendment S-5442, filed by Senators Schuerer and Dvorsky on April 17, 2000, to page 1 and to the title page of the bill.

Senator Hansen offered amendment S-5475, filed by him on April 18, 2000, to page 1 and to the title page of the bill.

Senator Drake raised the point of order that amendment S-5475 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5475 out of order.

Senator Hammond asked and received unanimous consent to withdraw amendment S-5581, filed by Senators Hammond, et al., on April 24, 2000, to page 1 and to the title page of the bill.

Senator Johnson offered amendment S-5433, filed by her on April 17, 2000, to page 1 of the bill.

Senator Johnson asked and received unanimous consent that action on amendment S-5433 be deferred.

Senator Hansen offered amendment S-5474, filed by him on April 18, 2000, to page 1 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5474 be adopted?" (H.F. 2351), the vote was:

Ayes, 17:

Black	Deluhery	Fink	Flynn
Fraise	Gronstal	Hansen	Harper
Horn	Judge	Kibbie	King
McCoy	McLaren	Miller	Rehberg
Soukup			

Nays, 31:

Angelo	Bartz	Behn	Boettger
Bolkcom	Connolly	Drake	Dvorsky
Freeman	Gaskill	Hammond	Hedge
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	Maddox	McKean

McKibben	Redfern	Redwine	Rife
Rittmer	Schuerer	Sexton	Shearer
Szymoniak	Tinsman	Veenstra	

Absent or not voting, 2:

Dearden	Zieman
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Amendment S-5474 lost.

Senator Johnson moved the adoption of amendment S-5433, previously deferred.

A record roll call was requested.

On the question "Shall amendment S-5433 be adopted?" (H.F. 2351), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Bartz	Behn	Boettger	Bolkcom
Connolly	Drake	Freeman	Gaskill
Hammond	Hedge	Iverson	Jensen
Johnson	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Sexton	Szymoniak	Tinsman	Veenstra

Nays, 20:

Angelo	Black	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gronstal
Hansen	Harper	Horn	Judge
Kibbie	King	McCoy	Rife
Rittmer	Schuerer	Shearer	Soukup

Absent or not voting, 2:

Dearden	Zieman
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Amendment S-5433 was adopted.

Senator Hansen offered amendment S-5477, filed by him on April 18, 2000, to page 1 of the bill, and moved its adoption.



Amendment S-5477 was adopted by a voice vote.

Senator Hansen offered amendment S-5482, filed by him on April 18, 2000, to page 1 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5482 be adopted?" (H.F. 2351), the vote was:

Ayes, 22:

Bartz	Black	Bolkcom	Connolly
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Hedge	Horn	Judge
Kibbie	McCoy	McKean	Shearer
Soukup	Szymoniak		

Nays, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Iverson	Jensen
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Tinsman	Veenstra		

Absent or not voting, 2:

Dearden	Zieman
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Amendment S-5482 lost.

Senator Deluhery offered amendment S-5606, filed by Senators Deluhery, et al., from the floor to page 1 of the bill.

Senator Drake raised the point of order that amendment S-5606 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5606 out of order.

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. 2351), the vote was:

Ayes, 36:

Angelo	Bartz	Behn	Boettger
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gronstal
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Johnson	Judge
Kramer	Lamberti	Lundby	Maddox
McCoy	McKibben	McLaren	Miller
Redwine	Rife	Rittmer	Schuerer
Sexton	Shearer	Tinsman	Veenstra

Nays, 12:

Black	Bolkcom	Connolly	Gaskill
Hammond	Kibbie	King	McKean
Redfern	Rehberg	Soukup	Szymoniak

Absent or not voting, 2:

Dearden	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.

### IMMEDIATELY MESSAGED

Senator Hedge asked and received unanimous consent that **House Files 2351** and **2562** be **immediately messaged** to the House.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Hedge asked and received unanimous consent to take up for immediate consideration Senate Resolution 127.

### Senate Resolution 127

On motion of Senator Bartz, **Senate Resolution 127**, a resolution requesting an interim study of issues relating to increasing the demand and availability of renewable reformulated fuel, was taken up for consideration.

Senator Kibbie offered amendment S-5607, filed by Senators Kibbie, Rife, and King from the floor to pages 1 and 2 of the resolution, and moved its adoption.

Amendment S-5607 was adopted by a voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer, until she returns, on request of Senator Jensen.

### BUSINESS PENDING

### **Senate Resolution 127**

The Senate resumed consideration of Senate Resolution 127.

Senator Bartz moved the adoption of Senate Resolution 127, as amended, and requested a record roll call.

On the question "Shall the resolution be adopted?" (S.R. 127), the vote was:

Ayes, 47:

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	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 3:

Dearden	Kramer	Zieman
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The motion prevailed and the resolution was adopted.

## RECESS

On motion of Senator Iverson, the Senate recessed at 11:42 a.m., until 1:00 p.m.

**APPENDIX**

## REPORTS OF COMMITTEE MEETINGS

**ETHICS**

**Convened:** April 25, 2000, 8:50 a.m.

**Members Present:** Hedge, Chair; Drake, Vice Chair; Szymoniak, Ranking Member; Connolly, Hammond, and McKean.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 9:10 a.m.

**RULES AND ADMINISTRATION**

**Convened:** April 25, 2000, 5:06 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Dvorsky, Fink, Harper, Jensen, and Redfern,.

**Members Absent:** Lundby, Rehberg, and Rittmer (all excused).

**Committee Business:** Passed SRs 122 and 126.

**Adjourned:** 5:08 p.m.

**SUBCOMMITTEE ASSIGNMENTS****House File 2578**

WAYS AND MEANS: Lamberti, Chair; Drake and Flynn

**House File 2579**

JUDICIARY: Lamberti, Chair; Hansen and Redfern

**House File 2581**

WAYS AND MEANS: Redwine, Chair; Deluhery and Flynn

**AMENDMENTS FILED**

S-5605	H.F.	2562	House
S-5606	H.F.	2351	Patrick J. Deluhery
			Michael W. Connolly
			Patricia Harper
			Johnie Hammond
			John Judge
			Betty A. Soukup
			Eugene Fraise
			Michael E. Gronstal
			Dennis H. Black
			Robert E. Dvorsky
			Mark Shearer
			Bill Fink

			Tom Flynn
			John P. Kibbie
			Wally E. Horn
			Steve Hansen
			Matt McCoy
S-5607	S.R.	127	John P. Kibbie
			Jack Rife
			Steve King
S-5608	H.F.	2560	Merlin E. Bartz
S-5609	S.F.	2452	Michael W. Connolly
S-5610	S.F.	2435	Maggie Tinsman
S-5611	S.F.	2241	Johnie Hammond
			Andy McKean
S-5612	H.F.	2560	Patrick J. Deluhery
			Patricia Harper
			Michael W. Connolly
			Wally E. Horn
			John Judge
			Joe Bolkcom
			Michael E. Gronstal
			Eugene Fraise
			Johnie Hammond
			Matt McCoy
			Mark Shearer
			Tom Flynn
			Steve Hansen
			Bill Fink
			Dennis H. Black
			Robert E. Dvorsky
			Betty A. Soukup
			John P. Kibbie
S-5613	S.C.R.	119	Stewart E. Iverson, Jr.

## AFTERNOON SESSION

The Senate reconvened at 1:05 p.m., Senator Boettger presiding.

## QUORUM CALL

Senator Redwine requested a non-record roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent, and a quorum present.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration Senate Resolution 120.

**Senate Resolution 120**

On motion of Senator Redfern, **Senate Resolution 120**, a resolution honoring native Iowan and St. Louis Rams quarterback Kurt Warner, with report of committee recommending passage, was taken up for consideration.

Senator Redfern moved the adoption of Senate Resolution 120, which motion prevailed by a voice vote.

The Journal of Monday, April 24, 2000, was approved.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2435**

Senator Tinsman called up for consideration **Senate File 2435**, 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, providing effective dates, and providing for retroactive applicability, amended by the House in House amendment S-5387, filed April 12, 2000.

Senator Tinsman offered amendment S-5610, filed by her from the floor to pages 1, 2, and 5-10 of House amendment S-5387.

Senator Tinsman asked and received unanimous consent that action on amendment S-5610 be deferred.

Senator Rife asked and received unanimous consent to withdraw amendment S-5602, filed by him on April 24, 2000, to page 1 of House amendment S-5387.

The Senate resumed consideration of amendment S-5610 to House amendment S-5387, previously deferred.

Senator Rife offered amendment S-5614, filed by him from the floor to page 1 of amendment S-5610 to House amendment S-5387, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5614 be adopted?" (S.F. 2435), the vote was:

Ayes, 34:

Bartz	Black	Bolkcom	Connolly
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Jensen	Judge
Kibbie	King	Lamberti	Lundby
Maddox	McCoy	McKean	McLaren
Rehberg	Rife	Rittmer	Schuerer
Soukup	Zieman		

Nays, 15:

Angelo	Behn	Boettger	Iverson
Johnson	Kramer	McKibben	Miller
Redfern	Redwine	Sexton	Shearer
Szymoniak	Tinsman	Veenstra	

Absent or not voting, 1:

Dearden

Amendment S-5614 was adopted.



Senator Tinsman moved the adoption of amendment S-5610 to House amendment S-5387, which motion prevailed by a voice vote.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McLaren, Jensen, and Rife, until they return, on request of Senator Iverson; and Senator Redwine, until he returns, on request of Senator Johnson.

### BUSINESS PENDING

#### **Senate File 2435**

The Senate resumed consideration of Senate File 2435.

Senator Tinsman 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 Tinsman 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. 2435), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	Miller	Redfern	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymaniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Dearden  
Rife

Jensen

McLaren

Redwine

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 2435** be **immediately messaged** to the House.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

#### **Senate Resolution 123**

Senator Iverson asked and received unanimous consent to take up the following resolution:

1           SENATE RESOLUTION NO. 123  
2    By: Committee on Rules and Administration  
3    A resolution honoring Senator H. Kay Hedge.  
4    WHEREAS, Senator Hedge is retiring from legislative  
5 office after completing three terms in office as a  
6 State Senator; and  
7    WHEREAS, Senator Hedge's distinguished career as a  
8 state legislator has included service as an Assistant  
9 Majority Leader in the Seventy-seventh and Seventy-  
10 eighth sessions of the General Assembly and as an  
11 Assistant Minority Leader during the Seventy-fifth and  
12 Seventy-sixth sessions of the General Assembly; and  
13    WHEREAS, Senator Hedge has also served as a member  
14 of the Seventy-third and Seventy-fourth General  
15 Assemblies; and  
16    WHEREAS, Senator Hedge's distinguished career has  
17 also included service as Chairperson of the Ethics  
18 Committee and the Agriculture and Natural Resources  
19 Appropriations Subcommittee; as Vice Chairperson of  
20 the Agriculture and Natural Resources Appropriations  
21 Subcommittee; and as a member and as Chairperson of  
22 the Administrative Rules Review Committee; and  
23    WHEREAS, Senator Hedge has served on many other  
24 standing committees throughout his 12 years of  
25 legislative service and has been an influential and  
26 devoted legislator in this state; and  
27    WHEREAS, Senator Hedge has sponsored and been

28 instrumental in the passage of legislation pertinent  
29 to Iowa relating to ethics; corporate farming; animal  
30 production; and administrative rules review; and

**Page 2**

1 WHEREAS, Senator Hedge has served honorably and has  
2 unselfishly given of his time and efforts to further  
3 the interests of the State of Iowa and to provide  
4 beneficial programs for the citizens of Iowa; NOW  
5 THEREFORE,  
6 BE IT RESOLVED BY THE SENATE, That the Senate pay  
7 tribute to Senator H. Kay Hedge for his devoted  
8 service to the Iowa General Assembly and the citizens  
9 of this state and wish him the very best in the years  
10 ahead; and  
11 BE IT FURTHER RESOLVED, That an official copy of  
12 this Resolution be prepared and presented to Senator  
13 Hedge.

President Kramer took the chair at 2:13 p.m.

Senator Hedge addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Hedge.

Senator Iverson moved the adoption of Senate Resolution 123,  
which motion prevailed by a voice vote.

Senator Hedge approached the well of the Senate and he was  
presented with a plaque in appreciation of his years of service and an  
enrolled copy of Senate Resolution 123.

**SPECIAL PRESENTATION**

Senators Rife and McLaren welcomed members of the Alpha  
Gamma Rho fraternity from Iowa State.

Governor Vilsack issued a proclamation declaring April 25, 2000,  
Alpha Gamma Rho Day, in honor of the fraternity's efforts to help a  
fallen brother's family.

Senator Bartz took the chair at 3:02 p.m.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

**Senate Resolution 125**

Senator Kramer asked and received unanimous consent to take up the following resolution:

1       SENATE RESOLUTION NO. 125  
2   By: Committee on Rules and Administration  
3   A resolution honoring Senator Lyle Zieman.  
4   WHEREAS, Senator Zieman is retiring from  
5   legislative office after completing two terms in  
6   office as a State Senator; and  
7   WHEREAS, Senator Zieman has served as a member of  
8   the Seventy-fifth through Seventy-eighth General  
9   Assemblies; and  
10   WHEREAS, Senator Zieman's distinguished career has  
11   also included service as Chairperson of the Senate  
12   Local Government Committee and as Vice Chairperson of  
13   the Senate Health and Human Rights Appropriations  
14   Subcommittee, as well as service on the Agriculture;  
15   Business and Labor; Human Resources; Local Government;  
16   Natural Resources and Environment; and Small Business,  
17   Economic Development and Tourism Committees; and the  
18   Economic Development Appropriations Subcommittee; and  
19   WHEREAS, Senator Zieman's dedication, leadership,  
20   and expertise in the areas of local government,  
21   unfunded mandates directed to local governments, and  
22   dairy farming are well recognized; and  
23   WHEREAS, Senator Zieman has been involved with, and  
24   has served as a member of, many governmental, civic,  
25   community, and service organizations, including  
26   serving as a member of the Postville Community School  
27   Board for 25 years and as an Allamakee County  
28   Supervisor for 14 years; and as a member of the  
29   Regional Planning Commission of Northeast Iowa, the  
30   Iowa State Association of Counties, the Allamakee

**Page 2**

1   County Substance Abuse Board, and the Allamakee County  
2   Civil Defense Board; and  
3   WHEREAS, Senator Zieman has served honorably and  
4   has unselfishly given of his time and efforts to  
5   further the interests of the State of Iowa and to  
6   provide beneficial programs for the citizens of Iowa;  
7   NOW THEREFORE,

8 BE IT RESOLVED BY THE SENATE, That the Senate pay  
9 tribute to Senator Lyle Zieman for his devoted service  
10 to the Iowa General Assembly and the citizens of this  
11 state, and wish him the very best in the years ahead;  
12 and  
13 BE IT FURTHER RESOLVED, That an official copy of  
14 this Resolution be prepared and presented to Senator  
15 Zieman.

Senator Zieman addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Zieman.

Senator Kramer moved the adoption of Senate Resolution 125, which motion prevailed by a voice vote.

Senator Kramer presented Senator Zieman with a plaque in appreciation of his years of service and an enrolled copy of Senate Resolution 125.

#### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2560.

#### **House File 2560**

On motion of Senator McKibben, **House File 2560**, a bill for an act providing an individual and corporate income tax credit for the rehabilitation of certain eligible commercial and residential property and barns, an alternative method for computing the individual and corporate income tax credit for increasing research and development, an assistive device tax credit under the individual and corporate taxes for assisting persons with a disability in the workplace, and an increase in the deduction for pension and retirement income for income tax purposes, and including applicability dates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Johnson offered amendment S-5577, filed by the committee on Ways and Means on April 24, 2000, to pages 4, 5, 7, 8, 11, 12, 16, 17, and to the title page of the bill.

Senator McKibben asked and received unanimous consent that action on amendment S-5577 be deferred.

Senator McKibben asked and received unanimous consent to withdraw amendment S-5563, filed by Senators Rehberg, King, and McKibben on April 24, 2000, to pages 4, 9, and to the title page of the bill.

Senator Johnson asked and received unanimous consent to withdraw amendment S-5601, filed by her on April 24, 2000, to pages 4 and 7 of the bill.

Senator McKibben offered amendment S-5615, filed by him from the floor to pages 4-8, 11, 12, 16, 17, and to the title page of the bill, and moved its adoption.

Amendment S-5615 was adopted by a voice vote.

With the adoption of amendment S-5615, the Chair ruled the following amendments out of order:

Amendment S-5577, previously deferred; and

Amendment S-5608, filed by Senator Bartz from the floor to page 2 of amendment S-5577.

Senator Hammond asked and received unanimous consent to withdraw amendment S-5582, filed by Senators Hammond, et al., on April 24, 2000, to page 17 and to the title page of the bill.

Senator Connolly offered amendment S-5603, filed by him on April 24, 2000, to page 17 and to the title page of the bill, and moved its adoption.

Amendment S-5603 was adopted by a voice vote.

Senator Hansen offered amendment S-5600, filed by him on April 24, 2000, to page 17 of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 20, nays 27.

Amendment S-5600 lost.

President Kramer took the chair at 4:36 p.m.

Senator Deluhery offered amendment S-5612, filed by Senators Deluhery, et al., from the floor to page 17 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5612 be adopted?" (H.F. 2560), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Bartz	Black	Bolkcom	Connolly
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Rife	Rittmer	Shearer
Soukup	Szymoniak	Tinsman	

Nays, 25:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Hedge	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Schuerer	Veenstra
Zieman			

Absent or not voting, 2:

Dearden	Sexton
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Amendment S-5612 lost.

Senator Black offered amendment S-5616, filed by Senators Black, Redfern, and Rittmer from the floor to page 17 and to the title page of the bill.

Senator Gronstal raised the point of order that amendment S-5616 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5616 out of order.

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. 2560), 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, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2560** be **immediately messaged** to the House.



## SENATE RECEDES

**Senate File 2429**

Senator Rife called up for consideration **Senate File 2429**, 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 effective dates and retroactive applicability provisions, amended by the Senate, and moved that the Senate recedes from its amendment.

The motion prevailed by a voice vote and the Senate **receded** from its amendment.

Senator Rife moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2429), 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.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2429** be **immediately messaged** to the House.

## RECESS

On motion of Senator Iverson, the Senate recessed at 5:07 p.m., until 6:15 p.m.

## APPENDIX

### REPORT OF COMMITTEE MEETING

#### WAYS AND MEANS

**Convened:** April 25, 2000, 11:40 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:** Passed HF 2581.

**Adjourned:** 11:50 a.m.

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jeremy Andrew Kippley, Denison – For achieving the rank of Eagle Scout on June 4, 2000. Senator King (04/25/00).

Jeffrey Ohman, Ames – For achieving the rank of Eagle Scout on May 7, 2000. Senator McKibben (04/25/00).

### EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on April 20, 2000, when the vote was taken on Senate File 466. Had I been present, I would have voted "Aye."

MARY A. LUNDBY

MADAM PRESIDENT: I was necessarily absent from the Senate Chamber on April 25, 2000, when the vote was taken on Senate File 2435. Had I been present, I would have voted "Aye."

JOHN REDWINE

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 120**, by Tinsman, a concurrent resolution requesting the legislative council to establish one or more interim committees to study human services issues.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## COMMITTEE REPORTS

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 122, a resolution honoring Senator John P. "Jack" Kibbie for his years of legislative service.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 126, a resolution honoring Senator Richard F. Drake for his years of legislative service.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### WAYS AND MEANS

**Final Bill Action:** HOUSE FILE 2581, a bill for an act relating to the authorization of the Iowa higher education loan authority to make loans and issue obligations to make loans to entities other than educational institutions, and to finance projects to be leased to educational institutions, and providing that the obligations and income from obligations are exempt from taxation.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Johnson, McKibben, Harper, Bartz, Bolkcom, Connolly, Deluhery, Drake, Flynn, Hedge, Lamberti, Maddox, McLaren, Redwine, and Soukup. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2092, the following corrections were made:

1. Page 1, line 1, after the number "12C.6A" a comma was added.
2. Page 9, line 28, the underline was taken out between the word Sec. and the number 27.

MICHAEL E. MARSHALL  
Secretary of the Senate

## 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 25th day of April, 2000:

Senate Files 292, 2092, 2214, 2419, and 2444.

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

S-5614	S.F.	2435	Jack Rife
S-5615	H.F.	2560	Larry McKibben
S-5616	H.F.	2560	Dennis H. Black
			Donald B. Redfern
			Sheldon Rittmer

## EVENING SESSION

The Senate reconvened at 6:24 p.m., President Kramer presiding.

## QUORUM CALL

Senator Lundby requested a non-record roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent, and a quorum present.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Miller, Redfern, Rehberg, and Zieman, until they return, on request of Senator Redwine.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2581.

**House File 2581**

On motion of Senator Redwine, **House File 2581**, a bill for an act relating to the authorization of the Iowa higher education loan authority to make loans and issue obligations to make loans to entities other than educational institutions, and to finance projects to be leased to educational institutions, and providing that the obligations and income from obligations are exempt from taxation, with report of committee recommending passage, was taken up for consideration.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2581), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McLaren	Redwine	Rife	Rittmer
Schuerer	Sexton	Shearer	Soukup
Szymoniak	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 7:

Dearden	Hammond	McCoy	Miller
Redfern	Rehberg	Zieman	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2581** be **immediately messaged** to the House.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

### Senate Resolution 126

Senator Iverson asked and received unanimous consent to take up the following resolution:

1           SENATE RESOLUTION NO. 126  
2    By: Iverson and Gronstal  
3    A resolution honoring Senator Richard F. Drake  
4   for his years of legislative service.  
5    WHEREAS, Senator Richard F. Drake will this year  
6   complete more than thirty years of service in the  
7   General Assembly, including six terms in the Senate;  
8   and  
9    WHEREAS, Senator Drake has served honorably and has  
10   unselfishly given his time and efforts to further the  
11   interests of the state of Iowa and to provide

12 beneficial programs for the citizens of Iowa; and  
13 WHEREAS, it is proper that Senator Drake be honored  
14 for his many years of service to the state of Iowa;  
15 NOW THEREFORE,  
16 BE IT RESOLVED BY THE SENATE, That the Senate pay  
17 tribute to Senator Drake and express its gratitude for  
18 the service rendered by him; and  
19 BE IT FURTHER RESOLVED, That the Senate present to  
20 Senator Drake his Senate desk in appreciation for his  
21 service.

Senator Drake addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Drake.

Senator Iverson moved the adoption of Senate Resolution 126, which motion prevailed by a voice vote.

Senator Drake was presented with an authentic replication of his Senate desk in honor of his 32 years of service and an enrolled copy of Senate Resolution 126.

#### SPECIAL PRESENTATION TO SENATE PAGES

The Senate pages were invited to the well of the Senate for a special presentation and were thanked by Senators Iverson and Gronstal for their service to the Senate.

A Certificate of Recognition for serving with honor and distinction as a Senate Page during the 2000 Regular Session of the Seventy-eighth General Assembly and individual and Page group pictures were presented to each of the following Pages:

Mandy Besler, Angela Boggess, Kara Breitbach, Sarah Carlson, Charise Carstensen, Sarah Falb, Elizabeth Gauger, Julie Gehling, Heidi Gesche, Michael Lindseth, Stacey Lyon, Justin Manifold, Samantha Morrison, Matthew Nappe, Laura Pfeffer, Jesse Schradle, Elizabeth Whims, and Alicia Young.

The Senate rose and expressed its appreciation to the Pages.

Senator Redfern took the chair at 7:17 p.m.



CONSIDERATION OF RESOLUTION  
(Regular Calendar)

**Senate Resolution 122**

Senator Iverson asked and received unanimous consent to take up the following resolution:

1           SENATE RESOLUTION NO. 122  
2    By: Iverson and Gronstal  
3    A resolution honoring Senator John P. "Jack"  
4    Kibbie for his years of legislative service.  
5    WHEREAS, Senator John P. "Jack" Kibbie will this  
6    year complete his fourth term of office in the Senate  
7    and his twentieth year of office in the Iowa General  
8    Assembly; and  
9    WHEREAS, Senator Kibbie has served honorably and  
10   has unselfishly given his time and efforts to further  
11   the interests of the State of Iowa and to provide  
12   beneficial programs for the citizens of Iowa; and  
13   WHEREAS, it is proper that Senator Kibbie be  
14   honored for his many years of service to the State of  
15   Iowa; NOW THEREFORE,  
16   BE IT RESOLVED BY THE SENATE, That the Senate pay  
17   tribute to Senator Kibbie and express its gratitude  
18   for the service rendered by him; and  
19   BE IT FURTHER RESOLVED, That the Senate present to  
20   Senator Kibbie his Senate chair in appreciation for  
21   his service.

Senator Kibbie addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Kibbie.

Senator Gronstal moved the adoption of Senate Resolution 122, which motion prevailed by a voice vote.

Senator Kibbie was presented with his Senate chair in honor of his 20 years of service and an enrolled copy of Senate Resolution 122.

Senator Iverson took the chair at 7:45 p.m.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2252**

Senator Redfern called up for consideration **Senate File 2252**, a bill for an act eliminating the future repeal of the school finance formula and providing for periodic legislative review, amended by the House in House amendment S-5336, filed April 4, 2000.

Senator Redfern offered amendment S-5618, filed by him from the floor to page 1 of House amendment S-5336, and moved its adoption.

Amendment S-5618 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. 2252), 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	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra

Nays, none.

Absent or not voting, 2:

Dearden

Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Redfern asked and received unanimous consent that **Senate File 2252** be **immediately messaged** to the House.

The Senate stood at ease at 7:52 p.m. until the fall of the gavel.

### 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 25, 2000, concurred in the Senate amendment and passed the following bills in which the **concurrence** of the **House** was asked:

**House File 2351**, a bill for an act relating to a sales and use tax exemption for the sales of clothing and footwear for a limited time period annually and including an effective date.

**House File 2545**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

**House File 2554**, a bill for an act relating to and making appropriations to the judicial branch.

ALSO: That the House has on April 25, 2000, 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 2435**, 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, providing effective dates, and providing for retroactive applicability.

**APPENDIX****REPORT OF COMMITTEE MEETING****JUDICIARY**

**Convened:** April 25, 2000, 5:11 p.m.

**Members Present:** McKean, Chair; Lamberti, Vice Chair; Hansen, Ranking Member; Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman.

**Members Absent:** None.

**Committee Business:** Passed HF 2579, as amended.

**Adjourned:** 5:45 p.m.

**INTRODUCTION OF RESOLUTION**

**Senate Resolution 128**, by King, a resolution congratulating members of the Denison, Iowa, Academic Decathlon Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**COMMITTEE REPORT****JUDICIARY**

**Final Bill Action:** HOUSE FILE 2579, a bill for an act creating a tobacco settlement authority Act, authorizing the issuance of bonds, and providing an effective date.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5619.

**Final Vote:** Ayes, 15: McKean, Lamberti, Hansen, Angelo, Boettger, Dvorsky, Fraise, Hammond, Horn, Maddox, McCoy, McKibben, Miller, Redfern, and Tinsman. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 25, 2000, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2213 – Relating to on-site presence of a pipeline company representative during farmland improvements near pipelines.

S.F. 2302 – Relating to programs and public health issues under the purview of the Iowa department of public health and the appropriation of certain fees to the department and providing an effective date.

S.F. 2426 – Relating to the designation, valuation, and taxation of property in a horizontal property regime and including an effective date.

## AMENDMENTS FILED

S-5617	H.F.	2549	Ken Veenstra
S-5618	S.F.	2252	Donald B. Redfern
S-5619	H.F.	2579	Judiciary
S-5620	S.F.	2440	Jeff Lamberti
S-5621	H.F.	2373	Jeff Lamberti
S-5622	H.F.	2549	Kitty Rehberg

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:41 p.m., until 8:00 a.m., Wednesday, April 26, 2000.

# JOURNAL OF THE SENATE

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ONE-HUNDRED AND EIGHTH CALENDAR DAY  
SIXTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 26, 2000

The Senate met in regular session at 8:06 a.m., President Kramer presiding.

Prayer was offered by Senator H. Kay Hedge from Fremont, Iowa.

The Journal of Tuesday, April 25, 2000, was approved.

## QUORUM CALL

Senator Boettger requested a non-record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent, and a quorum present.

The Senate stood at ease at 8:19 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:10 a.m., President Kramer presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McCoy and Dearden, until they arrive, on request of Senator Fink; and Senator McKibben, until he arrives, on request of Senator Iverson.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2241**

Senator McKean called up for consideration **Senate File 2241**, a bill for an act relating to the consolidation of certain criminal offenses concerning computer access, damage, or theft, video rental theft, election bribery, and voting duress, amended by the House in House amendment S-5562, filed April 24, 2000.

Senator Hammond asked and received unanimous consent to withdraw amendment S-5611, filed by Senators Hammond and McKean on April 25, 2000, to page 1 of House amendment S-5562.

Senator McKean offered amendment S-5647, filed by him from the floor to pages 1-3 of House amendment S-5562, and moved its adoption.

Amendment S-5647 was adopted by a voice vote.

Senator McKean offered amendment S-5648, filed by him from the floor to page 3 of House amendment S-5562, and moved its adoption.

Amendment S-5648 was adopted by a voice vote.

Senator McKean moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment, as amended.

Senator McKean moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2241), the vote was:

Ayes, 47:

Angelo  
Boettger  
Drake

Bartz  
Bolkcom  
Dvorsky

Behn  
Connolly  
Fink

Black  
Deluhery  
Flynn

Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Johnson
Judge	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McKean
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Shearer	Soukup	Szymoniak
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Dearden	McCoy	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2549.

#### **House File 2549**

On motion of Senator Rehberg, **House File 2549**, 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 for retroactive applicability and effective dates, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg offered amendment S-5622, filed by her on April 25, 2000, striking everything after the enacting clause of the bill.

Senator Connolly offered amendment S-5623, filed by Senators Connolly and Kibbie from the floor to pages 1-4, 6, 11, 15, 21, 25, 27, and 29 of amendment S-5622, and deferred to Senator Flynn.

Senator Flynn moved the adoption of amendment S-5623.



A record roll call was requested.

On the question “Shall amendment S-5623 be adopted?” (H.F. 2549), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 2:

Dearden	McKibben
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Amendment S-5623 lost.

Senator Hedge asked and received unanimous consent that action on amendment S-5622 and **House File 2549** be **deferred**.

## MOTION TO RECONSIDER WITHDRAWN

### **Senate File 2241**

Senator McKean withdrew the following motion to reconsider filed from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2241 passed the Senate on April 26, 2000.

ANDY McKEAN

## IMMEDIATELY MESSAGED

Senator Hedge asked and received unanimous consent that **Senate File 2241** 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 25, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 441**, a bill for an act providing an exemption from certain requirements of self-insured accident and health insurance plans provided by school corporations.(S-5650)

ALSO: That the House has on April 25, 2000, 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 2552**, a bill for an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date.(S-5652)

## BUSINESS PENDING

**House File 2549**

The Senate resumed consideration of **House File 2549**, 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 for retroactive applicability and effective dates, and amendment S-5622, previously deferred.

Senator Connolly offered amendment S-5624, filed by Senators Connolly and Kibbie from the floor to pages 1 and 9 of amendment S-5622, and deferred to Senator Fink.

Senator Fink moved the adoption of amendment S-5624.

A record roll call was requested.

On the question "Shall amendment S-5624 be adopted?" (H.F. 2549), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lundby	Maddox	McKean
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Dearden	Lamberti	McKibben
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Amendment S-5624 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lamberti, until he returns, on request of Senator Iverson.

## BUSINESS PENDING

### House File 2549

The Senate resumed consideration of House File 2549.

Senator Connolly offered amendment S-5625, filed by Senators Connolly and Kibbie from the floor to pages 1 and 28 of amendment S-5622 and deferred to Senator Shearer.

Senator Shearer moved the adoption of amendment S-5625.

A record roll call was requested.

On the question "Shall amendment S-5625 be adopted?" (H.F. 2549), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lundby	Maddox	McKean
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Dearden	Lamberti	McKibben
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Amendment S-5625 lost.

Senator Harper offered amendment S-5643, filed by Senators Harper and Redfern from the floor to page 2 of amendment S-5622, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5643 be adopted?" (H.F. 2549), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Redfern	Shearer	Soukup	Szymoniak

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Maddox	McKean	McLaren
Miller	Redwine	Rehberg	Rife

Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 4:

Dearden	Lamberti	Lundby	McKibben
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Amendment S-5643 lost.

Senator Kibbie offered amendment S-5626, filed by him from the floor to pages 5, 6, and 26 of amendment S-5622, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5626 be adopted?" (H.F. 2549), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lundby	Maddox	McKean
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Dearden	Lamberti	McKibben
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Amendment S-5626 lost.

Senator Connolly offered amendment S-5627, filed by Senators Connolly and Kibbie from the floor to page 6 of amendment S-5622, and deferred to Senator Bolkcom.

Senator Bolkcom asked and received unanimous consent to withdraw amendment S-5627.

Senator Szymoniak asked and received unanimous consent to withdraw amendment S-5644, filed by her from the floor to page 6 of amendment S-5622.

Senator Rife offered amendment S-5646, filed by him from the floor to page 6 of amendment S-5622.

Senator Rife asked and received unanimous consent to withdraw amendment S-5646.

Senator Kibbie offered amendment S-5628, filed by him from the floor to page 6 of amendment S-5622, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5628 be adopted?" (H.F. 2549), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lundby	Maddox	McKean
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Dearden	Lamberti	McKibben
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Amendment S-5628 lost.

Senator Connolly offered amendment S-5629, filed by Senators Connolly and Kibbie from the floor to page 9 of amendment S-5622, and deferred to Senator Hammond.

Senator Hammond moved the adoption of amendment S-5629.

A record roll call was requested.

On the question “Shall amendment S-5629 be adopted?” (H.F. 2549), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
McLaren	Shearer	Soukup	Szymoniak

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lundby	Maddox	McKean
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 3:

Dearden	Lamberti	McKibben
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Amendment S-5629 lost.

Senator Iverson asked and received unanimous consent that action on amendment S-5622 and **House File 2549** be **deferred**.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:17 a.m., until 10:20 a.m..

RECONVENED

The Senate reconvened at 10:19 a.m., President Kramer presiding.

BUSINESS PENDING

### **House File 2549**

The Senate resumed consideration of House File 2549 and amendment S-5622, previously deferred.

Senator Kibbie offered amendment S-5630, filed by Senators Kibbie and Connolly from the floor to pages 9 and 10 of amendment S-5622, and deferred to Senator Harper.

Senator Harper moved the adoption of amendment S-5630.

A record roll call was requested.

On the question "Shall amendment S-5630 be adopted?" (H.F. 2549), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 2:

Dearden	McKibben
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Amendment S-5630 lost.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Jensen, until he returns, on request of Senator Iverson; and Senator McCoy, until he returns, on request of Senator Dvorsky.

## BUSINESS PENDING

### House File 2549

The Senate resumed consideration of House File 2549.

Senator Connolly offered amendment S-5631, filed by Senators Connolly and Kibbie from the floor to pages 10 and 26 of amendment S-5622, and deferred to Senator Shearer.



Senator Shearer moved the adoption of amendment S-5631.

A record roll call was requested.

On the question "Shall amendment S-5631 be adopted?" (H.F. 2549), the vote was:

Ayes, 18:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	Shearer
Soukup	Szymoniak		

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 4:

Dearden	Jensen	McCoy	McKibben
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Amendment S-5631 lost.

Senator Connolly offered amendment S-5632, filed by him from the floor to pages 11, 27, and 30 of amendment S-5622, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5632 be adopted?" (H.F. 2549), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	Lundby
McCoy	Shearer	Soukup	Szymoniak

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Johnson	King	Kramer
Lamberti	Maddox	McKean	McLaren
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 3:

Dearden	Jensen	McKibben
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Amendment S-5632 lost.

Senator Connolly offered amendment S-5633, filed by him from the floor to pages 11, 12, 30, and 31 of amendment S-5622, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5633 be adopted?" (H.F. 2549), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Dearden	Jensen	McKibben
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Amendment S-5633 lost.

Senator Connolly offered amendment S-5634, filed by Senators Connolly and Kibbie from the floor to page 11 of amendment S-5622, and deferred to Senator Horn.

Senator Rehberg raised the point of order that amendment S-5634 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5634 out of order.

Senator Connolly offered amendment S-5635, filed by Senators Connolly and Kibbie from the floor to pages 11, 26, 30, and 31 of amendment S-5622, and deferred to Senator Gronstal.

Senator Rehberg raised the point of order that amendment S-5635 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5635 out of order.

Senator Kibbie offered amendment S-5636, filed by him from the floor to pages 11 and 12 of amendment S-5622, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5636 be adopted?" (H.F. 2549), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	Lundby
McCoy	Schuerer	Shearer	Soukup
Szymoniak	Veenstra		

Nays, 25:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	McKean	McLaren

Miller  
Rife  
Zieman

Redfern  
Rittmer

Redwine  
Sexton

Rehberg  
Tinsman

Absent or not voting, 3:

Dearden

Maddox

McKibben

Amendment S-5636 lost.

Senator Connolly offered amendment S-5637, filed by Senators Connolly and Kibbie from the floor to pages 16 and 19-21 of amendment S-5622, and deferred to Senator Dvorsky.

Senator Dvorsky asked and received unanimous consent that action on amendment S-5637 be deferred.

Senator Connolly offered amendment S-5638, filed by Senators Connolly and Kibbie from the floor to page 16 of amendment S-5622, and deferred to Senator Dvorsky.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5638.

Senator Kibbie offered amendment S-5639, filed by Senators Kibbie and Connolly from the floor to page 19 of amendment S-5622, and deferred to Senator Bolkcom.

Senator Bolkcom moved the adoption of amendment S-5639.

A record roll call was requested.

On the question "Shall amendment S-5639 be adopted?" (H.F. 2549), the vote was:

Ayes, 20:

Black  
Drake  
Fraise  
Horn  
Rife

Bolkcom  
Dvorsky  
Gronstal  
Judge  
Shearer

Connolly  
Fink  
Hammond  
Kibbie  
Soukup

Deluhery  
Flynn  
Harper  
McCoy  
Szymoniak

Nays, 28:

Angelo	Bartz	Behn	Boettger
Freeman	Gaskill	Hansen	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Dearden                      McKibben

Amendment S-5639 lost.

Senator Boettger offered amendment S-5645, filed by Senators Boettger and Szymoniak from the floor to page 25 of amendment S-5622, and moved its adoption.

Amendment S-5645 was adopted by a voice vote.

Senator Connolly offered amendment S-5640, filed by Senators Connolly and Kibbie from the floor to page 27 of amendment S-5622, and deferred to Senator Hammond.

Senator Hammond moved the adoption of amendment S-5640.

A record roll call was requested.

On the question "Shall amendment S-5640 be adopted?" (H.F. 2549), the vote was:

Ayes, 19:

Bolkcom	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gronstal
Hammond	Hansen	Harper	Horn
Judge	Kibbie	McCoy	Redwine
Shearer	Soukup	Szymoniak	

Nays, 29:

Angelo	Bartz	Behn	Black
Boettger	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby

Maddox	McKean	McLaren	Miller
Redfern	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 2:

Dearden	McKibben
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Amendment S-5640 lost.

Senator Connolly offered amendment S-5641, filed by Senators Connolly and Kibbie from the floor to page 27 of amendment S-5622, and deferred to Senator Fink.

Senator Fink moved the adoption of amendment S-5641.

A record roll call was requested.

On the question "Shall amendment S-5641 be adopted?" (H.F. 2549), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup	Szymoniak	

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 2:

Dearden	McKibben
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Amendment S-5641 lost.

Senator Kibbie offered amendment S-5642, filed by him from the floor to page 29 of amendment S-5622, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5642 be adopted?" (H.F. 2549), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	Lundby
McCoy	Shearer	Soukup	Szymoniak

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKean
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Dearden	McKibben
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Amendment S-5642 lost.

Senator Rife offered amendment S-5649, filed by him from the floor to page 30 of amendment S-5622.

Senator Rehberg raised the point of order that amendment S-5649 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5649 out of order.

Senator Horn offered amendment S-5659, filed by Senators Horn and Dvorsky from the floor to page 3 of amendment S-5622.

A record roll call was requested.

On the question "Shall amendment S-5659 be adopted?" (H.F. 2549), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Flynn	Fraise	Gronstal
Hammond	Hansen	Harper	Horn
Judge	Kibbie	Lundby	McCoy
Shearer	Soukup	Szymoniak	

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKean
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Dearden	Fink	McKibben
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Amendment S-5659 lost.

Senator Boettger offered amendment S-5654, filed by Senators Boettger and Gronstal from the floor to pages 7 and 8 of amendment S-5622, and moved its adoption.

Amendment S-5654 was adopted by a voice vote.

Senator Rehberg offered amendment S-5651, filed by her from the floor to page 10 of amendment S-5622, and moved its adoption.

Amendment S-5651 was adopted by a voice vote.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5653, filed by Senators Dvorsky and Bolkcom from the floor to page 16 of amendment S-5622.

Senator Dvorsky offered amendment S-5656, filed by Senators Dvorsky and Bolkcom from the floor to pages 16-19 of amendment S-5622.



Senator Dvorsky asked and received unanimous consent that action on amendment S-5656 be deferred.

Senator Veenstra offered amendment S-5655, filed by Senators Veenstra, et al., from the floor to page 29 of amendment S-5622, and moved its adoption.

Amendment S-5655 lost by a voice vote.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5637, previously deferred.

Senator Dvorsky offered amendment S-5660, filed by Senators Dvorsky, et al., from the floor to pages 16 and 19-21 of amendment S-5622.

Senator Redfern took the chair at 12:21 p.m.

Senator Dvorsky moved the adoption of amendment S-5660.

A record roll call was requested.

On the question "Shall amendment S-5660 be adopted?" (H.F. 2549), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Black	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Redfern	Rife	Shearer
Soukup	Szymoniak		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Freeman	Gaskill	Hedge	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redwine

Rehberg  
Tinsman

Rittmer  
Veenstra

Schuerer  
Zieman

Sexton

Absent or not voting, 1:

Dearden

Amendment S-5660 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Boettger, for the remainder of the day, on request of Senator Johnson.

## BUSINESS PENDING

### House File 2549

The Senate resumed consideration of House File 2549.

The Senate resumed consideration of amendment S-5656, previously deferred.

Senator Dvorsky moved the adoption of amendment S-5656.

A record roll call was requested.

On the question "Shall amendment S-5656 be adopted?" (H.F. 2549), the vote was:

Ayes, 21:

Black  
Drake  
Fraise  
Harper  
McCoy  
Szymoniak

Bolkcom  
Dvorsky  
Gronstal  
Horn  
Rife

Connolly  
Fink  
Hammond  
Judge  
Shearer

Deluhery  
Flynn  
Hansen  
Kibbie  
Soukup

Nays, 27:

Angelo  
Gaskill  
Johnson  
Lundby

Bartz  
Hedge  
King  
Maddox

Behn  
Iverson  
Kramer  
McKean

Freeman  
Jensen  
Lamberti  
McKibben

McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 2:

Boettger	Dearden
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Amendment S-5656 lost.

Senator Rehberg moved the adoption of amendment S-5622, as amended.

A record roll call was requested.

On the question "Shall amendment S-5622 be adopted?" (H.F. 2549), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Connolly	Deluhery	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	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	Hammond
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Absent or not voting, 2:

Boettger	Dearden
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Amendment S-5622 was adopted.

With the adoption of amendment S-5622, the Chair ruled the following amendments out of order:

Amendment S-5479, filed by Senator Szymoniak on April 18, 2000, to page 7 of the bill;

Amendment S-5526, filed by Senators Veenstra, et al., on April 19, 2000, to page 39 of the bill; and

Amendment S-5617, filed by Senator Veenstra on April 25, 2000, to page 39 of the bill.

The following motions to reconsider filed from the floor were withdrawn:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5622 to House File 2549 was adopted by the Senate on April 26, 2000.

BILL FINK

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5622 to House File 2549 was adopted by the Senate on April 26, 2000.

KITTY REHBERG

Senator Hedge took the chair at 1:10 p.m.

President Kramer took the chair at 1:25 p.m.

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. 2549), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Connolly	Deluhery	Drake	Flynn
Fraise	Freeman	Gaskill	Gronstal
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, 4:

Bolkcom	Dvorsky	Fink	Hammond
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Absent or not voting, 2:

Boettger

Dearden

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2549** be **immediately messaged** to the House.

### COMMITTEE REPORT

#### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 128, a resolution congratulating members of the Denison, Iowa, Academic Decathlon Team.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 128.

#### Senate Resolution 128

On motion of Senator King, **Senate Resolution 128**, a resolution congratulating members of the Denison, Iowa, Academic Decathlon Team, with report of committee recommending passage, was taken up for consideration.

Senator King introduced the following members of the Denison Academic Decathlon Team: Kerri Bilsten, Jessica Boland, Emily Collins, Tony Crabb, David Franck, Alex Kipp, Brij Patnaik, Jason Pope, and Matt Swanson. They were accompanied by their coaches: Larry Petersen, Crystal Snitker, and Arron Ratliff.

Senator King moved the adoption of Senate Resolution 128, which motion prevailed by a voice vote.

## COMMITTEE REPORT

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 120, a concurrent resolution requesting the legislative council to establish one or more interim committees to study human services issues.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Dvorsky, Fink, Harper, Jensen, Lundby, Redfern, Rehberg, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 120.

### Senate Concurrent Resolution 120

On motion of Senator Tinsman, **Senate Concurrent Resolution 120**, a concurrent resolution requesting the legislative council to establish one or more interim committees to study human services issues, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman moved the adoption of Senate Concurrent Resolution 120, which motion prevailed by a voice vote.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 120** be **immediately messaged** to the House.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Kibbie and Szymoniak, until they return, on request of Senator Fraise; and Senator Harper, until she returns, on request of Senator Gronstal.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2246**

Senator McKean called up for consideration **Senate File 2246**, a bill for an act relating to the accumulation of credit upon an inmate's sentence for Iowa inmates incarcerated in another jurisdiction, amended by the House, and moved that the Senate concur in House amendment S-5588, filed April 24, 2000.

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. 2246), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Deluhery	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Hedge	Horn	Iverson
Jensen	Johnson	Judge	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, 5:

Boettger  
Szymoniak

Dearden

Harper

Kibbie

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 Dvorsky, until he returns, on request of Senator Harper.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2440.

#### **Senate File 2440**

On motion of Senator Lamberti, **Senate File 2440**, a bill for an act relating to the title guaranty program, mortgage release certificates, and the issuance of closing protection letters by the Iowa finance authority, was taken up for consideration.

Senator Lamberti offered amendment S-5620, filed by him on April 25, 2000, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5620 was adopted by a voice vote.

Senator Lamberti asked and received unanimous consent that **House File 2373** be **substituted** for **Senate File 2440**.

#### **House File 2373**

On motion of Senator Lamberti **House File 2373**, a bill for an act relating to the Iowa finance authority by providing for the issuance of closing protection letters and providing for the allocation of the state



ceiling of federally tax-exempt private activity bonds, was taken up for consideration.

Senator Lamberti offered amendment S-5621, filed by him on April 25, 2000, to pages 1-3, 5, and to the title page of the bill, and moved its adoption.

Amendment S-5621 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. 2373), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Deluhery	Drake
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	Rife
Rittmer	Schuerer	Sexton	Shearer
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Boettger	Dearden	Dvorsky	Gaskill
Rehberg			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## WITHDRAWN

Senator Lamberti asked and received unanimous consent that **Senate File 2440** be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2246** and **House File 2373** 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 25, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2245**, a bill for an act relating to penalties for city and county ordinances and to scheduled violations.(S-5658)

ALSO: That the House has on April 26, 2000, concurred in the Senate amendment to the House amendment, and passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 2241**, a bill for an act relating to the consolidation of certain criminal offenses concerning computer access, damage, or theft, video rental theft, election bribery, and voting duress.

**Senate File 2252**, a bill for an act eliminating the future repeal of the school finance formula and providing for periodic legislative review.

ALSO: That the House has on April 26, 2000, passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 2265**, a bill for an act to provide an additional sentence of parole or work release for certain persons who commit the crime of lascivious acts with a child.

**Senate File 2276**, a bill for an act relating to the application of earned time credits against a criminal sentence and providing an effective date.

ALSO: That the House has on April 26, 2000, refused to concur in the Senate amendment to the following bill in which the **concurrence** of the **House** was asked:

**House File 2519**, a bill for an act relating to probation and parole by extending the repeal of the sixth judicial district pilot project concerning probation revocation hearings and by establishing the position of vice chairperson of the board of parole, and providing an effective date.

ALSO: That the House has on April 26, 2000, passed the following bill in which the **concurrence** of the **Senate** is asked:

**House File 2576**, a bill for an act providing a death benefit for certain volunteer emergency services providers killed in the line of duty and providing a standing appropriation.

Read first time and referred to committee on **Appropriations**.

ALSO: That the House has on April 26, 2000, receded from the House amendment to the Senate amendment, and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 2562**, a bill for an act relating to the treatment for sales and use tax purposes of sales where the substance of the transactions is delivered by electromagnetic waves, digitally, or by way of cable or fiber optics, the exemption from the sales and use taxes of the furnishing, sale, or rental of information services, providing of refunds, and including an effective and retroactive applicability date provision.

ALSO: That the House has on April 26, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2453**, a bill for an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department for the blind, the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the judicial branch, the department of public safety, the state board of regents, the state department of transportation, the office of treasurer of state, and the commission of veterans affairs, creating an environment first fund and making appropriations from that fund for environmental purposes, making related Code language changes, providing for contingent effectiveness, and providing effective dates.(S-5663)

ALSO: That the House has on April 26, 2000, 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 2560**, a bill for an act providing an individual and corporate income tax credit for the rehabilitation of certain eligible commercial and residential property and barns, an alternative method for computing the individual and corporate income tax credit for increasing research and development, an assistive device tax credit under the individual and corporate taxes for assisting persons with a disability in the workplace, and an increase in the deduction for pension and retirement income for income tax purposes, and including applicability dates.(S-5666)

### SENATE RECEDES

#### House File 2519

Senator Angelo called up for consideration **House File 2519**, a bill for an act relating to probation and parole by extending the repeal of the sixth judicial district pilot project concerning probation revocation hearings and by establishing the position of vice chairperson of the board of parole, and providing an effective date, amended by the Senate, and moved that the Senate recedes from its amendment.

The motion prevailed by a voice vote and the Senate **receded** from its amendment.

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. 2519), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
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	McCoy	McKean	McKibben

McLaren  
Rehberg  
Sexton  
Tinsman

Miller  
Rife  
Shearer  
Veenstra

Redfern  
Rittmer  
Soukup  
Zieman

Redwine  
Schuerer  
Szymoniak

Nays, 1:

Maddox

Absent or not voting, 2:

Boettger

Dearden

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 119.

### **Senate Concurrent Resolution 119**

On motion of Senator Iverson, **Senate Concurrent Resolution 119**, a concurrent resolution relating to a study of the issues involving railroad rights-of-way crossings by utilities, with report of committee recommending passage, was taken up for consideration.

Senator Iverson offered amendment S-5613, filed by him on April 25, 2000, to page 2 of the resolution, and moved its adoption.

Amendment S-5613 was adopted by a voice vote.

Senator Iverson moved the adoption of Senate Concurrent Resolution 119, as amended, which motion prevailed by a voice vote.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2519** and **Senate Concurrent Resolution 119** be **immediately messaged** to the House.

## HOUSE AMENDMENT CONSIDERED

**Senate File 441**

Senator Redfern called up for consideration **Senate File 441**, a bill for an act providing an exemption from certain requirements of self-insured accident and health insurance plans provided by school corporations, amended by the House, and moved that the Senate concur in House amendment S-5650, filed April 26, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Redfern moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 441), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
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, 2:

Boettger	Dearden
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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 **Senate File 441** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 119.

**Senate Resolution 119**

On motion of Senator McLaren, **Senate Resolution 119**, a resolution recognizing the contribution of a singular farm employee for his contribution to the Senate during the 2000 Session of the Seventy-eighth General Assembly, with report of committee recommending passage, was taken up for consideration.

Senator McLaren moved the adoption of Senate Resolution 119, which motion prevailed by a voice vote.

Senator Rife approached the well and was presented with an enrolled copy of Senate Resolution 119.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2245**

Senator McKean called up for consideration **Senate File 2245**, a bill for an act relating to penalties for city and county ordinances and to scheduled violations, amended by the House in House amendment S-5658, filed April 26, 2000.

Senator McKean offered amendment S-5665, filed by him from the floor to pages 2-6 of House amendment S-5658, and moved its adoption.

Amendment S-5665 was adopted by a voice vote.

Senator McKean moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment, as amended.

Senator McKean moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2245), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Bolkcom
Connolly	Deluhery	Drake	Dvorsky
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Horn	Jensen	Johnson	Judge
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rife	Rittmer
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, 6:

Black	Fink	Hedge	Iverson
Schuerer	Sexton		

Absent or not voting, 2:

Boettger	Dearden
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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 2560

Senator McKibben called up for consideration **House File 2560**, a bill for an act providing an individual and corporate income tax credit



for the rehabilitation of certain eligible commercial and residential property and barns, an alternative method for computing the individual and corporate income tax credit for increasing research and development, an assistive device tax credit under the individual and corporate taxes for assisting persons with a disability in the workplace, and an increase in the deduction for pension and retirement income for income tax purposes, and including applicability dates, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5666 to Senate amendment H-9094, filed April 26, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator McKibben 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. 2560), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
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, 2:

Boettger	Dearden
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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 2496**

Senator Redfern called up for consideration **House File 2496**, a bill for an act providing supplementary weighting for determining enrollment in school districts involved in district-to-district or district-to-community-college sharing programs, and at-risk programs, and providing an effective date, amended by the Senate and further amended by the House in House amendment S-5497 to Senate amendment H-8905, filed April 18, 2000.

The Senate stood at ease at 3:30 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:47 p.m., President Kramer presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Szymoniak, until she returns, on request of Senator Connolly; and Senator Zieman, until he returns, on request of Senator Rehberg.

BUSINESS PENDING

**House File 2496**

The Senate resumed consideration of House File 2496.

Senator Redfern moved that the Senate concur in House amendment S-5497 to Senate amendment H-8905.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 2496), the vote was:

Ayes, 27:

Angelo	Bartz	Behn	Drake
Freeman	Gaskill	Hedge	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	

Nays, 18:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Shearer	Soukup		

Absent or not voting, 5:

Boettger	Dearden	Rife	Szymoniak
Zieman			

The motion prevailed 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. 2496), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
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	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra			

Nays, none.

Absent or not voting, 5:

Boettger  
Zieman

Dearden

Rife

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 2245, House Files 2496, and 2560** be **immediately messaged** to the House.

### HOUSE AMENDMENT CONSIDERED

#### **Senate File 2453**

Senator Freeman called up for consideration **Senate File 2453**, a bill for an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department for the blind, the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the judicial branch, the department of public safety, the state board of regents, the state department of transportation, the office of treasurer of state, and the commission of veterans affairs, creating an environment first fund and making appropriations from that fund for environmental purposes, making related Code language changes, providing for contingent effectiveness, and providing effective dates, amended by the House in House amendment S-5663, filed April 26, 2000.

Senator Freeman asked and received unanimous consent to withdraw amendment S-5668, filed by her from the floor to pages 1 and 2 of House amendment S-5663.

Senator Black offered amendment S-5669, filed by him from the floor to pages 2 and 3 of House amendment S-5663.

Senator Black asked and received unanimous consent to withdraw amendment S-5669.

The Senate stood at ease at 5:20 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 5:54 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 37 present, 13 absent, and a quorum present.

BUSINESS PENDING

**Senate File 2453**

The Senate resumed consideration of Senate File 2453 and House amendment S-5663.

Senator Redfern took the chair at 6:20 p.m.

Senator Freeman 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 Freeman moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2453), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
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	McCoy	McKean	McKibben
Miller	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Sexton
Shearer	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Boettger	Dearden	Maddox	McLaren
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration House File 2579.

#### **House File 2579**

On motion of Senator Lamberti, **House File 2579**, a bill for an act creating a tobacco settlement authority Act, authorizing the issuance of bonds, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Angelo took the chair at 6:32 p.m.

Senator Lamberti offered amendment S-5619, filed by the committee on Judiciary on April 25, 2000, striking everything after the enacting clause and to the title page of the bill, and deferred to Senator Redfern.

Senator Redfern asked and received unanimous consent to withdraw amendment S-5619.

Senator Lamberti offered amendment S-5675, filed by him from the floor to pages 1, 2, 6, 8, 9, 19, 20, and to the title page of the bill, and moved its adoption.

Amendment S-5675 was adopted by a voice vote.

With the adoption of amendment S-5675, the Chair ruled amendment S-5670, filed by Senator Lamberti from the floor to pages 6, 8, 9, 19, and 20 of the bill, out of order.

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. 2579), the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Drake
Freeman	Gaskill	Hedge	Iverson
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McLaren	Miller	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Sexton	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Jensen	Judge	Kibbie
McCoy	Shearer	Soukup	

Absent or not voting, 2:

Boettger	Dearden
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Hedge asked and received unanimous consent that **Senate File 2453** and **House File 2579** be **immediately messaged** to the House.

## LEADERSHIP RECOGNITION

Senators Redwine and Hedge escorted Senator Iverson, Majority Leader, to the well of the Senate; Senators Szymoniak and Dvorsky escorted Senator Gronstal, Minority Leader, to the well of the Senate; Senators Maddox and Johnson escorted Senator Kramer, President of the Senate, to the well of the Senate; and Senators McKean and Bartz escorted Senator Redfern, President pro tempore, to the well of the Senate where they were presented with gifts on behalf of the members of the Senate in recognition of their service during the Seventy-Eighth General Assembly.

## 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 11, 2000, passed the following bill in which the **concurrence** of the **House** was asked:

**Senate File 2439**, a bill for an act relating to the accelerated career education program, providing a tax credit from withholding, creating an accelerated career education grant program and fund, relating to the transfer of job training withholding to the workforce development fund account, and providing an effective date.

ALSO: That the House has on April 26, 2000, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 2373**, a bill for an act relating to the Iowa finance authority by providing for the issuance of closing protection letters and providing for the allocation of the state ceiling of federally tax-exempt private activity bonds.

ALSO: That the House has on April 26, 2000, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

**Senate File 2433**, 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, and providing an effective date.(S-5678)

## HOUSE AMENDMENT CONSIDERED

### Senate File 2433

Senator King called up for consideration **Senate File 2433**, 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, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S-5678, filed April 26, 2000.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 2433), the vote was:

Ayes, 41:

Angelo	Bartz	Behn	Black
Connolly	Deluhery	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	Rittmer	Schuerer	Sexton
Soukup	Szymoniak	Tinsman	Veenstra
Zieman			

Nays, 7:

Bolkcom	Dvorsky	Fink	Hammond
Harper	Rife	Shearer	

Absent or not voting, 2:

Boettger	Dearden
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The motion prevailed and the Senate concurred in the House amendment.

Senator King 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. 2433), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Black
Connolly	Deluhery	Drake	Dvorsky
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	Rittmer	Schuerer
Sexton	Soukup	Szymoniak	Tinsman
Veenstra	Zieman		

Nays, 6:

Bolkcom	Fink	Hammond	Harper
Rife	Shearer		

Absent or not voting, 2:

Boettger	Dearden
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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 Hedge asked and received unanimous consent that **Senate File 2433** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2452.

**Senate File 2452**

On motion of Senator McLaren, **Senate File 2452**, a bill for an act relating to public expenditure and regulatory matters, making appropriations, and providing an effective date, was taken up for consideration.

President Kramer took the chair at 7:29 p.m.

Senator McLaren offered amendment S-5657, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5657 was adopted by a voice vote.

With the adoption of amendment S-5657, the Chair ruled amendment S-5664, filed by Senators Judge and Hammond from the floor to page 1 of the bill, out of order.

Senator Schuerer offered amendment S-5427, filed by him on April 13, 2000, to page 2 and to the title page of the bill, and moved its adoption.

Amendment S-5427 was adopted by a voice vote.

Senator McLaren asked and received unanimous consent to withdraw amendment S-5661, filed by him from the floor to pages 2, 3, 9, 11-13, 16, 17, and to the title page of the bill.

With the withdrawal of amendment S-5661, the Chair ruled amendment S-5667, filed by Senator McLaren from the floor to page 8 of amendment S-5661, out of order.

Senator McLaren offered amendment S-5673, filed by him from the floor to pages 2, 3, 9, 11-13, 16, 17, and to the title page of the bill.

Senator Iverson offered amendment S-5674, filed by him from the floor to page 7 of amendment S-5673, and moved its adoption.

Amendment S-5674 was adopted by a voice vote.

Senator Maddox asked and received unanimous consent to withdraw amendment S-5676, filed by him from the floor to page 11 of amendment S-5673.

Senator McLaren offered amendment S-5680, filed by him from the floor to pages 13 and 14 of amendment S-5673, and moved its adoption.

Amendment S-5680 was adopted by a voice vote.

Senator McLaren offered amendment S-5677, filed by him from the floor to page 14 of amendment S-5673, and moved its adoption.

Amendment S-5677 was adopted by a voice vote.

Senator Flynn asked and received unanimous consent to withdraw amendment S-5679, filed by him from the floor to page 14 of amendment S-5673.

Senator Flynn offered amendment S-5682, filed by him from the floor to page 14 of amendment S-5673, and called for a division:

Division S-5682A: Lines 3-23.

Division S-5682B: Lines 24-34.

Senator Flynn asked and received unanimous consent that action on division S-5682A be deferred.

Senator Flynn moved the adoption of division S-5682B, which motion prevailed by a voice vote.

Senator Flynn moved the adoption of division 5682A.

Division S-5682A lost by a voice vote.

Senator Lamberti offered amendment S-5683, filed by him from the floor to page 3 of amendment S-5673, and moved its adoption.

Amendment S-5683 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent that action on amendment S-5673 be deferred.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5609, filed by him on April 25, 2000, to page 2 of the bill.

Senator Connolly offered amendment S-5671, filed by him from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5671 be adopted?" (S.F. 2452), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Miller	Redwine	Shearer	Soukup
Szymoniak			

Nays, 26:

Angelo	Bartz	Behn	Drake
Freeman	Gaskill	Hedge	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 3:

Boettger	Dearden	Rife
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Amendment S-5671 lost.

With the deferral of amendment S-5673, the Chair deferred the following amendments:

Amendment S-5551, filed by Senator McLaren on April 20, 2000, to page 2 of the bill;

Amendment S-5411, filed by Senators Drake and Kibbie on April 13, 2000, to page 11 of the bill;

Amendment S-5459, filed by Senator McLaren on April 17, 2000, to page 13 of the bill; and

Amendment S-5573, filed by Senators Drake and Gronstal on April 24, 2000, to page 17 of the bill.

Senator Bartz offered amendment S-5457, filed by him on April 17, 2000, to page 13 of the bill, and moved its adoption.

Amendment S-5457 was adopted by a voice vote.

Senator Rehberg offered amendment S-5662, filed by Senators Rehberg, et al., from the floor to page 17 of the bill, and moved its adoption.

Amendment S-5662 was adopted by a voice vote.

Senator Iverson offered amendment S-5672, filed by Senators Iverson and Gronstal from the floor to page 17 of the bill, and moved its adoption.

Amendment S-5672 was adopted by a voice vote.

Senator Flynn filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which division S-5682B to amendment S-5673 of Senate File 2452 was adopted by the Senate on April 26, 2000.

The motion prevailed by a voice vote and division S-5682B, by Senator Flynn to page 14 of amendment S-5673, was taken up for consideration.

Senator Flynn withdrew division S-5682B.

Senator Connolly offered amendment S-5684, filed by him from the floor to page 11 of amendment S-5673.

Senator Hammond asked unanimous consent that action on amendment S-5684 and Senate File 2452 be deferred.

Senator Hammond withdrew her motion to defer.

Senator Connolly moved the adoption of amendment S-5684.

A record roll call was requested.

On the question "Shall amendment S-5684 be adopted?" (S.F. 2452), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Gronstal
Hansen	Harper	Judge	Lundby
McKean	Redfern	Redwine	Shearer
Soukup	Szymoniak	Tinsman	

Nays, 26:

Angelo	Behn	Drake	Fraise
Freeman	Gaskill	Hedge	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Maddox
McCoy	McKibben	McLaren	Miller
Rehberg	Rife	Rittmer	Sexton
Veenstra	Zieman		

Absent or not voting, 5:

Bartz	Boettger	Dearden	Hammond
Schuerer			

Amendment S-5684 lost.

Senator McLaren moved the adoption of amendment S-5673, as amended, which motion prevailed by a voice vote.

With the adoption of amendment S-5673, the Chair ruled the following amendments, previously deferred, out of order:

Amendments S-5551, S-5411, S-5459, and S-5573.

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. 2452), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
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, 2:

Boettger                      Dearden

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 2452** be **immediately messaged** to the House.

### RECESS

On motion of Senator Iverson, the Senate recessed at 8:45 p.m., until the completion of a meeting of the committee on Rules and Administration.

### EVENING SESSION

The Senate reconvened at 8:55 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 26, 2000, 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 2245**, a bill for an act relating to penalties for city and county ordinances and to scheduled violations.

ALSO: That the House has on April 26, 2000, adopted the following resolution in which the **concurrence** of the **House** was asked:

**Senate Concurrent Resolution 108**, a concurrent resolution recognizing the accomplishments of John Fletcher Lacey and commemorating the one-hundredth-year anniversary of the Lacey Act.

ALSO: That the House has on April 26, 2000, 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 2549**, 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 for retroactive applicability and effective dates.(S-5681)

ALSO: That the House has on April 26, 2000, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

**House File 2579**, a bill for an act creating a tobacco settlement authority Act, authorizing the issuance of bonds, and providing an effective date.

## HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

### **House File 2552**

Senator Maddox called up for consideration **House File 2552**, a bill for an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date, amended by the Senate, further amended by the House, and

moved that the Senate concur in the House amendment S-5652 to Senate amendment H-9077, filed April 26, 2000.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Maddox moved that the bill, as amended by the Senate, further amended by the House, and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2552), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
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, 2:

Boettger	Dearden
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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 File 2552** be **immediately messaged** to the House.

HOUSE AMENDMENT TO  
SENATE AMENDMENT CONSIDERED

**House File 2549**

Senator Rehberg called up for consideration **House File 2549**, 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 for retroactive applicability and effective dates, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5681 to Senate amendment H-9105, filed April 26, 2000.

A non-record roll call was requested.

The ayes were 26, nays 22.

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Rehberg 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. 2549), the vote was:

Ayes, 41:

Angelo	Bartz	Behn	Black
Connolly	Deluhery	Drake	Flynn
Fraise	Freeman	Gaskill	Gronstal
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	Soukup	Szymoniak	Tinsman
Veenstra			

Nays, 7:

Bolkcom  
McCoy

Dvorsky  
Shearer

Fink  
Zieman

Hammond

Absent or not voting, 2:

Boettger

Dearden

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2549** be **immediately messaged** to the House.

The Senate stood at ease at 9:10 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:28 p.m., President Kramer presiding.

### COMMITTEE REPORT

#### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 129, 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. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### INTRODUCTION OF RESOLUTION

**Senate Resolution 129**, by committee on Rules and Administration, a resolution relating to daily operations of the Senate.

Read first time and **placed on calendar**.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 129.

**Senate Resolution 129**

On motion of Senator Iverson, **Senate Resolution 129**, a resolution relating to daily operations of the Senate, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 129, which motion prevailed by a voice vote.

COMMITTEE REPORT

**RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 121, 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. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 121**, by committee on Rules and Administration, a concurrent resolution to provide for adjournment sine die.

Read first time and **placed on calendar.**

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 121.

**Senate Concurrent Resolution 121**

On motion of Senator Iverson, **Senate Concurrent Resolution 121**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 121, which motion prevailed by a voice vote.

**IMMEDIATELY MESSAGED**

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 121** be **immediately messaged** to the House.

## APPENDIX

### REPORT OF COMMITTEE MEETING

#### RULES AND ADMINISTRATION

**Convened:** April 26, 2000, 10:18 a.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Dvorsky, Fink, Harpe r, Jensen, Lundby, Redfern, Rehberg, and Rittmer.

**Members Absent:** None.

**Committee Business:** Passed SCRs 120, 121, SRs 128, and 129.

**Recessed:** 10:19 a.m.

**Reconvened:** 8:45 p.m.

**Adjourned:** 8:46 p.m.

#### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Martina Graber, Wayland – For your nomination to Academic All-State. Senator Shearer (04/26/00).

Miranda Johnston, Riverside – For your nomination to Academic All-State. Senator Shearer (04/26/00).

Erin Lyles, New London – For your nomination to Academic All-State. Senator Shearer (04/26/00).

Rebecca Monger, Washington – For your nomination to Academic All-State. Senator Shearer (04/26/00).

Kinsey Olson, Winfield-Mount Union – For your nomination to Academic All-State. Senator Shearer (04/26/00).

Erin Orozco, Keokuk – For your nomination to Academic All-State. Senator Shearer (04/26/00).

Sarah Warren, Mount Pleasant – For your nomination as a member to the 2000 Academic All-State Regional Team. Senator Shearer (04/26/00).

Tara Wellman, Donnellson – For your nomination to Academic All-State. Senator Shearer (04/26/00).

Andrea Wilson, Columbus Junction – For your nomination to Academic All-State. Senator Shearer (04/26/00).

Jessica Wilson, Kalona – For your nomination to Academic All-State. Senator Shearer (04/26/00).

The Denison Academic Decathlon Team, Denison – For representing the state of Iowa at the National Academic Decathlon Competition in San Antonio, Texas. Senator King (04/26/00).

Robert K. Folkestad, Carlisle – For your 25 years of service in the Navy and Naval Reserve. Senator Fink (04/26/00).

The Royal Scottish Country Dance Society of Central Iowa – For becoming a branch of the Royal Society after many years of affiliate status and for bringing fun and exercise to many members of the society. Senator Hammond (04/26/00).

## 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 26th day of April, 2000:

Senate Files 419, 2010, 2144, 2243, 2427, 2430, 2438, 2455, and 2459.

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 2010, the following correction was made:

1. Page 2, line 1, the word and number "Section 101" were changed to the word and number "Section 1".

ALSO:

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2430, the following corrections were made:

1. Page 20, line 33, the word and number "Section 18" were changed to the word and number "Section 16".

2. Page 21, line 2, the word and number "Section 19" were changed to the word and number "Section 20".



3. Page 21, line 5, the word and number "Section 21" were changed to the word and number "Section 22".

ALSO:

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing the Senate Amendment to House File 2549, the following corrections were made:

1. Page 31, line 28, the word and number "section 23" were changed to the word and number "section 25".

2. Page 31, line 29, the word and number "section 34" were changed to the word and number "section 36".

MICHAEL E. MARSHALL  
Secretary of the Senate

#### BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 25, 2000, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2395 – Relating to the creation of an information technology department and making related changes and providing an effective date.

#### AMENDMENTS FILED

S-5623	H.F.	2549	Michael W. Connolly John P. Kibbie
S-5624	H.F.	2549	Michael W. Connolly John P. Kibbie
S-5625	H.F.	2549	Michael W. Connolly John P. Kibbie
S-5626	H.F.	2549	John P. Kibbie
S-5627	H.F.	2549	Michael W. Connolly John P. Kibbie
S-5628	H.F.	2549	John P. Kibbie
S-5629	H.F.	2549	Michael W. Connolly John P. Kibbie
S-5630	H.F.	2549	John P. Kibbie Michael W. Connolly
S-5631	H.F.	2549	Michael W. Connolly John P. Kibbie
S-5632	H.F.	2549	Michael W. Connolly

S-5633	H.F.	2549	Michael W. Connolly
S-5634	H.F.	2549	Michael W. Connolly John P. Kibbie
S-5635	H.F.	2549	Michael W. Connolly John P. Kibbie
S-5636	H.F.	2549	John P. Kibbie
S-5637	H.F.	2549	Michael W. Connolly John P. Kibbie
S-5638	H.F.	2549	Michael W. Connolly John P. Kibbie
S-5639	H.F.	2549	John P. Kibbie Michael W. Connolly
S-5640	H.F.	2549	Michael W. Connolly John P. Kibbie
S-5641	H.F.	2549	Michael W. Connolly John P. Kibbie
S-5642	H.F.	2549	John P. Kibbie
S-5643	H.F.	2549	Patricia Harper Donald B. Redfern
S-5644	H.F.	2549	Elaine Szymoniak
S-5645	H.F.	2549	Nancy Boettger Elaine Szymoniak
S-5646	H.F.	2549	Jack Rife
S-5647	S.F.	2241	Andy McKean
S-5648	S.F.	2241	Andy McKean
S-5649	H.F.	2549	Jack Rife
S-5650	S.F.	441	House
S-5651	H.F.	2549	Kitty Rehberg
S-5652	H.F.	2552	House
S-5653	H.F.	2549	Robert E. Dvorsky Joe Bolkcom
S-5654	H.F.	2549	Nancy Boettger Michael E. Gronstal
S-5655	H.F.	2549	Ken Veenstra H. Kay Hedge Neal Schuerer Steve King
S-5656	H.F.	2549	Robert E. Dvorsky Joe Bolkcom
S-5657	S.F.	2452	Derryl McLaren
S-5658	S.F.	2245	House

S-5659	H.F.	2549	Wally E. Horn
			Robert E. Dvorsky
S-5660	H.F.	2549	Robert E. Dvorsky
			Johnnie Hammond
			Joe Bolkcom
			Patricia Harper
S-5661	S.F.	2452	Derryl McLaren
S-5662	S.F.	2452	Kitty Rehberg
			Jerry Behn
			Neal Schuerer
			Steve King
			Richard F. Drake
			Jack Rife
			Merlin E. Bartz
			Larry McKibben
S-5663	S.F.	2453	House
S-5664	S.F.	2452	John Judge
			Johnnie Hammond
S-5665	S.F.	2245	Andy McKean
S-5666	H.F.	2560	House
S-5667	S.F.	2452	Derryl McLaren
S-5668	S.F.	2453	Mary Lou Freeman
S-5669	S.F.	2453	Dennis H. Black
S-5670	H.F.	2579	Jeff Lamberti
S-5671	S.F.	2452	Michael W. Connolly
S-5672	S.F.	2452	Stewart E. Iverson, Jr.
			Michael E. Gronstal
S-5673	S.F.	2452	Derryl McLaren
S-5674	S.F.	2452	Stewart E. Iverson, Jr.
S-5675	H.F.	2579	Jeff Lamberti
S-5676	S.F.	2452	Gene Maddox
S-5677	S.F.	2452	Derryl McLaren
S-5678	S.F.	2433	House
S-5679	S.F.	2452	Tom Flynn
S-5680	S.F.	2452	Derryl McLaren
S-5681	H.F.	2549	House
S-5682	S.F.	2452	Tom Flynn
S-5683	S.F.	2452	Jeff Lamberti
S-5684	S.F.	2452	Michael W. Connolly

The Senate stood at ease at 9:49 p.m. until the fall of the gavel.

The Senate resumed session, 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 26, 2000, adopted the following resolutions in which the **concurrence** of the **House** was asked:

**Senate Joint Resolution 2005**, a joint resolution nullifying amendments to administrative rules of the department of revenue and finance concerning the classification of condominiums for property tax purposes and providing an effective date.

**Senate Concurrent Resolution 121**, a concurrent resolution to provide for adjournment sine die.

ALSO: That the House has on April 26, 2000, passed the following bills in which the **concurrence** of the **House** was asked:

**Senate File 2331**, a bill for an act relating to the interest a member of the board of directors of a school corporation may have in a contract with the director's school corporation.

**Senate File 2452**, a bill for an act relating to public expenditure and regulatory matters, making appropriations, and including effective date and retroactive applicability provisions.

ALSO: That the House has on April 26, 2000, concurred in the Senate amendments and passed the following bills in which the **concurrence** of the **House** was asked:

**House File 620**, a bill for an act relating to persons with disabilities by providing for the use of wheelchair parking cones, providing for persons with disabilities registration plates for trailers, and providing for penalties.

**House File 2205**, a bill for an act relating to electronic commerce by establishing requirements for electronic transactions and electronic records and providing penalties.

FINAL DISPOSITION OF  
MOTIONS TO RECONSIDER

Pursuant to Senate Rule 24, the following motions to reconsider, which remained on the Senate calendar upon the adjournment of the 2000 Regular Session of the Seventy-Eighth General Assembly, were determined to have **failed**:

SENATE FILE 2428, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, and making related statutory changes (Senate passed April 17, 2000). Motion filed by Senator Iverson on April 17, 2000.

SENATE FILE 2258, a bill for an act relating to the regulation of controlled substances and precursors to controlled substances (Senate passed February 28, 2000). Motion filed by Senator Bartz on February 28, 2000.

HOUSE FILE 2548, 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, sales and use, hotel and motel, real estate transfer, environmental protection charge on petroleum diminution, property, motor fuel, special fuel, cigarette and tobacco products, and inheritance taxes, treatment of motor fuel under the local option taxes, and authorizing tax agreements with Indian tribes, and including effective and retroactive applicability date provisions (Senate passed April 24, 2000). Motions filed by Senators Lamberti and Gronstal on April 24, 2000.

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 26th day of April, 2000:

Senate Files 441, 466, 2241, 2245, 2246, 2252, 2265, 2276, 2327, 2331, 2428, 2429, 2433, 2435, 2439, 2452, and 2453.

MICHAEL E. MARSHALL  
Secretary of the Senate

RESOLUTION ENROLLED, SIGNED,  
AND SENT TO THE SECRETARY OF STATE

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution has been enrolled, signed by the President of the Senate and the Speaker of the House, and submitted to the office of the Secretary of State on this 26th day of April, 2000:

Senate Joint Resolution 2005.

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 466, the following corrections were made:

1. Page 9, line 5, the letter "a." was deleted.
2. Page 9, line 8, the letter "b." was changed to the letter "a."
3. Page 9, line 14, the letter "c." was changed to the letter "b."

ALSO: That in enrolling Senate File 2428, the following correction was made:

1. Page 22, line 34, the word and number "Section 500" were changed to the word and number "Section 25".

ALSO: That in enrolling Senate File 2429, the following corrections were made:

1. Page 23, line 16, the word and letter "paragraph "h"" were changed to the word and letter "paragraph "i"".
2. Page 23, line 22, the word and number "Section 9" were changed to the word and number "Section 10".
3. Page 23, line 25, the word and number "Section 11" were changed to the word and number "Section 13".
4. Page 23, line 30, the word and number "Section 100" were changed to the word and number "Section 14".

5. Page 23, line 33, the word and number "Section 13" were changed to the word and number "Section 16".

ALSO: That in enrolling Senate File 2433, the following corrections were made:

1. Page 4, line 1, the word "Internet" was changed to the word "internet".
2. Page 9, line 33, the words "inserting the following" were changed to the words "inserting in lieu thereof the following".
3. Page 6, line 8, the word and number "section 201" were changed to the word and number "section 27".
4. Page 20, line 21, the words and numbers "Sections 7 through 11" were changed to the words and numbers "Sections 8 through 12".
5. Page 20, line 25, the words and numbers "sections 7 through 11" were changed to the words and numbers "sections 8 through 12".
6. Page 21, lines 15 and 16, the words and numbers "Sections 5, 101, 102, 103, 12, 13, 14, 15, 16, 17, 104, and 105" were changed to the words and numbers "Sections 5, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 28".

ALSO: That in enrolling Senate File 2435, the following corrections were made:

1. Page 68, line 17, the word and number "Section 15" were changed to the word and number "Section 16".
2. Page 68, line 20, the word and number "Section 15" were changed to the word and number "Section 16".
3. Page 68, line 22, the word and number "Section 15" were changed to the word and number "Section 16".
4. Page 68, line 24, the word and number "Section 26" were changed to the word and number "Section 27".
5. Page 68, line 27, the word and number "Section 35" were changed to the word and number "Section 36".
6. Page 68, line 29, the words and numbers "Sections 100 and 101" were changed to the words and numbers "Sections 37 and 40".
7. Page 68, line 32, the word and number "Section 39" were changed to the word and number "Section 42".
8. Page 69, line 1, the word and number "Section 40" were changed to the word and number "Section 43".

ALSO: That in enrolling Senate File 2439, the following correction was made:

1. Page 8, line 10, the words “takes upon enactment” were changed to the words “takes effect upon enactment”.

ALSO: That in enrolling Senate File 2452, the following corrections were made:

1. Page 6, line 3, the words “Iowa Act” were changed to the words “Iowa Acts”.
2. Page 6, line 12, the words “The section in” were changed to the words “The sections in”.
3. Page 6, line 14, the words “takes effect” were changed to the words “take effect”.
4. Page 6, line 17, the words “2000 session” were changed to the words “2000 Session”.
5. Page 6, line 18, the words “general assembly” were changed to the words “General Assembly”.
6. Page 9, line 1, the words “2000 Acts” were changed to the words “2000 Iowa Acts”.
7. Page 10, line 28, the word “Section” was inserted before the figure “554D.104”.
8. Page 21, line 21, a comma was inserted after the number “232.8”.

ALSO: That in enrolling Senate File 2453, the following correction was made:

1. Page 21, lines 34 and 35, the words and numbers “Sections 17, 29, 30, 31, and 36” were changed to the words and numbers “Sections 18, 30, 31, 32, and 37”.

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 26, 2000, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 421 – To extend the jurisdiction of the juvenile court to include adoption and termination of parental rights proceedings.

S.F. 2424 – Updating the Iowa Code references to the Internal Revenue Code, amending the earned income credit, amending requirements for nonresident taxpayers, providing tax benefits to military personnel in hazardous duty areas, and providing effective and retroactive applicability dates.



### COMMITTEE TO NOTIFY THE GOVERNOR

Senator Maddox 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 121.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Hedge, Boettger, and Gronstal.

### COMMITTEE TO NOTIFY THE HOUSE

Senator Maddox 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 121.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Lamberti and Shearer.

### 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 Lamberti 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 Hedge 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 121, duly adopted, the day of April 26, 2000, having arrived, President Kramer declared the 2000 Regular Session of the Seventy-Eighth General Assembly adjourned sine die.

## MESSAGE FROM THE GOVERNOR

June 6, 2000

The Honorable Brent Siegrist  
Speaker of the House  
State Capitol  
Des Moines, IA 50319

The Honorable Mary Kramer  
President of the Senate  
State Capitol  
Des Moines, IA 50319

Speaker Siegrist and President Kramer,

Lt. Governor Sally Pederson and I are pleased that many of the Leadership Agenda items that we proposed for this session were approved by the Legislature. We took progressive steps toward reaching our goal of realizing Iowa's promise by ensuring that we have more Iowans, younger Iowans, and better-paid Iowans.

When the Legislature worked with us in a bipartisan way, we accomplished great things for the people of Iowa. The Legislature passed many of our proposals that will help Iowa grow, retain, and recruit a skilled workforce, including the New Economic Opportunities Fund and Jobs for America's Graduates.

One of the quality of life items that we proposed that was passed by the Legislature was the Millennium Fund. This program will help Iowa by providing financial support for developing major commercial attractions. At our insistence, this program will also provide state funds to help many of Iowa's smaller school districts repair and replace aging or unsafe schools buildings.

Over the past month, we signed into law a fiscally responsible and balanced state budget. This new budget, like the one we proposed, will have the lowest percentage increase in state spending in recent memory. The Vilsack/Pederson Administration has worked hard and creatively to leverage federal dollars to provide more long-term care options for Iowa's senior citizens; improve water quality; and provide a health care system that ensures access to comprehensive care, especially preventive medical and dental care for Iowa children.

However, we are disappointed that the Legislature neglected many other critical needs of Iowans. Several good, common sense, pro-Iowa issues as increasing ethanol use, lowering the standard for drunk driving to .08, simplifying Iowa's tax code,

creating local control of hog lot siting, and requiring child safety locks for hand-guns failed to pass the Legislature. These are issues that Iowans expect to be addressed as we make our state a better place to live, work, and raise a family.

We are pleased that many of our initiatives that passed this session will improve the quality of life for Iowa's working families. We hope to build on these successes in the years ahead.

Sincerely,  
THOMAS J. VILSACK  
Governor



**SUPPLEMENT**  
**TO THE**  
**SENATE JOURNAL**  
**Seventy-Eighth General Assembly**  
**2000 Regular Session**

## SENATE BILLS APPROVED, VETOED, 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 2000 Regular Session:

### SENATE BILLS APPROVED

S.F. 228 – Authorizing school districts and nonpublic schools to perform certain abuse record checks. Approved 5-3-00.

S.F. 292 – Providing for the designation of investigative information possessed by the board of educational examiners as privileged and confidential. Approved 5-19-00.

S.F. 419 – Applying certain veterinary practice requirements to persons providing veterinary medical services, owning a veterinary clinic, or practicing veterinary medicine. Approved 5-15-00.

S.F. 441 – Providing an exemption from certain requirements of self-insured dental insurance plans provided by school corporations. Approved 5-19-00.

S.F. 466 – Relating to the remediation of agrichemical sites, and establishing a fund. Approved 5-15-00.

S.F. 2010 – Relating to the traditional livestock producer's linked investment loan program by modifying eligibility requirements, and providing for a temporary preference in executing agreements. Approved 5-9-00.

S.F. 2092 – Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and providing effective dates. Approved 5-3-00.

S.F. 2113 – Relating to the licensing of individuals engaged in the healing art of massage therapy. Approved 5-15-00.

S.F. 2144 – Relating to regulation and inspection of health care facilities including the establishment of a quality-based inspections system. Approved 5-11-00.

S.F. 2214 – Relating to residential landlord-tenant law, by making certain changes related to forcible entry and detainer actions. Approved 5-23-00.

S.F. 2241 – Relating to penalties and regulations concerning certain criminal offenses and liquor licenses and permits. Approved 5-19-00.

S.F. 2243 – Relating to the placement in treatment programs of offenders sentenced for operating while intoxicated violations. Approved 5-19-00.

S.F. 2245 – Relating to law enforcement agencies, and to the enforcement of criminal offenses and local ordinances, and making penalties applicable. Approved 5-19-00.

S.F. 2246 – Relating to the accumulation of credit upon an inmate's sentence for Iowa inmates incarcerated in another jurisdiction. Approved 5-19-00.

S.F. 2252 – Eliminating the future repeal of the school finance formula and providing for periodic legislative review. Approved 5-15-00.

S.F. 2265 – To provide an additional sentence of parole or work release for certain persons who commit the crime of lascivious acts with a child. Approved 5-4-00.

S.F. 2276 – Relating to the application of earned time credits against a criminal sentence and providing an effective date. Approved 5-9-00.

S.F. 2327 – Relating to certain procedures for the purchase or condemnation of interest in private property by a utility subject to the jurisdiction of the Iowa utilities board. Approved 5-10-00.

S.F. 2331 – Relating to the interest a member of the board of directors of a school corporation may have in a contract with the director's school corporation. Approved 5-15-00.

S.F. 2390 – Relating to the duties of divisions within the department of inspections and appeals and codifying the establishment and duties of the existing health facilities division. Approved 5-3-00.

S.F. 2419 – Providing for limitations on investments by city hospitals. Approved 5-3-00.

S.F. 2429 – 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 office of drug control policy, and the commission of veterans affairs, and providing effective dates and retroactive applicability provisions. Approved 5-8-00.

S.F. 2430 – Relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing effective dates. Approved 5-11-00.

S.F. 2438 – Relating to the creation of a water quality district, providing for the levy of a tax, and providing for other properly related matters. Approved 5-11-00.

S.F. 2439 – Relating to the accelerated career education program, providing a tax credit from withholding, creating an accelerated career education grant program and fund, relating to the transfer of job training withholding to the workforce development fund account, and providing an effective date. Approved 5-18-00.

S.F. 2444 – Relating to the taxation of property used by the Iowa national guard. Approved 5-19-00.

S.F. 2447 – Relating to public improvements and providing financial assistance to communities and school districts by creating a school infrastructure program and fund, continuing the community attraction and tourism program and fund, creating a vision Iowa board, creating a vision Iowa program and fund, providing bonding authority to the treasurer of state, and exempting certain income from taxation. Approved 5-9-00.

S.F. 2455 – Relating to eligibility for United States armed forces retired special motor vehicle license plates. Approved 5-3-00.

S.F. 2459 – Relating to the deadline for municipalities to file annual financial reports for urban renewal areas. Approved 5-3-00.

#### GOVERNOR'S VETO MESSAGE

May 23, 2000

The Honorable Chester Culver  
Secretary of State of Iowa  
State Capitol  
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2427, an act relating to the definition of factory-built structures, the relocation of factory-built structures, the certification of installers of manufactured homes and providing for a fee, an appropriation, and a civil penalty.

I am unable to approve Senate File 2427 and hereby transmit it to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2427 amends Iowa Code chapter 103A dealing with the State Building Code. It expands the definition of factory-built structures to include mobile homes, manufactured homes and modular homes and requires installers of these structures to be certified by the Commissioner of Public Safety. It also provided for the assessment of a civil penalty for violations of the act.

The act also contains a provision which reads:

*A person who is injured in person or property by reason of another person's violation of any of the standards adopted pursuant to this chapter for the installation of a manufactured home may bring a civil action for actual damages against the violator.*

While I am supportive of the provisions requiring certification of installers and enforcement of this process, I am unable to approve the bill as a whole. The above language is ambiguous. Based upon prior court decisions, it is reasonable to believe that a court would interpret this language to preclude an award of punitive damages. This bill was intended to increase consumer protection and I do not want to put consumers at risk of losing the ability to pursue remedies that currently exist under law by signing it into law.



For this reason, I hereby respectfully disapprove Senate File 2427.

Sincerely,  
THOMAS J. VILSACK  
Governor

GOVERNOR'S ITEM VETO MESSAGES

May 18, 2000

The Honorable Chester Culver  
Secretary of State  
State Capitol  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2428, an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date.

Economic development touches all Iowans, and I am pleased that this bill seeks to provide additional opportunities throughout our state. It is notable that several initiatives the Lieutenant Governor and I developed to create more Iowans, younger Iowans, and better paid Iowans are contained within this bill. Our state will benefit from additional worker training opportunities at community colleges through the ACE program, assistance to businesses that provide new employment opportunities for Iowans with disabilities and minority population, additional immigration services, and worker safety. These are quality of life issues that better our state and make it more attractive to those looking for a place to live and work.

Senate File 2428 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve section 1, subsection 2a, unnumbered paragraph 3. This would require the department of economic development and the small business development centers develop a written report on services provided by each and identify the distinct services to be provided by the department and the small business development centers and recommend actions that would eliminate any duplication of services. The department and the small business development centers undertook this exercise prior to the last legislative session. It would be more appropriate for them to continue working on resolving issues under consideration from that report than to restart the process from the beginning.

I am unable to approve the designated portion of section 12, subsection 5, unnumbered paragraph 2. This prevents the department of workforce development from allocating additional penalty and interest revenues prior to January 30, 2001. In the past, the department has had the flexibility to identify projects or target areas that would receive funding and report these expenditures to the legislature. The language contained in this bill is unduly prescriptive, usurps normal executive branch functions, and could hamper administration of the fund.

I am unable to approve section 19 in its entirety. This would expand the acceptable uses of the physical infrastructure fund to include program capital costs for the accelerated career education program. Senate File 2453 already provides \$5.3 million for accelerated career education program capital projects; the \$2.5 million for the physical infrastructure assistance fund should be targeted toward community infrastructure improvement projects, such as, for example, child care facilities, that do not have an alternative funding source.

I am unable to approve section 27 in its entirety. Subsection 1 would require the information technology services division of the department of general services to study the workforce investment one-stop program and submit a report by January 15, 2001. This issue has already received thorough study, and I believe that there are more productive uses for the division and the department's time. Subsection 2 would require the department of workforce development to submit a written report by August 10, 2000 for a plan for financing the state's system of workforce development centers after the administrative contribution surcharge is repealed. The short timeframe provided for the completion of the study will make it difficult for the department to adequately address these issues as well as those involved in meeting their statutory requirements under Iowa Code Chapter 8.23.

For the above reasons, I hereby respectfully approve Senate File 2428 with the exceptions noted above.

Sincerely,  
THOMAS J. VILSACK  
Governor

May 13, 2000

The Honorable Chester Culver  
Secretary of State  
State Capitol  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2433, 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, and providing an effective date.

Senate File 2433 is a bill I will approve reluctantly, as it contains a number of useful provisions which will begin to upgrade and modernize technology operations in state government, but falls far short of meeting the identified needs. If we are to truly run our state government "like a business," the legislature must do much better, in the future, to provide an adequate, dedicated funding stream for technology projects, just as many businesses do. In this electronic day and age, as we are attempting to manage the large enterprise of state government and provide easier, round the clock access to government services to all Iowans, we must have adequate resources to upgrade technology. This bill provides needed operational funding for information technology,

but at levels notably below my recommendations. This bill provides needed funding for technology projects that will allow services to be more efficiently delivered to Iowans, but at levels greatly below—perhaps as much as 50% below—the level needed.

I am hopeful that legislators will understand the need for us to work together in the coming year, as we begin to implement both the new Information Technology Department, and the provisions of this bill, to do significantly better next year on providing the necessary adequate, dedicated funding for technology. We will only succeed at providing the greatest management efficiencies and access to government services for Iowa taxpayers when we have done so. This bill does not fully accomplish those goals.

I hereby approve Senate File 2433, with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 4, unnumbered paragraph, in its entirety. This item requires the approval of the Department of Management prior to any possible fee increases by the new Information Technology Department. Given the underfunding of the ITD operations budget by the legislature, there is a distinct possibility that fee increases may be necessary. I have received assurances that the two departments will work cooperatively to examine any proposed fee or rate increases, without the necessity of this legislative mandate.

I am unable to approve the item designated as Section 5, subsection 2d, in its entirety. This item allocated \$200,000 to the Department of Management to develop an automated budget program for Township Trustees. This request was not submitted for review by the Information Technology Infrastructure Advisory Committee, and to my knowledge was not even a part of any committee discussion during the legislative process. For these reasons, I believe it is premature to earmark funds for this project, or to elevate it above other worthy projects already evaluated. If this project is submitted for review later this year by the advisory committee, I will give it further consideration at that time.

I am unable to approve the items designated as Sections 23, 24, 25, and 26 in their entirety. These items amend portions of Senate File 2395, the Information Technology Department bill, which was previously passed. These sections deal with the development and implementation of technology standards in state government. I appreciate the efforts of legislators to improve the language in these sections by amendment late in the process. Upon further review, however, I have come to the conclusion that the language in these sections, even as amended, is not needed.

For the above reasons, I hereby respectfully approve Senate File 2433 with the exceptions noted above.

Sincerely,  
THOMAS J. VILSACK  
Governor

May 17, 2000

The Honorable Chester Culver  
Secretary of State  
State Capitol  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2435, an act relating to appropriations for the Department of Human Services and including other provisions and appropriations involving human services and health care, providing effective dates, and providing for retroactive applicability.

The human services appropriations bill is a vitally important measure for literally hundreds of thousands of Iowans. For many of our neighbors, family members, and friends, it provides the services they most need to assist families, assure basic health care for children, nursing home care for senior citizens, treatment for those with mental illness, and assistance for those with mental retardation or developmental disabilities.

I am grateful that we, legislators and myself, were able to work together in several areas to bring about funding for needed services. This includes an additional \$650,000 to expand the number of school liaisons to an additional 25 schools and expand the family support subsidy program so that an additional 50 youngsters with mental retardation may remain in their own homes. Senate File 2435 also includes the addition of \$3.55 million to assist low income, working parents with child care and an additional \$2.55 to community empowerment programs to assist communities with their efforts in child care and helping families reach self sufficiency.

While I am supportive of some efforts this Legislature made, Senate File 2435 also provides funding that is \$3.6 million below the level that I recommended at the beginning of the session. It also contains sections that are either flawed or negatively impact the Department of Human Services efforts to carry out its duties in an effective manner. Therefore, I am unable to approve Senate File 2435 in its entirety.

Senate File 2435 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 1f, in its entirety. This language would put restrictions on implementing electronic benefit transfer in the most cost effective manner as required by federal regulations.

I am unable to approve the designated portion of Section 8, subsection 11. This item purports to encourage the department to implement an adult mental health rehabilitation option under the medical assistance program. While I am supportive of this effort, this language relates to scheduling meetings for the next session and may have the opposite effect of the intended language by slowing down the process. For this reason, I am unable to support the designated portion of this item.

I am unable to approve the item designated as Section 8, subsection 15, in its entirety. This language proposes that the department pursue options to provide

additional medical services that are not permitted under federal regulations to adults with special needs. While I am sympathetic to the intent of this section, no funding has been provided for this purpose. Without adequate resources, additional options are not viable.

I am unable to approve the item designated as Section 8, subsection 17, in its entirety. This language directs the department to study and provide options for personal assistance services. This same topic is addressed in subsection 14 which directs the Department of Human Services to pursue options for personal assistance services. The language in subsection 17 is very prescriptive, and additional funds were not added to the Medical Assistance program for this purpose. Striking this language allows us to retain the proposed \$100,000 for its original intended purpose of providing services to people for their health needs, rather than diverting these dollars to this proposed study.

I am unable to approve the item designated as Section 11, subsection 5, in its entirety. Here again, the bill contains language scheduling a meeting for the next legislative session. In this case, it applies to community action agencies that are not part of the department.

I am unable to approve the item designated as Section 16, unnumbered paragraph three. This item supports the department's initiatives in the area of revising reimbursement methodologies. However, it ties the language to a methodology that has been pending and may be under consideration by the federal government for an undetermined period of time. While this is pending, I am directing the department to proceed with the pilot proposal in the most effective manner possible.

I am unable to approve the item designated as Section 16, subsection 16, in its entirety. This section allocates \$50,000 for a child welfare services work group. However, no additional funds were added to the appropriation for this purpose. While appropriations for this work group's operation have been requested, its funding over the past several years have largely been the result of diverting funds from other purposes. The state would benefit more from utilizing appropriations, as originally intended, for services that directly affect Iowa children and families.

I am unable to approve the item designated as Section 20, subsection 7, in its entirety. This would require each mental health institute to continue the net budgeting accounting test of managing revenues and expenditures attributable to the mental health institutes, and submit a status report in October 2000 that identifies the advantages and disadvantages of utilizing this budget approach. The institutes have previously conducted this test and reported the results. Given that Legislature's budgets for mental health institutions were significantly reduced below my recommendations and absent an appropriation to accomplish these tasks, the state will benefit more from utilizing appropriations for services that directly assist Iowa children and families.

I am unable to approve the item designated as Section 24, subsection 2, in its entirety. This item would reimburse certain intermediate care facilities for the mentally retarded that predominantly care for persons with a head or brain injury in a different manner than other similar facilities. I am sensitive to the need for services for people with brain or head injuries. I had initially proposed new funding for programs that included brain injury which the legislature chose not to fund. This

provision does not provide additional funding, but rather, it takes funds from state cases which serve persons with mental illness or developmental disabilities. It also gives the appearance of expanding services to additional people when it does not. Therefore, rather than implementing this section, I am directing the department to evaluate the system to determine if resources can be spent in a more efficient and effective manner.

I am unable to approve the item designated as Section 29, subsection 4, in its entirety. This would require the department to redirect state-county technical support staff. The result would be dramatically reduced services to counties. The department must retain the flexibility necessary to make staffing decisions based upon the need to provide services to Iowa children and families.

I am unable to approve the item designated as Section 29, subsection 5, in its entirety. This language addresses the department's efforts to seek and or revise reimbursement methodologies that would best provide the results needed for Iowa's families and children. While the thrust of the language is supportive of the department's efforts, this language appears to be flawed, and therefore, I am unable to support this item. However, the department will continue to work with the legislative branch in developing methodologies that will bring about the best results for Iowa's families.

I am unable to approve the item designated as Section 31, subsection 2d, in its entirety. Here again, the bill contains language scheduling a meeting for next legislative session, in this case, with persons in the nursing industry.

I am unable to approve the item designated as Section 36 in its entirety. This item requires the department to conduct an evaluation of the child protection system, including "a determination of whether the system changes have improved the safety of children and the support of families in the community, and should identify indicators of increased community involvement in child protection." This study has been requested, but no funds have been appropriated to complete the study for the last three years. The department will contract with consultants from nationally respected child welfare organizations, using funds from private sources to complete an assessment of the child protection system. However, the requirements of Section 36 would increase the scope of that assessment and increase the cost. Rather than using state funding intended for other programs to meet this requirement, the state would benefit more from utilizing current appropriations for services that directly affect Iowa children and families.

I am unable to approve the items designated as Section 46, subsections 2, 3 and 8. These items, relating to effective dates, are not approved to be consistent with other actions disapproved in this bill.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2435 are hereby approved as of this date.

Sincerely,  
THOMAS J. VILSACK  
Governor

May 23, 2000

The Honorable Chester Culver  
Secretary of State  
State Capitol  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2452, an act relating to public expenditure and regulatory matters, making appropriations, and including effective date and retroactive applicability provisions.

Senate File 2452 is the annual standing appropriation bill and provides for many technical changes and corrections in numerous bills passed during this session. The bill provides for a two percent increase in fiscal year 2002 for county mental health/mental retardation/developmental disabilities appropriation. The bill also provides for a new program to pay death benefit claims for volunteer fire fighters, emergency medical care providers, and emergency rescue technicians who are killed in the line of duty.

I am unable to approve the item designated as Section 19 in its entirety. This section establishes a Microsoft Settlement Fund and requires that the state's portion of any monies paid to the state by Microsoft in settlement of its federal antitrust lawsuit be deposited into this fund and used only as appropriated by the general assembly. In previous years, including the current year, the legislature has authorized the Department, in the Department of Justice appropriation bill, to retain damages, costs and attorney fees awarded to the state in antitrust cases. These monies are held in a nonreverting fund that is to be used exclusively for the enforcement of the Iowa competition law. While the state's antitrust litigation against Microsoft does not include a request for monetary damages, the Department of Justice has incurred significant costs in the case, and the Department will seek to recover these costs and attorneys fees for this time from Microsoft. These costs should be placed in the antitrust fund like all other antitrust cases — not in a separate fund.

I am unable to approve the item designated as Section 30 in its entirety. This section strikes, in Senate File 2453, the opportunity for the Department of General Services to include a recommendation of long-term leases from the study for additional facilities for state agencies. This elimination unnecessarily limits the options available for the Department to include in the study.

I am unable to approve the item designated as Section 78 in its entirety. This section makes a technical amendment to House File 2486 that deals with residency requirements to obtain fishing and hunting licenses. However, HF 2008, which was approved by the Legislature, corrected the deficiency. Therefore, the amendment in Senate File 2452, Section 78, is inaccurate and should be removed.

For the above reasons, I hereby respectfully approve Senate File 2452 with the exceptions noted above.

Sincerely,  
THOMAS J. VILSACK  
Governor

May 11, 2000

The Honorable Chester Culver  
Secretary of State  
State Capitol  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2453, an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department of natural resources, the department of agriculture and land stewardship, department for the blind, the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the judicial branch, the department of public safety, the state board of regents, the state department of transportation, the office of treasurer of state, and the commission of veterans affairs, creating an environment first fund and making appropriations from that fund for environmental purposes, making related code language changes, providing for contingent effectiveness, and providing effective dates.

I appreciate the efforts of Republicans and Democrats in allocating approximately \$11.2 million toward the creation of the Clean Water Initiative. This investment will create a comprehensive set of initiatives aimed at improving Iowa's water resources. The package includes the establishment of buffer strips, efforts to restore and construct wetlands, and expansion of water quality monitoring and watershed programs.

These projects not only provide cleaner and safer water, but they will protect our natural resources, protect our public infrastructure — like roads and bridges — from flood damage, and protect our aquatic wildlife. Most importantly, we need to make sure that our commitment to clean, safe drinking water does not end this year.

For these reasons, Senate File 2453 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of section 18. This item prohibits any of the community attraction and tourism funds from being expended for development and promotional purposes. The Legislature specifically authorized the use of these funds for these purposes in last year's infrastructure appropriations bill. I believe it is appropriate to allow the new Vision Iowa Board to determine if they want to continue that practice.

I am unable to approve the designated portion of section 22, subsection 2. This item would carry unused balances of the environment first fund appropriation to the subsequent fiscal year. Because the legislature has overspent from the infrastructure budget this year, it is necessary to develop a mechanism to balance it. The effect of this item veto, coupled with those below, will be to allow unspent resources in the environment first fund to return to the rebuild Iowa infrastructure fund at the end of the fiscal year. This will help correct the Legislature's infrastructure budget deficit.

I am unable to approve section 24 in its entirety. This item would extend the restore the outdoors program through fiscal year 2004. The restore the outdoors



program is a statutory appropriation that is already funded in the coming fiscal year. It makes more sense to deal with extending the program next year, when all other FY 2002 budget issues are being discussed.

I am unable to approve section 25, subsection 6 in its entirety. This item appropriates \$1,300,000 for the agricultural drainage well system assistance program. This is an important program, and I regret that the Legislature's overspending requires me to make an item veto of these funds. However, there is currently \$5.5 million available from previous appropriations for this assistance which will sustain the fund for FY '01. If the Legislature will submit a properly balanced infrastructure budget next year, I would be willing to restore funding for this purpose.

I am unable to approve section 28 in its entirety. This item would carry unused balances of appropriations made from the environment first fund to the subsequent fiscal year. Once again, this is necessary to ensure that the infrastructure budget deficit presented to me by the legislature is eliminated.

I am unable to approve section 33 in its entirety. This item relates to the billing of services by the department of general services. This is an executive branch function that should not be legislatively imposed.

For the above reasons, I hereby respectfully approve Senate File 2453 with the exceptions noted above.

Sincerely,  
THOMAS J. VILSACK  
Governor



**AMENDMENTS FILED**

**During The**

**Seventy-Eighth General Assembly**

**2000 Regular Session**

S-5001

1 Amend Senate File 2013 as follows:

2 1. Page 4, by striking line 30 and inserting the  
3 following: "subsection 1, unnumbered paragraphs 1 and  
4 2, and subsection 5, unnumbered paragraphs 1 and 2,  
5 are amended to read as follows:"

6 2. Page 4, line 31, by striking the figure "1."

7 3. Page 5, line 3, by striking the figure "5."

8 4. Page 6, by striking lines 15 through 26.

9 5. Page 10, by inserting after line 13 the

10 following:

11 "Sec. \_\_\_\_\_. 1999 Iowa Acts, chapter 208, section  
12 23, subsection 2, is amended to read as follows:

13 2. For a contract to purchase ~~internet~~  
14 ~~connectivity from an internet service provider which~~  
15 ~~provides internet filter filtering~~ services for school  
16 districts who wish to receive such services:

17 .....\$ 50,000

18 The department of education shall work with the  
19 boards of directors of school districts and area  
20 education agencies in establishing service  
21 requirements and selecting ~~an internet service~~  
22 ~~provider to provide internet filter filtering~~ services  
23 ~~through servers located at the area education~~  
24 ~~agencies~~. The goal of providing a filtering service  
25 services to a school district is to protect students  
26 from inappropriate internet websites and to promote  
27 the use of the internet for educational purposes.  
28 School districts that wish to receive filtering  
29 services shall assume the ongoing costs ~~of associated~~  
30 with the services."

31 6. By renumbering as necessary.

STEVE KING

S-5002

1 Amend Senate File 2013 as follows:

2 1. Page 4, by striking line 30 and inserting the  
3 following: "subsection 1, unnumbered paragraphs 1 and  
4 2, and subsection 5, unnumbered paragraphs 1 and 2,  
5 are amended to read as follows:"

6 2. Page 4, line 31, by striking the figure "1."

7 3. Page 5, line 3, by striking the figure "5."

8 4. Page 9, by striking lines 13 through 22.

9 5. Page 10, by inserting after line 13 the

10 following:

11 "Sec. \_\_\_\_\_. 1999 Iowa Acts, chapter 208, section  
12 23, subsection 2, is amended to read as follows:

13 2. For a contract to purchase ~~internet~~  
14 ~~connectivity from an internet service provider which~~

15 ~~provides internet filter filtering~~ services for school  
16 districts who wish to receive such services:  
17 .....\$ 50,000  
18 The department of education shall work with the  
19 boards of directors of school districts and area  
20 education agencies in establishing service  
21 requirements and selecting ~~an internet service~~  
22 ~~provider to provide internet filter filtering~~ services  
23 ~~through servers located at the area education~~  
24 ~~agencies~~. The goal of providing a filtering service  
25 services to a school district is to protect students  
26 from inappropriate internet websites and to promote  
27 the use of the internet for educational purposes.  
28 School districts that wish to receive filtering  
29 services shall assume the ongoing costs of associated  
30 with the services."  
31 6. By renumbering as necessary.

STEVE KING

S-5003

1 Amend Senate Resolution 102 as follows:  
2 1. By striking page 1, line 3 through page 2,  
3 line 1, and inserting the following:  
4 "A Senate Resolution requesting that Congress  
5 reaffirm the rights of states to regulate automated  
6 teller machines and the fees and charges assessed by  
7 financial institutions.  
8 WHEREAS, the Electronic Funds Transfer Act, 15  
9 U.S.C. } 1693, adopted by the United States Congress,  
10 provides a basic framework establishing the rights,  
11 liabilities, and responsibilities of participants in  
12 electronic funds transfer systems with its primary  
13 objective being the protection of individual consumer  
14 rights; and  
15 WHEREAS, the Electronic Funds Transfer Act permits  
16 the individual states to regulate electronic funds  
17 transfers to the extent that state law is not  
18 inconsistent with the Electronic Funds Transfer Act,  
19 and provides that state law is not inconsistent if it  
20 affords greater protection to consumers than is  
21 afforded by the Electronic Funds Transfer Act; and  
22 WHEREAS, Iowa has enacted Iowa Code chapter 527 to  
23 regulate electronic funds transfers including the  
24 establishment and operation of automated teller  
25 machines and related fees, charges, and procedures to  
26 provide greater protections to consumers than is  
27 afforded by the Electronic Funds Transfer Act; and  
28 WHEREAS, certain out-of-state national banks,  
29 supported by the office of the United States  
30 Comptroller of the Currency, are attempting to

31 judicially preempt the Iowa law in order that  
32 automated teller machines may be placed and operated  
33 in Iowa without complying with Iowa law; NOW  
34 THEREFORE,  
35 BE IT RESOLVED BY THE SENATE, That the United  
36 States Congress reaffirm the rights of individual  
37 states to regulate electronic funds transfers,  
38 including the rights and liabilities of consumers and  
39 financial institutions, the operation of automated  
40 teller machines and remote service units, and related  
41 fees, charges, and procedures, to the extent not  
42 inconsistent with the Electronic Funds Transfer Act,  
43 in order to protect the rights of consumers and all  
44 other parties associated with electronic funds  
45 transfers; and  
46 BE IT FURTHER RESOLVED, That, upon adoption, an  
47 official copy of this Resolution be delivered to each  
48 member of Iowa's congressional delegation."

COMMITTEE ON COMMERCE  
JOHN W. JENSEN, Chairperson

S-5004

1 Amend House File 475, as passed by the House, as  
2 follows:  
3 1. Page 1, by striking lines 1 through 6.  
4 2. By striking page 1, line 16, through page 3,  
5 line 19.  
6 3. Page 4, line 4, by striking the figures  
7 "384.84, 425.17,".  
8 4. Page 4, line 6, by striking the figure  
9 "562A.8,".  
10 5. Page 4, line 10, by striking the figure  
11 "563A.35" and inserting the following: "562A.35".  
12 6. Page 4, line 11, by striking the figure  
13 "562B.9,".  
14 7. Page 4, line 14, by striking the figure  
15 "562B.27,".  
16 8. Page 4, line 15, by striking the figure  
17 "627.6,".  
18 9. Page 4, lines 15 and 16, by striking the word  
19 and figures "679.5, and 808B.5" and inserting the  
20 following: "and 679.5".  
21 10. Page 4, by inserting after line 18 the  
22 following:  
23 "1A. Sections 384.84, 425.17, 562A.8, 562B.9,  
24 562B.18, 562B.27, 627.6, 808B.5, 808B.12, and 808B.13,  
25 Code Supplement 1999, are amended by striking from the  
26 sections the word "landlord" and inserting in lieu  
27 thereof the words: "property lessor",".  
28 11. Page 4, line 19, by striking the figure

- 29 "321.47,"  
30 12. Page 4, line 21, by striking the figure  
31 "562B.9,"  
32 13. Page 4, line 22, by striking the figure  
33 "562B.27,"  
34 14. Page 4, by inserting after line 26 the  
35 following:  
36 "2A. Sections 321.47, 562A.8, 562B.9, and 562B.27,  
37 Code Supplement 1999, are amended by striking from the  
38 sections the word "landlord's" and inserting in lieu  
39 thereof the words "property lessor's"."  
40 15. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT  
SHELDON RITTMER, Chairperson

S-5005

- 1 Amend House File 686, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 23, by striking the word  
4 "subsections" and inserting the following:  
5 "subsection".  
6 2. Page 1, by striking lines 26 through 28.  
7 3. Page 2, line 12, by inserting after the word  
8 "practice" the following: "on or after July 1, 2001".  
9 4. Page 2, line 21, by striking the word "shall"  
10 and inserting the following: "may".  
11 5. Page 2, line 32, by striking the figure "2000"  
12 and inserting the following: "2001".  
13 6. Page 2, line 34, by striking the figure "2000"  
14 and inserting the following: "2001".  
15 7. Page 3, line 1, by striking the figure "2000"  
16 and inserting the following: "2001".  
17 8. Page 3, line 5, by striking the figure "2000"  
18 and inserting the following: "2001".  
19 9. Page 3, line 8, by inserting after the word  
20 "assistant." the following: "The board shall not,  
21 however, adopt rules that delegate to a dental  
22 assistant any of the following services:  
23 1. Administration of local anesthesia.  
24 2. Placement of sealants.  
25 3. Removal of any plaque, stain, calculus, or hard  
26 natural or synthetic material except by toothbrush,  
27 floss, or rubber cup coronal polish."  
28 10. Page 3, by striking lines 9 and 10 and  
29 inserting the following:  
30 "Sec. \_\_\_\_ EFFECTIVE DATE. Section 7 of this Act,  
31 being deemed of immediate importance, takes effect  
32 upon enactment for the purpose of developing rules for

33 adoption on or before January 1, 2001."

34 11. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT  
SHELDON RITTMER, Chairperson

S-5006

- 1 Amend House File 620 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 1, by inserting after the word  
4 "Code" the following: "Supplement".  
5 2. Page 2, line 35, by inserting after the word  
6 "wheelchair" the following: "due to a disability that  
7 renders the person permanently unable to walk,".  
8 3. Page 3, by inserting after line 17, the  
9 following:  
10 "e. The person carries in the motor vehicle a copy  
11 of the statement from a physician, physician's  
12 assistant, advanced registered nurse practitioner, or  
13 chiropractor which accompanied the person's  
14 application for persons with disabilities registration  
15 plates under section 321.34 or other persons with  
16 disabilities parking permit under section 321L.2 and  
17 which indicates the person is permanently unable to  
18 walk. The person shall show the copy of the statement  
19 to any peace officer upon request."  
20 4. Page 4, line 35, by inserting after the word  
21 "Code" the following: "Supplement".  
22 5. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION  
RICHARD F. DRAKE, Chairperson

S-5007

- 1 Amend Senate File 2092, as follows:  
2 1. Page 4, by inserting after line 7, the  
3 following:  
4 "Sec. \_\_\_\_ Section 80.17, subsection 7, Code 1999,  
5 is amended to read as follows:  
6 7. Division of capitol ~~security~~ police.  
7 Sec. \_\_\_\_ Section 80.35, Code 1999, is amended to  
8 read as follows:  
9 80.35 TRANSITION.  
10 Persons employed by the department of general  
11 services as capitol security force officers shall be  
12 transferred to the division of capitol security of the  
13 department of public safety on July 1, 1976. Persons  
14 transferred pursuant to this section shall retain  
15 their positions as capitol ~~security~~ police officers,  
16 shall not be subject to the requirements and



17 conditions of section 80.15, and shall remain under  
18 the Iowa public employees' retirement system. Persons  
19 employed after July 1, 1976 by the department of  
20 public safety as capitol ~~security~~ police officers  
21 within the division of capitol ~~security~~ police shall  
22 be subject to the requirements and conditions of  
23 section 80.15, except those requirements relating to  
24 age, and shall be subject to the Iowa public  
25 employees' retirement system. The minimum age for  
26 persons employed by the division of capitol ~~security~~  
27 police shall be eighteen."  
28 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
ANDY McKEAN, Chairperson

S-5008

1 Amend Senate File 2007 as follows:  
2 1. Page 1, by striking lines 7 and 8, and  
3 inserting the following: "services limited to the  
4 provision of routine physical and dental examinations  
5 and procedures under anesthesia is included, if the  
6 anesthesia is provided within the scope of the health  
7 care practitioner's scope of practice."  
8 2. Page 1, by striking lines 16 through 18, and  
9 inserting the following: "treatment, or services  
10 limited to the provision of routine physical and  
11 dental examinations and procedures under anesthesia,  
12 if the use of anesthesia is necessitated by the  
13 physical or mental disability of the ward, and if the  
14 anesthesia is provided within the scope of the health  
15 care practitioner's scope of practice."  
16 Sec. \_\_\_\_\_. Section 633.635, Code 1999, is amended  
17 by adding the following new subsection:  
18 NEW SUBSECTION. 2A. For the purposes of this  
19 section:  
20 a. "Routine dental examinations and procedures"  
21 includes preventive services, diagnostic services,  
22 restorative services, periodontal services, endodontic  
23 services, oral surgery, prosthetic services, and  
24 orthodontic procedures.  
25 b. "Routine physical examinations and procedures"  
26 includes examinations and procedures performed for the  
27 purpose of general treatment or diagnosis or for the  
28 purpose of treatment or diagnosis related to a  
29 specific illness, symptom, complaint, or injury."  
30 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
ANDY McKEAN, Chairperson

S-5009

1 Amend Senate File 2015 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 901A.1, subsection 1,  
5 paragraph b, Code 1999, is amended by striking the  
6 paragraph."

7 2. Page 1, by striking lines 8 through 25 and  
8 inserting the following:

9 "Sec. \_\_\_\_ Sections 901A.3 and 901A.4, Code 1999,  
10 are repealed."

11 3. By renumbering as necessary.

JEFF ANGELO

S-5010

1 Amend Senate File 2051 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 24.9, unnumbered paragraph 2,  
5 Code 1999, is amended to read as follows:

6 For any other municipality such publication shall  
7 be in a newspaper published therein, if any, if not,  
8 then in a newspaper of general circulation therein.

9 However, in lieu of newspaper publication, a school  
10 district operated pursuant to chapter 279 may  
11 disseminate the budget estimates to the public by  
12 electronic means or a newsletter if the electronic  
13 means or newsletter is designated as a means of  
14 official publication as provided in section 279.36.

15 Sec. \_\_\_\_ Section 73A.2, Code 1999, is amended to  
16 read as follows:

17 73A.2 NOTICE OF HEARING.

18 Before any municipality shall enter into any  
19 contract for any public improvement to cost twenty-  
20 five thousand dollars or more, the governing body  
21 proposing to make the contract shall adopt proposed  
22 plans and specifications and proposed form of  
23 contract, fix a time and place for hearing at the  
24 municipality affected or other nearby convenient  
25 place, and give notice by publication in at least one  
26 newspaper of general circulation in the municipality  
27 at least ten days before the hearing. In lieu of  
28 newspaper publication, a school district operated  
29 pursuant to chapter 279 may disseminate its notice  
30 under this section using electronic means, such as the  
31 internet or public access television, or using a  
32 school district newsletter, if the electronic means or  
33 newsletter has been designated as a means of official  
34 publication by rule of the board of directors.

35 Sec. \_\_\_\_ Section 279.36, unnumbered paragraph 1,  
36 Code 1999, is amended to read as follows:  
37 The requirements of section 279.35 are satisfied by  
38 publication in at least one newspaper published in the  
39 district or, if there is none, in at least one  
40 newspaper having general circulation within the  
41 district. However, in lieu of newspaper publication,  
42 a school district may disseminate its notices,  
43 actions, proceedings, schedule of bills, and  
44 information using electronic means, such as the  
45 internet or public access television, or using a  
46 district newsletter, if the electronic means, or  
47 newsletter has been designated as a means of official  
48 publication by rule of the board of directors."  
49 2. Title page, line 1, by inserting after the  
50 word "city" the following: "or school district".

**Page 2**

1 3. By renumbering as necessary.

GENE MADDOX

HOUSE AMENDMENT TO  
SENATE FILE 2031

S-5011

1 Amend Senate File 2031, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 692A.3, Code Supplement 1999,  
6 is amended to read as follows:  
7 692A.3 REGISTRATION PROCESS.  
8 1. A person required to register under this  
9 chapter shall register with the sheriff of the county  
10 of the person's residence within ~~ten~~ five days of  
11 establishment of residence in this state or within ~~ten~~  
12 five days of any conviction for which the person is  
13 not incarcerated, a release from custody, or placement  
14 on probation, parole, or work release. A sheriff  
15 shall accept the registration of a nonresident of the  
16 county if the person required to register is a full-  
17 time or part-time student or is employed on a full-  
18 time or part-time basis in the county.  
19 2. A person required to register under this  
20 chapter shall, within ~~ten~~ five days of changing  
21 residence within a county in this state or within ~~ten~~  
22 five days of a change in the person's name as a result  
23 of marriage, dissolution of marriage, or a legal name  
24 change, notify the sheriff of the county in which the

25 person is registered of the change of address, name,  
26 and any changes in the person's telephone number in  
27 writing on a form provided by the sheriff. The  
28 sheriff shall send a copy of the change of information  
29 to the department within three working days of receipt  
30 of notice of the change. The sex offender registry  
31 shall maintain and make available information from the  
32 registry cross-referenced by name at the time of  
33 conviction and by name subsequent to any change.

34 3. A person required to register under this  
35 chapter shall register with the sheriff of a county in  
36 which residence has been newly established and notify  
37 the sheriff of the county in which the person was  
38 registered, within ~~ten~~ five days of changing residence  
39 to a location outside the county in which the person  
40 was registered. Registration shall be in writing on a  
41 form provided by the sheriff and shall include the  
42 person's change of address and any changes to the  
43 person's telephone number or name. The sheriff shall  
44 send a copy of the change of information to the  
45 department within three working days of receipt of  
46 notice of the change.

47 4. A person required to register under this  
48 chapter shall notify the sheriff of the county in  
49 which the person is registered, within ~~ten~~ five days  
50 of changing residence to a location outside this

## Page 2

1 state, of the new residence address and any changes in  
2 telephone number or name. The sheriff shall send a  
3 copy of the change to the department within three  
4 working days of receipt of notice of the change. The  
5 person must register with the registering agency of  
6 the other state within ~~ten~~ five days of changing  
7 residency, if persons are required to register under  
8 the laws of the other state. The department shall  
9 notify the registering agency in the other state of  
10 the registrant's new address, telephone number, or  
11 name.

12 5. The collection of information by a court or  
13 releasing agency under section 692A.5 shall serve as  
14 the person's initial registration for purposes of this  
15 section. The court or releasing agency shall forward  
16 a copy of the registration to the department within  
17 three working days of completion of registration.

18 Sec. 2. Section 692A.5, subsection 1, paragraphs c  
19 and d, Code Supplement 1999, are amended to read as  
20 follows:

21 c. Inform the person that, within ~~ten~~ five days of  
22 changing residence, registration with the sheriff in  
23 the county in which residence is established is

24 required, if the residence is within the state.  
25 d. Inform the person that if the person moves the  
26 person's residence to another state, the person must  
27 give the person's new address to the sheriff's  
28 department in the county of the person's old residence  
29 within ~~ten~~ five days of changing addresses, and that,  
30 if the other state has a registration requirement, the  
31 person is also required to register in the new state  
32 of residence, not later than ~~ten~~ five days after  
33 establishing residence in the other state and to  
34 verify the address at least annually."  
35 2. Page 1, line 25, by striking the words "This  
36 Act" and inserting the following: "The section of  
37 this Act amending section 692A.7".  
38 3. By renumbering as necessary.

S-5012

1 Amend Senate File 2147 as follows:  
2 1. Page 9, by striking lines 15 through 17, and  
3 inserting the following: "~~inches, exclusive of safety~~  
4 ~~equipment, is exempt from the permit requirements of~~  
5 ~~chapter 321E and may be operated on the public~~  
6 ~~highways of the state. This limitation on the total~~  
7 ~~outside width of a vehicle or the load on the vehicle~~  
8 ~~does not include safety equipment on a vehicle or~~  
9 ~~incidental appurtenances or retracted awnings on motor~~  
10 ~~homes, travel trailers, or fifth -wheel travel trailers~~  
11 ~~if the incidental appurtenance or retracted awning is~~  
12 ~~less than six inches in width.~~ However, if hay,  
13 straw, or".  
14 2. Page 13, by inserting after line 31 the  
15 following:  
16 "Sec. \_\_\_\_ Section 322.29, Code 1999, is amended  
17 by adding the following new unnumbered paragraph:  
18 NEW UNNUMBERED PARAGRAPH. Upon payment of the  
19 license fee as provided in this section, a person who  
20 installs cranes, hook loaders, buckets, aerial  
21 ladders, or tanks on new completed motor trucks with a  
22 gross vehicle weight rating of nineteen thousand  
23 pounds or more may be issued a license as a wholesaler  
24 of new motor vehicles of the make and model on which  
25 the equipment is installed without written  
26 authorization from the manufacturer."  
27 3. By renumbering as necessary.

MIKE SEXTON  
RICHARD F. DRAKE  
MERLIN E. BARTZ  
E. THURMAN GASKILL  
MATT McCOY

S-5013

1 Amend House File 723, 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. 717B.3A ANIMAL TORTURE.

6 1. A person is guilty of animal torture,  
7 regardless of whether the person is the owner of the  
8 animal, if the person acts with a depraved or sadistic  
9 intent to inflict on the animal severe physical pain  
10 in order to prolong suffering or death.

11 2. This section shall not apply to any of the  
12 following:

13 a. A person acting to carry out an order issued by  
14 a court.

15 b. A licensed veterinarian practicing veterinary  
16 medicine as provided in chapter 169.

17 c. A person carrying out a practice that is  
18 consistent with animal husbandry practices.

19 d. A person acting in order to carry out another  
20 provision of law which allows the conduct.

21 e. A person taking, hunting, trapping, or fishing  
22 for a wild animal as provided in chapter 481A.

23 f. A person acting to protect the person's  
24 property from a wild animal as defined in section  
25 481A.1.

26 g. A person acting to protect a person from injury  
27 or death caused by a wild animal as defined in section  
28 481A.1.

29 h. A person reasonably acting to protect the  
30 person's property from damage caused by an unconfined  
31 animal.

32 i. A person reasonably acting to protect a person  
33 from injury or death caused by an unconfined animal.

34 j. A local authority reasonably acting to destroy  
35 an animal, if at the time of the destruction, the  
36 owner of the animal is absent or unable to care for  
37 the animal, and the animal is permanently distressed  
38 by disease or injury to a degree that would result in  
39 severe and prolonged suffering.

40 k. An institution, as defined in section 145B.1,  
41 or a research facility, as defined in section 162.2,  
42 provided that the institution or research facility  
43 performs functions within the scope of accepted  
44 practices and disciplines associated with the  
45 institution or research facility.

46 3. A person guilty of animal torture is guilty of  
47 an aggravated misdemeanor for the first offense and  
48 guilty of a class "D" felony for a second or  
49 subsequent offense. If a person is guilty of animal  
50 torture, as provided in this subsection, the

**Page 2**

- 1 sentencing order shall provide that the person
- 2 participate in counseling according to terms ordered
- 3 by the court. However, a person shall not be guilty
- 4 of more than one offense of animal torture, when the
- 5 abuse occurs to multiple animals during any
- 6 uninterrupted period."
- 7 2. Title page, line 1, by striking the words
- 8 "persons and".

COMMITTEE ON JUDICIARY  
ANDY McKEAN, Chairperson

S-5014

- 1 Amend Senate File 2193 as follows:
- 2 1. Page 1, line 25, by striking the word "Grants"
- 3 and inserting the following: "Loans".
- 4 2. Page 5, line 24, by striking the words
- 5 "awarding of grants" and inserting the following:
- 6 "issuing of loans".
- 7 3. Page 7, line 2, by striking the word "GRANTS"
- 8 and inserting the following: "LOANS".
- 9 4. Page 7, by striking line 6, and inserting the
- 10 following: "fund to issue loans. The loans shall be
- 11 provided at an interest rate of one percent, amortized
- 12 over a fifteen-year period, with repayment of the loan
- 13 to begin five years after the date of issuance of the
- 14 loan. If the department of human services, at the
- 15 direction of the senior living coordinating unit,
- 16 determines that demand for the loans is insufficient
- 17 to accomplish the goal of the senior living program,
- 18 the department may, alternatively, use the moneys
- 19 appropriated to provide grants. Loans may be issued
- 20 to any of the following:"
- 21 5. Page 7, lines 9 and 10, by striking the words
- 22 "the grant. The grant awarded" and inserting the
- 23 following: "the loan. The loan issued".
- 24 6. Page 7, line 20, by striking the word "grant"
- 25 and inserting the following: "loan".
- 26 7. Page 7, lines 22 and 23, by striking the words
- 27 "grant awarded" and inserting the following: "loan
- 28 issued".
- 29 8. Page 7, by striking line 27, and inserting the
- 30 following:
- 31 "2. A loan shall be issued only to an applicant
- 32 who meets".
- 33 9. Page 7, line 29, by striking the word "grant"
- 34 and inserting the following: "loan".
- 35 10. Page 8, line 5, by striking the word "grant"
- 36 and inserting the following: "loan".

- 37 11. Page 8, line 21, by striking the word "grant"  
38 and inserting the following: "loan".  
39 12. Page 8, line 24, by striking the word "grant"  
40 and inserting the following: "loan".  
41 13. Page 8, line 34, by striking the word "grant"  
42 and inserting the following: "loan".  
43 14. Page 9, line 8, by striking the word "grant"  
44 and inserting the following: "loan".  
45 15. Page 9, lines 11 and 12, by striking the  
46 words "awarding of the grant" and inserting the  
47 following: "issuing of the loan".  
48 16. Page 9, line 19, by striking the words  
49 "awarding of grants" and inserting the following:  
50 "issuing of loans".

**Page 2**

- 1 17. Page 9, line 29, by striking the words "grant  
2 awarded" and inserting the following: "loan issued".  
3 18. Page 9, by striking lines 31 and 32, and  
4 inserting the following: "issuing of loans to  
5 individual loan recipients during a loan cycle.  
6 Greater weight shall be given to the applicant's".  
7 19. Page 10, by striking lines 11 and 12 and  
8 inserting the following: "conversion loan shall at  
9 the time of the issuing of the loan, enter into a  
10 contract with the department of human".  
11 20. Page 10, line 17, by striking the words  
12 "awarding of the grant" and inserting the following:  
13 "issuing of the loan".  
14 21. Page 10, line 18, by striking the word  
15 "grants" and inserting the following: "loans".  
16 22. Page 10, line 22, by striking the words  
17 "award grants" and inserting the following: "issue  
18 loans".  
19 23. Page 10, line 23, by striking the word  
20 "grant" and inserting the following: "loan".  
21 24. Page 10, by striking line 24 and inserting  
22 the following: "that are issued nursing facility  
23 conversion loans and agree,".  
24 25. Page 10, by striking line 31 and inserting  
25 the following: "issuing of loans".  
26 26. Page 10, line 33, by striking the word  
27 "grantee" and inserting the following: "loan  
28 recipient".  
29 27. Page 10, by striking line 35, and inserting  
30 the following: "loan recipient, fixed assets of the  
31 loan recipient, a balance sheet, and a".  
32 28. Page 11, line 2, by striking the word  
33 "Grantees" and inserting the following: "Loan  
34 recipients".  
35 29. Page 11, line 5, by striking the word



36 "grantee's" and inserting the following: "loan  
37 recipient's".  
38 30. Page 11, lines 8 and 9, by striking the words  
39 "grants awarded" and inserting the following: "loan  
40 issued".  
41 31. Page 11, line 11, by striking the words  
42 "grants awarded" and inserting the following: "loans  
43 issued".  
44 32. Page 11, line 12, by striking the word  
45 "grant" and inserting the following: "loan".  
46 33. Page 11, line 35, by striking the word  
47 "grants" and inserting the following: "loans".  
48 34. Page 12, line 1, by striking the words "award  
49 grants" and inserting the following: "issue loans".  
50 35. Page 12, by striking lines 5 through 10, and

### Page 3

1 inserting the following: "department of human  
2 services may recoup any loan funding previously issued  
3 and disbursed to a loan recipient or the loan  
4 recipient's successor in interest and may reduce the  
5 amount of any loan issued, but not yet disbursed, to a  
6 loan recipient or the loan recipient's successor in  
7 interest, by the amount of any refund owed by a loan  
8 recipient or the loan recipient's successor in  
9 interest pursuant to".  
10 36. Page 12, line 13, by striking the word  
11 "grants" and inserting the following: "loans".  
12 37. Page 16, by striking line 7, and inserting  
13 the following: "loans issued and moneys appropriated  
14 for loans on or before".  
15 38. Page 20, line 16, by striking the word  
16 "grants" and inserting the following: "loans".  
17 39. Page 20, line 18, by striking the word  
18 "grants" and inserting the following: "loans".

DAVID MILLER

S-5015

1 Amend Senate File 2188 as follows:  
2 1. Page 1, by inserting after line 25 the  
3 following:  
4 "Sec. \_\_\_\_ Section 279.51, subsection 1, paragraph  
5 e, Code Supplement 1999, is amended to read as  
6 follows:  
7 e. Notwithstanding paragraph "c", for each of the  
8 fiscal years during the fiscal period beginning July  
9 1, 1998, and ending June 30, ~~2000~~ 2004, fifty thousand  
10 dollars of the funds allocated in paragraph "c" shall  
11 be granted to each of the schools that received grants

12 under subsection 3 during the fiscal year beginning  
13 July 1, 1993, or July 1, 1997, to allow for expansion  
14 and to include identified minimum services if the  
15 school submits a program plan pursuant to subsection  
16 3."  
17 2. By renumbering as necessary.

JOHN P. KIBBIE

S-5016

1 Amend House File 620, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 5, by inserting after line 22, the  
4 following:  
5 "Sec. \_\_\_\_ VALIDITY OF EXISTING PLACARDS.  
6 Notwithstanding the amendment to section 321L.2,  
7 subsection 3, paragraph "b", subparagraph (1), by this  
8 Act, a person with disabilities windshield placard  
9 issued prior to July 1, 2000, may be used until it  
10 otherwise becomes invalid."  
11 2. By renumbering as necessary.

MATT McCOY  
RICHARD F. DRAKE

S-5017

1 Amend Senate File 2156 as follows:  
2 1. Page 1, by striking lines 4 through 6 and  
3 inserting the following: "vehicle with any lamp or  
4 device displaying a red light or red and blue lights,  
5 or an authorized emergency vehicle of a fire  
6 department displaying a blue light, or when the driver  
7 is giving audible signal by".

RICHARD F. DRAKE

S-5018

1 Amend Senate File 2195 as follows:  
2 1. Page 4, by inserting after line 11, the  
3 following:  
4 "Sec. \_\_\_\_ Section 514I.8, subsection 3, Code  
5 1999, is amended to read as follows:  
6 3. In accordance with the rules adopted by the  
7 board, a child may be determined to be presumptively  
8 eligible for the program pending a final eligibility  
9 determination. Following final determination of  
10 eligibility by the administrative contractor, a child  
11 and all children included in the final eligibility  
12 determination shall be eligible for a twelve-month

13 period. Any other child, who is a member of a family  
14 in which any other child has been granted a final  
15 eligibility determination for a twelve-month period,  
16 who was not initially but is subsequently determined  
17 to be eligible during that twelve-month period, shall  
18 be eligible for the remainder of that twelve-month  
19 period. At the end of the twelve-month period, the  
20 administrative contractor shall conduct a review of  
21 the circumstances of the eligible child's family to  
22 establish eligibility and cost sharing for the  
23 subsequent twelve-month period."  
24 2. By renumbering as necessary.

MARY E. KRAMER

HOUSE AMENDMENT TO  
SENATE FILE 182

S-5019

1 Amend Senate File 182, as passed by the Senate, as  
2 follows:  
3 1. Page 2, line 3, by inserting after the word  
4 "Code" the following: "Supplement".  
5 2. Page 5, by inserting after line 9 the  
6 following:  
7 "7. A statement indicating that a license to  
8 practice acupuncture does not authorize a person to  
9 practice medicine and surgery in this state, and that  
10 the services of an acupuncturist must not be regarded  
11 as diagnosis and treatment by a person licensed to  
12 practice medicine and must not be regarded as medical  
13 opinion or advice."

S-5020

1 Amend Senate File 2193 as follows:  
2 1. Page 10, by striking lines 10 through 17, and  
3 inserting the following:  
4 "4. The department of human services shall adopt  
5 rules to ensure that a nursing facility that receives  
6 a nursing facility conversion grant allocates costs in  
7 an equitable manner."  
8 2. Page 16, line 12, by striking the figure  
9 "135C.23A" and inserting the following: "249A.18A".  
10 3. Page 16, line 13, by inserting after the word  
11 "facility" the following: "as defined in section  
12 135C.1"  
13 4. Page 19, by striking lines 1 through 15, and  
14 inserting the following:  
15 "Sec. \_\_\_\_ REIMBURSEMENT METHODOLOGY TASK FORCE--  
16 REPORT. The department of human services shall

17 convene a task force consisting of the members of the  
 18 senior living coordinating unit, representatives of  
 19 the nursing facility industry, consumers and consumer  
 20 advocates to develop a case-mix reimbursement  
 21 methodology. The methodology developed shall include  
 22 a limited number of levels of reimbursement. The task  
 23 force shall submit a report of the reimbursement  
 24 methodology developed to the governor and the general  
 25 assembly on or before December 15, 2000. The  
 26 department of human services shall also include in the  
 27 report a summary of the expenditures for nursing  
 28 facility conversion and for long-term care service  
 29 development."  
 30 5. Page 20, by striking line 29, and inserting  
 31 the following:  
 32 ".....\$ 2,240,034"  
 33 6. Page 20, by striking line 32, and inserting  
 34 the following: "the seventieth percentile and case -  
 35 mix reimbursement methodology".  
 36 7. Page 21, line 2, by inserting after the word  
 37 "subsection." the following: "The total amount  
 38 expended by the department of human services in the  
 39 fiscal year beginning July 1, 2000, and ending June  
 40 30, 2001, for nursing facility provider reimbursements  
 41 under both the seventieth percentile and the case-mix  
 42 reimbursement methodologies shall not exceed the  
 43 amount appropriated in this subsection."  
 44 8. By renumbering as necessary.

NANCY BOETTGER

S-5021

1 Amend Senate File 2195 as follows:  
 2 1. Page 2, by striking lines 31 and 32 and  
 3 inserting the following:  
 4 "(1) ~~Loss or change of employment due to factors~~  
 5 ~~other than voluntary termination.~~"

JOHNIE HAMMOND

S-5022

1 Amend Senate File 2195 as follows:  
 2 1. Page 4, by striking lines 3 through 6, and  
 3 inserting the following:  
 4 "c. Is a member of a family whose ~~adjusted gross~~  
 5 ~~income does not exceed one two hundred eighty five~~  
 6 percent of the federal poverty level, as defined in 42  
 7 U.S.C. } 9902(2), including any revision required by  
 8 such section."  
 9 2. Page 4, by striking lines 15 through 27, and

10 inserting the following:

- 11 "1. Cost sharing for eligible children whose  
12 family ~~adjusted gross~~ income is at or below one  
13 hundred fifty percent of the federal poverty level  
14 shall not exceed the standards permitted under 42  
15 U.S.C. } 1396(o)(a)(3) or } 1396(o)(b)(1).  
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."~~  
27 3. By renumbering as necessary.

PATRICK J. DELUHERY  
JOHNIE HAMMOND  
MICHAEL E. GRONSTAL  
PATRICIA HARPER

S-5023

- 1 Amend the amendment, S-5018, to Senate File 2195 as  
2 follows:  
3 1. Page 1, line 7, by striking the word "may" and  
4 inserting the following: "~~may~~ shall".

JOHNIE HAMMOND

S-5024

- 1 Amend Senate File 2275 as follows:  
2 1. Page 1, by inserting after line 20 the  
3 following:  
4 "Sec. \_\_\_\_ RETROACTIVE APPLICABILITY. This Act is  
5 retroactively applicable to July 1, 1997, and is  
6 applicable on and after that date."  
7 2. Title page, line 2, by inserting after the  
8 word "offense" the following: ", and providing an  
9 effective date".  
10 3. By renumbering as necessary.

KITTY REHBERG

S-5025

- 1 Amend Senate File 2074 as follows:  
2 1. Page 1, by striking lines 13 through 16 and

3 inserting the following:  
4 "NEW PARAGRAPH. f. Any confidential information  
5 described in subsection 1 that is available to the  
6 individual receiving services or assistance shall be  
7 disclosed to that individual's court-appointed legal  
8 guardian."

JEFF LAMBERTI

S-5026

1 Amend House File 2105, as passed by the House, as  
2 follows:  
3 1. Page 2, line 17, by striking the words "in  
4 the" and inserting the following: "at the".  
5 2. Page 6, line 4, by striking the words "party's  
6 state" and inserting the following: "party state's".  
7 3. Page 6, line 22, by striking the word  
8 "boards" and inserting the following: "boards of".  
9 4. Page 6, line 27, by striking the word  
10 "party's" and inserting the following: "party".  
11 5. Page 7, line 7, by striking the word  
12 "authorized" and inserting the following:  
13 "authorizing".  
14 6. Page 10, line 34, by striking the words  
15 "orders or" and inserting the following: "orders to".  
16 7. Page 10, line 35, by striking the words "the  
17 nurse's" and inserting the following: "the".

MARY A. LUNDBY

S-5027

1 Amend House File 2090, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting after line 17 the  
4 following:  
5 "Sec. \_\_\_\_ Section 456A.21, subsection 3,  
6 unnumbered paragraph 1, Code Supplement 1999, is  
7 amended to read as follows:  
8 3. The fund shall be used exclusively to support  
9 the management and enhancement of forests, including  
10 woodlands or timber stands in this state, on private  
11 lands in cooperation with the owners of those lands.  
12 The forestry personnel supported in whole or part from  
13 proceeds of the fund shall be assigned to forestry  
14 management duties only. The department shall use  
15 moneys in the fund to support the following full-time  
16 equivalent positions in addition to those supported  
17 from the general fund of the state:"

KITTY REHBERG

S-5028

1 Amend Senate File 2253 as follows:  
2 1. Page 1, by striking line 34 through page 2,  
3 line 6 and inserting the following:  
4 "3. Each mobile home park owner shall notify  
5 monthly the county treasurer concerning any home  
6 arriving in or departing from the park without a tax  
7 clearance statement. The records of the owner shall  
8 be open to inspection by a duly authorized  
9 representative of any law enforcement agency. ~~Any~~  
10 ~~property owner, manager or tenant shall report to the~~  
11 ~~county treasurer homes parked upon any property owned,~~  
12 ~~managed, or rented by that person. The mobile home~~  
13 park owner or manager shall make an annual report to  
14 the county treasurer due June 1 of the homes sited in  
15 the mobile home park, listing the owner and mailing  
16 address of each home located in the mobile home park.  
17 The report is delinquent if not filed with the county  
18 treasurer by June 30. In addition to the annual  
19 report, the owner or manager shall also report any  
20 changes of homes or owners in a report due December 1,  
21 which is delinquent if not filed by December 31.  
22 However, if no changes have occurred since the June  
23 annual report, the December report is not required to  
24 be filed."

GENE FRAISE

S-5029

1 Amend Senate File 2215 as follows:  
2 1. Page 1, by striking lines 6 and 7 and  
3 inserting the following: ~~"unless running unopposed~~  
4 upon request, shall automatically be given a leave  
5 of".  
6 2. Page 1, line 18, by striking the word  
7 "required" and inserting the following: ~~"required"~~.  
8 3. Page 1, line 23, by striking the word  
9 "required" and inserting the following: ~~"required"~~.

BETTY A. SOUKUP

S-5030

1 Amend Senate File 2375 as follows:  
2 1. Page 1, line 27, by striking the word "tenant"  
3 and inserting the following: "tenant."  
4 2. Page 1, by striking lines 28 and 29.

JACK RIFE

S-5031

- 1 Amend Senate File 2079 as follows:
- 2 1. Page 1, by inserting after line 7, the
- 3 following:
- 4 "Sec. 2. EFFECTIVE DATE. This Act, being deemed
- 5 of immediate importance, takes effect upon enactment."
- 6 2. Title page, line 5, by striking the word
- 7 "and".
- 8 3. Title page line 6, by inserting after the word
- 9 "applicable" the following: ", and providing an
- 10 effective date".

ANDY McKEAN

S-5032

- 1 Amend Senate File 2245 as follows:
- 2 1. Page 5, by striking lines 20 through 35 and
- 3 inserting the following: "shall be chargeable, where
- 4 the fine charged does not exceed one ~~hundred thousand~~
- 5 dollars, only by uniform citation and complaint.
- 6 Violations of the schedule of weight violations, where
- 7 the fine charged exceeds one ~~hundred thousand~~ dollars
- 8 shall, when the violation is admitted and section
- 9 805.9 applies, be chargeable upon uniform citation and
- 10 complaint, indictment, or county attorney's
- 11 information, but otherwise, shall be chargeable only
- 12 upon indictment or county attorney's information.
- 13 In all cases of charges under the schedule of
- 14 weight violations, the charge shall specify the amount
- 15 of fine charged under the schedule. Where a defendant
- 16 is convicted and the fine under the foregoing schedule
- 17 of weight violations exceeds one ~~hundred thousand~~
- 18 dollars, the conviction shall be of an indictable
- 19 offense although section 805.9 is employed and whether
- 20 the violation is charged upon uniform citation and
- 21 complaint, indictment, or county attorney's
- 22 information."
- 23 2. By renumbering as necessary.

GENE MADDIX

S-5033

- 1 Amend Senate File 2245 as follows:
- 2 1. Page 3, by inserting after line 18 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 331.302, subsection 2, Code
- 5 Supplement 1999, is amended to read as follows:
- 6 2. A county shall not provide a penalty in excess
- 7 of a ~~two~~ five hundred dollar fine or in excess of



thirty days imprisonment for the violation of an ordinance. The criminal penalty surcharge required by section 911.2 shall be added to a county fine and is not a part of the county's penalty.

Sec. \_\_\_\_ Section 331.302, subsection 4A, paragraph a, subparagraph (2), Code Supplement 1999, is amended to read as follows:

(2) A portion of the Code of Iowa may be adopted by reference only if the criminal penalty provided by the law adopted does not exceed thirty days' imprisonment or a ~~two~~ five hundred dollar fine.

Sec. \_\_\_\_ Section 364.3, subsection 2, Code Supplement 1999, is amended to read as follows:

2. A city shall not provide a penalty in excess of a ~~two~~ five hundred dollar fine or in excess of thirty days imprisonment for the violation of an ordinance.

An amount equal to ten percent of all fines collected by cities shall be deposited in the account established in section 602.8108. However, one hundred percent of all fines collected by a city pursuant to section 321.236, subsection 1, shall be retained by the city. The criminal penalty surcharge required by section 911.2 shall be added to a city fine and is not a part of the city's penalty."

2. Title page, line 1, by inserting after the words "relating to" the following: "penalties for city and county ordinances and to".

3. By renumbering as necessary.

GENE MADDIX

S-5034

Amend Senate File 2256 as follows:

1. Page 1, lines 30 and 31, by striking the words "for assistance in purchasing biodiesel fuel" and inserting the following: "which can only be used for the purchase of biodiesel fuel for purposes of the pilot project".

MIKE SEXTON

S-5035

Amend Senate File 2257 as follows:

1. Page 3, by striking lines 10 through 12 and inserting the following:

"5. This section is repealed effective June 30, ~~2000~~ 2005. The division of criminal and juvenile

- 6 justice planning shall ~~annually~~ submit ~~an annual~~ a
- 7 report to the general assembly by January 15".

NEAL SCHUERER

S-5036

- 1 Amend Senate File 2275 as follows:
- 2 1. Page 1, by inserting after line 20 the
- 3 following:
- 4 "e. Notwithstanding paragraph "d", the department
- 5 shall not rescind the revocation if the person refused
- 6 to provide a specimen for chemical testing when
- 7 requested to do so in accordance with this chapter."

JEFF LAMBERTI

S-5037

- 1 Amend Senate File 2200 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "chapter" the following: "508 or".
- 4 2. Page 1, line 19, by inserting after the word
- 5 "chapter" the following: "508 or".
- 6 3. Page 6, line 32, by inserting after the word
- 7 "section" the following: "511.8 or".

JEFF LAMBERTI

S-5038

- 1 Amend Senate File 2035 as follows:
- 2 1. Page 1, by inserting after line 7 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 456A.21, subsection 1, Code
- 5 Supplement 1999, is amended to read as follows:
- 6 1. A forestry management and enhancement fund is
- 7 created in the state treasury under the control of the
- 8 department's forests and ~~forestry~~ prairies division
- 9 created in section 455A.7. The fund is composed of
- 10 moneys deposited into the fund pursuant to section
- 11 456A.20, moneys appropriated by the general assembly,
- 12 and moneys available to and obtained or accepted by
- 13 the division or the department from the United States
- 14 or private sources for placement in the fund."

BILL FINK

S-5039

- 1 Amend House File 2145 as passed by the House as
- 2 follows:

1. By inserting before line 1 the following:

"Section 1. Section 257.6, subsection 3, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For the purposes of calculating special education support services costs, a school district shall include accredited nonpublic school pupils in determining its additional enrollment because of special education.

Sec. \_\_\_\_ Section 257.6, subsection 5, unnumbered paragraph 2, Code 1999, is amended to read as follows:

Weighted enrollment for special education support services costs is equal to the weighted enrollment as calculated pursuant to subsection 3, unnumbered paragraph 3, minus the additional pupils added due to the application of the supplementary weighting.

Sec. \_\_\_\_ Section 257.9, subsections 3 and 4, Code 1999, are amended by striking the subsections and inserting in lieu thereof the following:

3. SPECIAL EDUCATION SUPPORT SERVICES STATE COST PER PUPIL FOR 2000-2001. For the budget year beginning July 1, 2000, for the special education support services state cost per pupil, the department of management shall divide the total of the approved budgets of the area education agencies for special education support services for that year which are approved by the state board of education under section 273.3, subsection 12, by the total of the weighted enrollment for special education support services in the state for the budget year. The special education support services state cost per pupil for the budget year is the amount calculated by the department of management under this subsection.

4. SPECIAL EDUCATION SUPPORT SERVICES STATE COST PER PUPIL FOR 2001-2002 AND SUCCEEDING YEARS. For the budget year beginning July 1, 2001, and succeeding budget years, the special education support services state cost per pupil for the budget year is the special education support services state cost per pupil for the base year plus the special education support services allowable growth for the budget year.

Sec. \_\_\_\_ Section 257.10, subsections 3 and 4, Code Supplement 1999, are amended by striking the subsections and inserting in lieu thereof the following:

3. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT COST PER PUPIL FOR 2000-2001. For the budget year beginning July 1, 2000, for the special education

**Page 2**

1 support services district cost per pupil, the  
2 department of management shall divide the approved  
3 budget of each area education agency for special  
4 education support services for that year approved by  
5 the state board of education, under section 273.3,  
6 subsection 12, by the total of the weighted enrollment  
7 for special education support services in the area for  
8 that budget year.

9 The special education support services district  
10 cost per pupil for each school district in an area for  
11 the budget year is the amount calculated by the  
12 department of management under this subsection.

13 4. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT  
14 COST PER PUPIL FOR 2001-2002 AND SUCCEEDING YEARS.

15 For the budget year beginning July 1, 2001, and  
16 succeeding budget years, the special education support  
17 services district cost per pupil for the budget year  
18 is the special education support services district  
19 cost per pupil for the base year plus the special  
20 education support services allowable growth for the  
21 budget year."

22 2. Title page, line 2, by inserting after the  
23 word "funding," the following: "providing for the  
24 utilization of an enrollment count including nonpublic  
25 school pupils in determining special education support  
26 services funding."

27 3. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5040

1 Amend Senate File 2326 as follows:

2 1. Page 1, line 13, by inserting after the word  
3 "communities." the following: "Repayment of moneys  
4 from the Iowa business loan program for waste  
5 reduction and recycling pursuant to section 455B.310,  
6 subsection 2, paragraph "b", Code 1993, and  
7 discontinued pursuant to 1993 Iowa Acts, chapter 176,  
8 section 45, shall be placed into this account to  
9 support household hazardous materials programs of the  
10 department."

JACK RIFE

S-5041

1 Amend Senate File 2302 as follows:

2 1. Page 2, by striking lines 12 through 14, and  
3 inserting the following: "a person shall not prevent

4 a woman from breast-feeding the woman's own child in  
5 any public place where the woman's presence is  
6 otherwise authorized."

JOHN REDWINE  
JOHNIE HAMMOND

S-5042

1 Amend Senate File 2295 as follows:

2 1. Page 1, by inserting after line 9 the  
3 following:

4 "Sec. \_\_\_\_ Section 16.92, subsection 1, paragraph  
5 f, subparagraph (4), Code Supplement 1999, is amended  
6 to read as follows:

7 (4) If after payment of the unpaid balance of the  
8 loan secured by the mortgage, the mortgage continues  
9 to secure any unpaid obligation due the mortgagee or  
10 any unfunded commitment by the mortgagor to the  
11 mortgagee, ~~the legal description of the property that~~  
12 ~~will continue to be subject to the mortgage, and the~~  
13 legal description of the property that will be  
14 released from the mortgage.

15 Sec. \_\_\_\_ Section 16.92, subsection 2, paragraph  
16 a, subparagraph (1), subparagraph subdivision (b),  
17 Code Supplement 1999, is amended to read as follows:

18 (b) The statement contains the legal description  
19 of the property to be released from the mortgage ~~and~~  
20 ~~the legal description of the property that will~~  
21 ~~continue to be subject to the mortgage.~~

22 Sec. \_\_\_\_ Section 16.92, subsection 3, paragraph  
23 d, subparagraph (2), Code Supplement 1999, is amended  
24 to read as follows:

25 (2) A statement that the certificate is a partial  
26 release of the mortgage, ~~and~~ the legal description of  
27 the property that will be released from the mortgage,  
28 ~~and the legal description of the property that will~~  
29 ~~continue to be subject to the mortgage.~~

30 Sec. \_\_\_\_ Section 16.92, subsection 7, Code  
31 Supplement 1999, is amended to read as follows:

32 7. PRIOR MORTGAGES.

33 a. If the real estate lender or closer has  
34 notified the division that a mortgage has been paid in  
35 full by someone other than the real estate lender or  
36 closer, or was paid by the real estate lender or  
37 closer under a previous transaction, and an effective  
38 release has not been filed of record, the division may  
39 execute and record a certificate of release without  
40 certification by the real estate lender or closer that  
41 payment was made pursuant to a payoff statement and  
42 the date payment was received by the mortgagee. A  
43 certificate of release filed pursuant to this

44 subsection is subject to the requirements of  
45 subsection 2, paragraph "c".  
46 b. For purposes of this subsection, an effective  
47 release has not been filed of record if there appears  
48 that a mortgagee in the record chain of title to the  
49 mortgage has not, either on the mortgagee's own behalf  
50 or by the mortgagee's duly appointed servicer or

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1 attorney in fact as established of record by a filed  
2 servicing agreement or power of attorney, filed of  
3 record either an assignment of the mortgage to another  
4 mortgagee in the record chain of title to the mortgage  
5 or a release of the mortgagee's interest in the  
6 mortgage. For the purposes of this subsection and  
7 subsection 2, paragraph "c", "mortgage servicer"  
8 includes a mortgagee for which an effective release  
9 has not been filed of record as provided in this  
10 paragraph."  
11 2. Title page, line 1, by inserting after the  
12 words "relating to" the following: "the title  
13 guaranty program, mortgage release certificates, and".  
14 3. By renumbering as necessary.

KEN VEENSTRA

S-5043

1 Amend Senate Resolution 111 as follows:  
2 1. Page 1, lines 6 and 7, by striking the words  
3 "the Ten Commandments" and inserting the following:  
4 "a listing of the essential teachings of Buddhism,  
5 Christianity, Islam, Judaism, and Hinduism".  
6 2. Page 1, line 17, by striking the words "Ten  
7 Commandments" and inserting the following: "essential  
8 teachings of the world's five major religions".  
9 3. Page 1, lines 19 and 20, by striking the words  
10 "and the United States" and inserting the following:  
11 "; the United States, and in the world".  
12 4. Page 1, line 24, by inserting after the words  
13 "the states" the following: ", and this power is  
14 deemed by the Iowa Senate to include the essential  
15 teachings of the world's five major religions".  
16 5. Page 1, lines 27 and 28, by striking the words  
17 "Ten Commandments" and inserting the following:  
18 "essential teachings of the world's five major  
19 religions".  
20 6. Page 1, line 29, by striking the words "the  
21 Ten Commandments" and inserting the following: "a  
22 listing of the essential teachings of Buddhism,  
23 Christianity, Islam, Judaism, and Hinduism".

24 7. Page 2, line 4, by striking the words "the Ten  
25 Commandments" and inserting the following: "a listing  
26 of the essential teachings of Buddhism, Christianity,  
27 Islam, Judaism, and Hinduism".

MICHAEL W. CONNOLLY

S-5044

1 Amend Senate File 2311 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 455B.301, Code 1999, is  
5 amended by adding the following new subsection:  
6 NEW SUBSECTION. 21. "Transfer station" means a  
7 fixed or mobile intermediate sanitary disposal project  
8 for transferring loads of solid waste, with or without  
9 reduction of volume, to another transportation unit.  
10 "Transfer station" does not include facilities which  
11 exclusively performs recycling activities as defined  
12 in section 455D.1, subsection 6."

13 2. Page 1, by inserting after line 2 the  
14 following:

15 "Sec. \_\_\_\_ Section 455B.305A, subsection 1,  
16 unnumbered paragraph 1, Code 1999, is amended to read  
17 as follows:

18 Prior to the siting of a proposed, new sanitary  
19 landfill, transfer station, incinerator, or infectious  
20 medical waste incinerator, a city, county, or private  
21 agency, shall submit a request for local siting  
22 approval to the city council or county board of  
23 supervisors which governs the city or county in which  
24 the proposed site is to be located. The requirements  
25 of this section do not apply to the expansion of an  
26 existing sanitary landfill owned by a private agency  
27 which disposes of waste which the agency generates on  
28 property owned by the agency. The city council or  
29 county board of supervisors shall approve or  
30 disapprove the site for each sanitary landfill,  
31 transfer station, or incinerator, or infectious  
32 medical waste incinerator.

33 Sec. \_\_\_\_ Section 455B.305A, subsection 2,  
34 unnumbered paragraph 1, Code 1999, is amended to read  
35 as follows:

36 An applicant for siting approval shall submit  
37 information to the city council or county board of  
38 supervisors to demonstrate compliance with the  
39 requirements prescribed by this chapter regarding a  
40 sanitary landfill, transfer station, or infectious  
41 waste incinerator. Siting approval shall be granted  
42 only if the proposed project meets all of the  
43 following criteria:"

- 44 3. Title page, line 1, by inserting after the  
45 word "Act" the following: "relating to solid waste  
46 transfer stations and".  
47 4. By renumbering as necessary.

PATRICK J. DELUHERY  
JOE BOLKCOM

S-5045

- 1 Amend Senate File 2326 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 455B.301, Code 1999, is  
5 amended by adding the following new subsection:  
6 NEW SUBSECTION. 21. "Transfer station" means a  
7 fixed or mobile intermediate sanitary disposal project  
8 for transferring loads of solid waste, with or without  
9 reduction of volume, to another transportation unit.  
10 "Transfer station" does not include facilities which  
11 exclusively perform recycling activities as defined in  
12 section 455D.1, subsection 6.  
13 Sec. \_\_\_\_ Section 455B.305A, subsection 1,  
14 unnumbered paragraph 1, Code 1999, is amended to read  
15 as follows:  
16 Prior to the siting of a proposed, new sanitary  
17 landfill, transfer station, incinerator, or infectious  
18 medical waste incinerator, a city, county, or private  
19 agency, shall submit a request for local siting  
20 approval to the city council or county board of  
21 supervisors which governs the city or county in which  
22 the proposed site is to be located. The requirements  
23 of this section do not apply to the expansion of an  
24 existing sanitary landfill owned by a private agency  
25 which disposes of waste which the agency generates on  
26 property owned by the agency. The city council or  
27 county board of supervisors shall approve or  
28 disapprove the site for each sanitary landfill,  
29 transfer station, or incinerator, or infectious  
30 medical waste incinerator.  
31 Sec. \_\_\_\_ Section 455B.305A, subsection 2,  
32 unnumbered paragraph 1, Code 1999, is amended to read  
33 as follows:  
34 An applicant for siting approval shall submit  
35 information to the city council or county board of  
36 supervisors to demonstrate compliance with the  
37 requirements prescribed by this chapter regarding a  
38 sanitary landfill, transfer station, or infectious  
39 waste incinerator. Siting approval shall be granted  
40 only if the proposed project meets all of the  
41 following criteria:"  
42 2. Title page, line 1, by inserting after the



43 words "relating to" the following: "solid waste  
44 transfer stations and"  
45 3. By renumbering as necessary.

PATRICK J. DELUHERY  
JOE BOLKCOM

S-5046

1 Amend Senate File 2340 as follows:  
2 1. Page 1, by inserting after line 20 the  
3 following:  
4 "Sec. \_\_\_\_\_. There is appropriated from the rebuild  
5 Iowa infrastructure fund to the department of natural  
6 resources for the fiscal year beginning July 1, 2000,  
7 and ending June 30, 2001, the following amount, or so  
8 much thereof as is necessary, to be used for the  
9 purpose designated, notwithstanding section 8.57,  
10 subsection 5, paragraph "c":  
11 To develop a program to support local volunteer  
12 efforts in water quality monitoring and watershed  
13 improvement:  
14 .....\$ 65,000"  
15 2. Title page, line 1, by striking the words  
16 "encouraging school districts to establish" and  
17 inserting the following: "relating to certain".  
18 3. Title page, by striking lines 2 and 3 and  
19 inserting the following: "programs and making an  
20 appropriation."  
21 4. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5047

1 Amend Senate File 2340 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. DEPARTMENT OF EDUCATION. There is  
5 appropriated from the general fund of the state to the  
6 department of education for the fiscal year beginning  
7 July 1, 2000, and ending June 30, 2001, the following  
8 amount, or so much thereof as is necessary, to be used  
9 for the purposes designated:  
10 For purposes of entering into a competitively bid  
11 contract with a not-for-profit organization to conduct  
12 a series of training programs for adult volunteers who  
13 work with adolescent youths in after school mentoring  
14 programs, including youth-serving organizations such  
15 as the big brothers-big sisters association:  
16 .....\$ 600,000  
17 1. To be eligible for a contract under this

18 section, a not-for-profit organization must be able to  
19 demonstrate that leading national experts in  
20 adolescent development intervention programs will be  
21 utilized and that the programs will use a variety of  
22 media to engage participants and assist them in  
23 attaining the goals of the program. Programs shall be  
24 designed to focus on the adult volunteers who assist  
25 in youth development. Training content shall focus on  
26 all of the following:  
27 a. Development issues for youth.  
28 b. Best practices to motivate, guide, and  
29 communicate with youths.  
30 c. Strategies for successful adult-to-youth  
31 interpersonal relationships that are necessary for  
32 ongoing learning and support.  
33 2. The training programs shall strive to  
34 accomplish the following:  
35 a. Improve the quality and effectiveness of adult  
36 volunteers to motivate, supervise, and communicate  
37 with youths, and to sustain and encourage their  
38 continued involvement with youths over time.  
39 b. Improve the quality and effectiveness of adult  
40 volunteers so that the children they mentor, coach,  
41 teach, or befriend maintain their involvement with  
42 youth-serving organizations over time.  
43 c. Encourage collaboration between all youth-  
44 serving organizations throughout the state.  
45 d. Provide cost-efficient, sustainable distance  
46 learning to both rural and urban sites.  
47 3. The department shall prepare and submit a  
48 report of the activities and expenditures funded under  
49 the contract to the chairpersons and ranking members  
50 of the standing committees on education and to the

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- 1 joint appropriations subcommittees on education by  
2 December 1, 2002."  
3 2. Title page, line 3, by inserting after the  
4 words "aides" the following: "and making an  
5 appropriation to the department of education relating  
6 to training programs for adult volunteers who work  
7 with adolescent youths in after school mentoring  
8 programs".  
9 3. By renumbering as necessary.

PATRICK J. DELUHERY  
ROBERT E. DVORSKY  
MICHAEL E. GRONSTAL  
JOHNIE HAMMOND  
JOHN P. KIBBIE  
MICHAEL W. CONNOLLY

BETTY A. SOUKUP  
PATRICIA HARPER

S-5048

1 Amend Senate File 2340 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Sec. 101. DEPARTMENT OF EDUCATION. There is  
5 appropriated from the general fund of the state to the  
6 department of education for the fiscal year beginning  
7 July 1, 1999, and ending June 30, 2000, the following  
8 amount, or so much thereof as is necessary, to be used  
9 for the purpose designated:

10 For grants to school districts for volunteer  
11 student mentoring pilot projects:

12 ..... \$ 500,000

13 Notwithstanding section 8.33, unencumbered or  
14 unobligated funds remaining on June 30, 2000, shall  
15 not revert but shall be available for grants to school  
16 districts for volunteer student mentoring pilot  
17 projects in the following fiscal year.

18 Sec. 102. NEW SECTION. 256.24 VOLUNTEER STUDENT  
19 MENTORING PILOT PROJECTS.

20 1. The department shall administer and approve  
21 grants to school districts to implement proven,  
22 research-based structured volunteer student mentoring  
23 pilot projects, with the funds appropriated by the  
24 general assembly for purposes of volunteer student  
25 mentoring pilot project grants. Grant moneys shall be  
26 allocated on a competitive basis to school districts,  
27 or to a collaboration of school districts, that submit  
28 to the department a plan for implementation of a  
29 volunteer student mentoring program. Grants shall be  
30 equitably distributed geographically to three large  
31 school districts, three medium-sized school districts,  
32 and three small school districts. For purposes of  
33 this section, a large school district is a district  
34 with an actual enrollment of five thousand or more  
35 pupils; a medium-sized school district is a district  
36 with an actual enrollment of two thousand or more  
37 pupils, but less than five thousand pupils; and a  
38 small school district is a district with an actual  
39 enrollment of less than two thousand pupils.

40 2. Priority shall be given to plans that meet the  
41 following criteria:

42 a. Provide for structured mentoring and systematic  
43 intervention in a technology-based program that  
44 assists teachers in addressing accountability issues  
45 by aligning curriculum and connecting teaching  
46 materials to student achievement goals, and include a  
47 database that organizes and manages student and mentor  
48 data as well as generating individualized lesson plans

49 that address the instructional and developmental  
50 level, learning style, and learning objectives for a

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1 specific student or group of students.  
2 b. Are recognized as promising educational  
3 practices for accelerating student achievement and  
4 increasing a student's self-esteem and interest in  
5 school.  
6 c. Include a statement of purpose and a long-range  
7 plan.  
8 d. Include a volunteer recruitment plan targeting,  
9 among others, parents, retired persons, students, and  
10 the local business and labor community.  
11 e. Provide for eligibility screening, orientation,  
12 and training of mentors.  
13 f. Include a mentor and student matching strategy,  
14 monitoring, and evaluation process.  
15 g. Provide a support, recognition, and retention  
16 component.  
17 3. Grant amounts shall be distributed as  
18 determined by the department.  
19 4. A school district or collaboration of districts  
20 receiving moneys under this section shall submit with  
21 the report to the department required under section  
22 256.7, subsection 21, paragraph "c", a report  
23 describing the impact the volunteer student mentoring  
24 pilot project funded under this section had on the  
25 school district's progress in attaining student  
26 achievement goals on the academic and other core  
27 indicators and on districtwide progress made in  
28 attaining locally established student learning goals.  
29 The department shall summarize annually the school  
30 district reports and submit the summary and any  
31 recommendations regarding the grants and projects to  
32 the chairpersons and ranking members of the senate and  
33 house standing education committees by January 1 of  
34 the school year succeeding the fiscal year in which  
35 the appropriation is made."  
36 2. Page 1, by inserting after line 20 the  
37 following:  
38 "Sec. \_\_\_\_ EMERGENCY RULES. The department of  
39 education may adopt emergency rules under section  
40 17A.4, subsection 2, and section 17A.5, subsection 2,  
41 paragraph "b", to implement the provisions of sections  
42 101 and 102 of this Act and the rules shall be  
43 effective immediately upon filing unless a later date  
44 is specified in the rules. Any rules adopted in  
45 accordance with this section shall also be published  
46 as a notice of intended action as provided in section  
47 17A.4."

48 3. Title page, line 3, by inserting after the  
49 word "aides" the following: ", establishing a grant  
50 process to provide school districts with resources to

**Page 3**

- 1 implement volunteer student mentoring pilot projects,
- 2 making an appropriation, and providing emergency
- 3 rulemaking authority".
- 4 4. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5049

- 1 Amend Senate File 2324 as follows:
- 2 1. Page 1, by inserting after line 22 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 216.6, subsection 1, paragraph
- 5 a, Code 1999, is amended to read as follows:
- 6 a. Person to refuse to hire, accept, register,
- 7 classify, or refer for employment, to discharge any
- 8 employee, or to otherwise discriminate in employment
- 9 against any applicant for employment or any employee
- 10 because of the age, race, creed, color, sex, national
- 11 origin, religion, genetic test results, or disability
- 12 of such applicant or employee, unless based upon the
- 13 nature of the occupation. If a person with a
- 14 disability is qualified to perform a particular
- 15 occupation, by reason of training or experience, the
- 16 nature of that occupation shall not be the basis for
- 17 exception to the unfair or discriminating practices
- 18 prohibited by this subsection.
- 19 Sec. \_\_\_\_ NEW SECTION. 514L.1 DISCLOSURE OF
- 20 GENETIC INFORMATION PROHIBITED.
- 21 1. The results of a genetic test are confidential
- 22 information and shall not be disclosed by an insurer
- 23 without the written consent of the individual to whom
- 24 the test relates, such individual's legal guardian, or
- 25 such individual's parent if the individual is a minor.
- 26 2. An insurer shall not deny the issuance or
- 27 renewal of a contract or policy, or deny coverage
- 28 under an existing contract or policy based upon the
- 29 results of a genetic test.
- 30 3. For purposes of this section, unless the
- 31 context otherwise requires:
- 32 a. "Genetic test" means a laboratory test of human
- 33 chromosomes, genes, or gene products that is used to
- 34 identify the presence or absence of inherited or
- 35 congenital alterations in genetic material that are
- 36 associated with a disease or illness.
- 37 b. "Insurer" means all of the following:

38 (1) A company or association organized under  
39 chapter 508, 511, 512A, 512B, 514, 514B, or 515, that  
40 delivers, issues for delivery, continues, or renews a  
41 contract or policy including any of the following:  
42 (a) Individual accident and sickness insurance  
43 providing coverage on an expense-incurred basis.  
44 (b) Individual hospital or medical service  
45 contract.  
46 (c) An individual health maintenance organization  
47 contract.  
48 (d) An individual or group life insurance  
49 contract.  
50 (2) Any other entity engaged in the business of

**Page 2**

1 insurance, risk transfer, or risk retention, which is  
2 subject to the jurisdiction of the commissioner.  
3 (3) A plan established pursuant to chapter 509A  
4 for public employees.  
5 (4) An organized delivery system licensed by the  
6 director of public health.  
7 Sec. \_\_, NEW SECTION. 727.12 DISCLOSURE OF  
8 GENETIC TEST INFORMATION – PENALTY.  
9 A person who has, or is granted, access to the  
10 results of an individual's genetic test shall not  
11 disclose any information relating to such test to any  
12 other person, except to the extent permitted by the  
13 individual as evidenced by the individual's written  
14 consent. A person who violates this section commits a  
15 simple misdemeanor."  
16 2. Title page, line 1, by striking the words "to  
17 DNA profiling" and inserting the following: "genetic  
18 information and providing a penalty".

JOHNIE HAMMOND  
JOE BOLKCOM  
ROBERT E. DVORSKY

S-5050

1 Amend Senate File 2213 as follows:  
2 1. Page 1, line 20, by inserting before the word  
3 "contractor" the following: "landowner or".  
4 2. Page 2, line 12, by inserting before the word  
5 "contractor" the following: "landowner or".  
6 3. Page 3, line 4, by inserting before the word  
7 "contractor" the following: "landowner or".

KITTY REHBERG

S-5051

- 1 Amend Senate File 2411 as follows:
- 2 1. Page 26, by inserting after line 18 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 97B.50, subsection 2, Code
- 5 1999, is amended by adding the following new
- 6 paragraph:
- 7 NEW PARAGRAPH. c. A vested member who terminated
- 8 service due to a disability, who has been issued
- 9 payment for a refund pursuant to section 97B.53, and
- 10 who subsequently commences receiving disability
- 11 benefits as a result of that disability pursuant to
- 12 the federal Social Security Act, 42 U.S.C. } 423 et
- 13 seq., or the federal Railroad Retirement Act, 45
- 14 U.S.C. } 231 et seq., may apply for retirement
- 15 benefits as provided by this section and receive
- 16 credit for membership service for the period covered
- 17 by the refund payment, upon repayment to the
- 18 department of the refund plus interest that would have
- 19 accrued, within ninety days after July 1, 2000, or the
- 20 date federal disability payments commenced, whichever
- 21 occurs later. The department shall determine the
- 22 amount of the repayment to the department based upon
- 23 the interest that would have accrued."
- 24 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5052

- 1 Amend Senate File 2314 as follows:
- 2 1. Page 1, lines 9 and 10 by striking the words
- 3 "contagious or infectious".
- 4 2. Page 11, by striking lines 24 through 29 and
- 5 inserting the following:
- 6 "A person who knowingly exposes another to a
- 7 communicable disease or who knowingly subjects another
- 8 to a child or other legally incapacitated person who
- 9 has contracted a communicable disease, with the intent
- 10 that another person contract the communicable disease,
- 11 shall be liable for all resulting damages and shall be
- 12 punished as provided in this chapter."
- 13 3. By striking page 19, line 28, through page 20,
- 14 line 11, and inserting the following:
- 15 "The department shall adopt rules which incorporate
- 16 the prenatal guidelines established by the centers for
- 17 disease control and prevention of the United States
- 18 department of health and human services as the state
- 19 guidelines for prenatal testing and care relative to
- 20 infectious disease."

- 21 4. Page 20, by striking lines 12 through 21.  
22 5. By renumbering as necessary.

JOHN REDWINE

S-5053

- 1 Amend Senate File 2314 as follows:  
2 1. Page 6, by striking line 26 and inserting the  
3 following: "center if any of the following applies:  
4 a. The person submits to the admitting official  
5 a".  
6 2. Page 6, by inserting after line 31 the  
7 following:  
8 "b. The person, or if the person is a minor, the  
9 person's parent or legal guardian, submits an  
10 affidavit signed by the person or the person's parent  
11 or legal guardian, stating that the immunization  
12 conflicts with the tenets and practices of a  
13 recognized religious denomination of which the  
14 applicant is an adherent or member.  
15 The exemptions under this subsection do not apply  
16 in times of emergency or epidemic as determined by the  
17 state board of health and as declared by the director  
18 of public health."  
19 3. Page 20, line 26, by inserting after the word  
20 "department." the following: "This section shall not  
21 be construed to require treatment of the infant's eyes  
22 with a prophylactic solution if the infant's parent or  
23 legal guardian states that such treatment conflicts  
24 with the tenets and practices of a recognized  
25 religious denomination of which the parent or legal  
26 guardian is an adherent or member."  
27 4. Page 20, line 31, by striking the words "a  
28 member" and inserting the following: "an adherent or  
29 a member".

ELAINE SZYMONIAK

S-5054

- 1 Amend Senate File 2276 as follows:  
2 1. Page 1, line 15, by striking the words "by as  
3 much as half of" and inserting the following: "~~by as~~  
4 ~~much as half of~~ from".  
5 2. Page 6, line 17, by striking the word and  
6 figures "July 1, 2000" and inserting the following:  
7 "January 1, 2001".  
8 3. Page 6, line 20, by striking the word and  
9 figures "August 1, 2000" and inserting the following:  
10 "February 1, 2001".  
11 4. Page 6, line 21, by striking the word and



12 figure "July 1" and inserting the following: "January  
13 1".  
14 5. Title page, line 2, by inserting after the  
15 word "sentence" the following: "and providing an  
16 effective date".

ANDY McKEAN

S-5055

1 Amend Senate File 2245 as follows:  
2 1. Page 6, by inserting after line 30 the  
3 following:  
4 "Sec. \_\_\_\_ Section 805.10, subsection 1, Code  
5 1999, is amended to read as follows:  
6 1. When the violation charged involved or resulted  
7 in an ~~accident or injury to property and the total~~  
8 ~~damages are one thousand dollars or more, or in an~~  
9 injury to person."  
10 2. Title Page, line 1, by striking the words  
11 "reclassifying certain simple misdemeanors as".  
12 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5056

1 Amend Senate File 2214 as follows:  
2 1. Page 2, line 23, by striking the word  
3 "brought" and inserting the following: "filed".  
4 2. Page 3, by inserting after line 22 the  
5 following:  
6 "5. In any case where this section has become  
7 operative, the provisions of section 648.18 shall not  
8 apply."  
9 3. By renumbering as necessary.

E. THURMAN GASKILL

S-5057

1 Amend House File 2198, as passed by the House, as  
2 follows:  
3 1. Page 1, line 1, by inserting after the word  
4 "AND" the following: "TRANSPORTATION AND".  
5 2. Page 1, line 4, by inserting after the word  
6 "and" the following: "transportation and".  
7 3. Page 1, line 7, by inserting after the word  
8 "initiatives" the following: ", a review of school  
9 transportation sharing incentives including but not  
10 limited to joint incentives to encourage  
11 transportation sharing efforts between districts or

- 12 between districts and the private sector,".
- 13 4. Page 1, by inserting after line 8 the
- 14 following: "The department shall also study ways to
- 15 eliminate transportation impediments that prevent
- 16 students from fully utilizing open enrollment."
- 17 5. Title page, line 2, by inserting after the
- 18 word "and" the following: "transportation and".

KITTY REHBERG

S-5058

- 1 Amend Senate File 2390 as follows:
- 2 1. Page 3, by inserting after line 15 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 147.80, subsection 16, Code
- 5 1999, is amended to read as follows:
- 6 16. License to practice barbering on the basis of
- 7 an examination given by the board of barber examiners,
- 8 license to practice barbering under a reciprocal
- 9 agreement, renewal of a license to practice barbering,
- 10 ~~annual inspection by the department of inspections and~~
- 11 ~~appeals of barber school and annual inspection of~~
- 12 ~~barber shop,~~ an original barber school license,
- 13 renewal of a barber school license, transfer of
- 14 license upon change of ownership of a barber shop or
- 15 barber school, ~~inspection by the department of~~
- 16 ~~inspections and appeals and~~ an original barber shop
- 17 license, renewal of a barber shop license, original
- 18 barber school instructor's license, renewal of a
- 19 barber school instructor's license, original barber
- 20 assistant's license, renewal of a barber assistant's
- 21 license."
- 22 2. By renumbering as necessary.

PATRICK J. DELUHERY  
SHELDON RITTMER

S-5059

- 1 Amend Senate File 2213 as follows:
- 2 1. Page 1, line 5, by inserting after the figure
- 3 "479.49" the following: "unless otherwise agreed to
- 4 in writing by the landowner and the pipeline company".
- 5 2. Page 1, line 19, by striking the words "the
- 6 pipeline company" and inserting the following: "any
- 7 combination of the pipeline company, the landowner,".
- 8 3. Page 1, line 31, by inserting after the figure
- 9 "479A.28" the following: "unless otherwise agreed to
- 10 in writing by the landowner and the pipeline company".
- 11 4. Page 2, line 11, by striking the words "the
- 12 pipeline company" and inserting the following: "any

13 combination of the pipeline company, the landowner,".  
14 5. Page 2, line 23, by inserting after the figure  
15 "479B.33" the following: "unless otherwise agreed to  
16 in writing by the landowner and the pipeline company".  
17 6. Page 3, line 3, by striking the words "the  
18 pipeline company" and inserting the following: "any  
19 combination of the pipeline company, the landowner,".

STEVE KING

S-5060

1 Amend Senate File 2375 as follows:  
2 1. Page 1, by inserting before line 30 the  
3 following:  
4 "e. A worker in the performance of the worker's  
5 duties."

STEVE KING  
KITTY REHBERG

S-5061

1 Amend Senate File 2315 as follows:  
2 1. Page 2, by striking lines 4 through 10 and  
3 inserting the following: "unexpired months of the  
4 registration year. A manufacturer applying for a  
5 certificate of title pursuant to section 322G.12 shall  
6 pay a title fee of two dollars. However, ~~no~~ a title  
7 fee shall not be charged to a mobile home dealer  
8 applying for a certificate of title for a used mobile  
9 home or manufactured housing, titled in Iowa, as  
10 required under section 321.45, subsection 4. The  
11 county".  
12 2. Page 4, by inserting after line 14 the  
13 following:  
14 "Sec. \_\_\_\_ EFFECTIVE DATE. This Act takes effect  
15 January 1, 2001."  
16 3. Title page, line 1, by striking the word  
17 "and".  
18 4. Title page, line 2, by inserting after the  
19 word "applicable" the following: ", and providing an  
20 effective date".  
21 5. By renumbering as necessary.

RICHARD F. DRAKE

S-5062

1 Amend Senate File 2302 as follows:  
2 1. Page 5, by inserting after line 2, the  
3 following:

"Sec. \_\_\_\_\_. Section 144.36, subsection 4, Code Supplement 1999, is amended to read as follows:  
4. The county registrar shall record and forward to the state registrar on or before the tenth day of each calendar month the original certificates of marriages filed with the county registrar during the preceding calendar month and the fees collected by the county registrar on behalf of the state for applications for a license to marry in accordance with section 331.605, subsection 6, and for certified copies of the original certificates of marriage to be issued by the state registrar pursuant to section 595.16A."

2. Page 9, by inserting after line 6, the following:

"Sec. \_\_\_\_\_. Section 331.605, Code Supplement 1999, is amended by adding the following new subsection:  
NEW SUBSECTION. 6A. A state fee of four dollars for a copy of the original certificate of marriage issued to the parties to a marriage by the state registrar pursuant to section 595.16A.

Sec. \_\_\_\_\_. NEW SECTION. 595.4A CERTIFIED COPY OF ORIGINAL CERTIFICATE OF MARRIAGE.

In addition to any other fees paid by the parties at the time of application for a license to marry, the parties shall also pay a state fee of four dollars, pursuant to section 331.605, for a certified copy of the original certificate of marriage to be issued to the parties by the state registrar pursuant to section 595.16A."

3. Page 9, by inserting after line 15, the following:

"Sec. \_\_\_\_\_. NEW SECTION. 595.16A. ISSUANCE OF CERTIFIED COPY OF CERTIFICATE OF MARRIAGE.

Following receipt of the original certificate of marriage from the county registrar pursuant to section 144.36, the state registrar shall issue a certified copy of the original certificate of marriage to the parties to the marriage, if the fee prescribed pursuant to section 331.605 for such a certified copy is paid to the county registrar at the time of application for a license to marry pursuant to section 595.4A."

4. By renumbering as necessary.

MAGGIE TINSMAN

S-5063

1 Amend Senate File 2314 as follows:

2 1. Page 7, by striking lines 6 and 7, and  
3 inserting the following: "that a randomized audit of

- 4 at least ten percent of the persons enrolled in any
- 5 elementary or secondary school have been immunized as
- 6 required in this section subject".

PATRICIA HARPER

S-5064

- 1 Amend Senate Joint Resolution 2003 as follows:
- 2 1. Page 1, by striking line 1, and inserting the
- 3 following:
- 4 "Section 1. The following amendment to the
- 5 Constitution of the state of Iowa is proposed:
- 6 Article VII of the Constitution of the State of".

TOM FLYNN

S-5065

- 1 Amend Senate File 2314 as follows:
- 2 1. Page 4, by striking lines 18 through 24.
- 3 2. Page 16, by striking lines 25 through 33, and
- 4 inserting the following:
- 5 "2. Notwithstanding subsection 1, an individual
- 6 who repeatedly fails to file any mandatory report
- 7 specified in this chapter is subject to a report being
- 8 made to the licensing board governing the professional
- 9 activities of the individual. The department shall
- 10 notify the individual each time that the department
- 11 determines that the individual has failed to file a
- 12 required report. The department shall inform the
- 13 individual in the notification that the individual may
- 14 provide information to the department to explain or
- 15 dispute the failure to report.
- 16 3. Notwithstanding subsection 1, a public, private
- 17 or hospital clinical laboratory that repeatedly fails
- 18 to file a mandatory report specified in this chapter
- 19 is subject to a civil penalty of not more than one
- 20 thousand dollars per occurrence. The department shall
- 21 not impose the penalty under this subsection without
- 22 prior written notice and opportunity for hearing."
- 23 3. Page 21, by striking line 7, and inserting the
- 24 following:
- 25 "A person who knowingly makes a false statement in
- 26 any of the reports required by".
- 27 4. Page 21, line 24, by striking the word
- 28 "subsection" and inserting the following:
- 29 "subsections".
- 30 5. Page 21, by striking lines 25 through 31, and
- 31 inserting the following:
- 32 "NEW SUBSECTION. 7. An individual who repeatedly
- 33 fails to file the report required under this section

34 is subject to a report being made to the licensing  
35 board governing the professional activities of the  
36 individual. The department shall notify the  
37 individual each time the department determines that  
38 the individual has failed to file a required report.  
39 The department shall inform the individual in the  
40 notification that the individual may provide  
41 information to the department to explain or dispute  
42 the failure to report.  
43 NEW SUBSECTION. 8. A public, private or hospital  
44 clinical laboratory that repeatedly fails to make the  
45 report required under this section is subject to a  
46 civil penalty of not more than one thousand dollars  
47 per occurrence. The department shall not impose the  
48 penalty under this subsection without prior written  
49 notice and opportunity for hearing."  
50 6. By renumbering as necessary.

JOHN REDWINE

S-5066

1 Amend Senate File 2315 as follows:  
2 1. Page 2, by striking lines 4 through 10 and  
3 inserting the following: "unexpired months of the  
4 registration year. A manufacturer applying for a  
5 certificate of title pursuant to section 322G.12 shall  
6 pay a title fee of two dollars. However, ~~no~~ a title  
7 fee shall not be charged to a mobile home dealer  
8 applying for a certificate of title for a used mobile  
9 home or manufactured housing, titled in Iowa, as  
10 required under section 321.45, subsection 4. The  
11 county".  
12 2. Page 3, line 5, by striking the words "and  
13 title".  
14 3. Page 4, by inserting after line 14 the  
15 following:  
16 "Sec. \_\_\_\_ EFFECTIVE DATE. This Act takes effect  
17 January 1, 2001."  
18 4. Title page, line 1, by striking the word  
19 "and".  
20 5. Title page, line 2, by inserting after the  
21 word "applicable" the following: ", and providing an  
22 effective date".  
23 6. By renumbering as necessary.

RICHARD F. DRAKE

S-5067

1 Amend Senate File 2336 as follows:  
2 1. Page 12, by inserting after line 14 the

3 following:

4 "DIVISION \_\_\_\_  
5 MANAGED HEALTH CARE  
6 Sec. \_\_\_\_ NEW SECTION. 514L.1 LIABILITY OF A  
7 MANAGED CARE HEALTH PLAN OR HEALTH MAINTENANCE  
8 ORGANIZATION.

9 1. For purposes of this section, unless the  
10 context otherwise requires:

11 a. "Managed care health plan" means a health  
12 benefit plan that selects and contracts with health  
13 care providers; manages and coordinates health care  
14 delivery; monitors necessity, appropriateness, and  
15 quality of health care delivered by health care  
16 providers; and performs utilization review and cost  
17 control.

18 b. "Health maintenance organization" means a  
19 health maintenance organization as defined in section  
20 514B.1, subsection 6.

21 2. a. A managed care health plan or health  
22 maintenance organization shall exercise ordinary care  
23 when making health care treatment decisions and is  
24 liable for damages for harm to an insured or enrollee  
25 proximately caused by its failure to exercise ordinary  
26 care. An insured or enrollee may bring an action  
27 against a managed care health plan or health  
28 maintenance organization for a breach of the duty to  
29 exercise ordinary care.

30 For purposes of this section, a managed care health  
31 plan or health maintenance organization includes an  
32 employee, agent, or other person acting on behalf of  
33 the managed care health plan or health maintenance  
34 organization.

35 b. In any action brought under this section  
36 against a managed care health plan or health  
37 maintenance organization, the managed care health plan  
38 or health maintenance organization may assert as a  
39 defense either of the following:

40 (1) The managed care health plan or health  
41 maintenance organization did not control, influence,  
42 or participate in the health care treatment decision.

43 (2) The managed care health plan or health  
44 maintenance organization did not deny or delay payment  
45 for any treatment prescribed or recommended by a  
46 health care provider.

47 c. This section does not create a duty on the part  
48 of the managed care health plan or health maintenance  
49 organization to provide treatment which is not covered  
50 by the health care plan of the managed care health

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1 plan or health maintenance organization.  
2 d. In an action against a managed care health plan  
3 or health maintenance organization, a finding that a  
4 physician or other health care provider is an  
5 employee, agent, or representative of such managed  
6 care health plan or health maintenance organization  
7 shall not be based solely on proof that such person's  
8 name appears in a listing of approved health care  
9 providers made available to insureds or enrollees."

JOHNIE HAMMOND

HOUSE AMENDMENT TO  
SENATE FILE 2248

S-5068

1 Amend Senate File 2248, as passed by the Senate, as  
2 follows:

3 1. Page 3, by inserting after line 26 the  
4 following:

5 "Sec. \_\_\_\_ Section 261.19B, Code 1999, is amended  
6 to read as follows:

7 261.19B ~~OSTEOPATHIC LOAN~~ PHYSICIAN RECRUITMENT  
8 REVOLVING FUND.

9 An osteopathic ~~loan~~ physician recruitment revolving  
10 fund is created in the state treasury as a separate  
11 fund under the control of the commission. The  
12 commission shall deposit payments made by osteopathic  
13 ~~loan~~ physician recruitment recipients and the proceeds  
14 from the sale of osteopathic loans into the  
15 osteopathic loan revolving fund. Moneys credited to  
16 the fund shall be used to supplement moneys  
17 appropriated for the osteopathic ~~for forgivable loan~~  
18 physician recruitment program, for loan forgiveness to  
19 eligible physicians and to pay for loan or interest  
20 repayment defaults by eligible physicians.  
21 Notwithstanding section 8.33, any balance in the fund  
22 on June 30 of any fiscal year shall not revert to the  
23 general fund of the state."

24 2. Page 4, by inserting after line 9 the  
25 following:

26 "Sec. \_\_\_\_ Section 261.86, subsection 2, Code  
27 Supplement 1999, is amended to read as follows:

28 2. ~~The amount of educational~~ Educational  
29 ~~assistance received by a national guard member paid~~  
30 ~~pursuant to this section shall be determined by the~~  
31 ~~adjutant general and shall not exceed the resident~~  
32 ~~tuition rate established for institutions of higher~~  
33 ~~learning under the control of the state board of~~



34 regents. If the amount appropriated in a fiscal year  
 35 for purposes of this section is insufficient to  
 36 provide educational assistance to all national guard  
 37 members who apply for the program and who are  
 38 determined by the adjutant general to be eligible for  
 39 the program, the adjutant general shall, in  
 40 coordination with the commission, determine the ~~amount~~  
 41 distribution of educational assistance ~~each eligible~~  
 42 guard member shall receive. However, educational  
 43 assistance paid ~~to an eligible national guard member~~  
 44 pursuant to this section shall not be less than ~~an~~  
 45 amount equal to fifty percent of the resident tuition  
 46 rate established for institutions of higher learning  
 47 under the control of the state board of regents or  
 48 fifty percent of the tuition rate at the institution  
 49 attended by the national guard member, whichever is  
 50 lower. ~~The adjutant general shall not determine~~

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1 ~~Neither eligibility nor educational assistance amounts~~  
 2 determinations shall be based upon a national guard  
 3 member's unit, the location at which drills are  
 4 attended, or whether the eligible individual is a  
 5 member of the Iowa army or air national guard."  
 6 3. Page 4, by inserting after line 15 the  
 7 following:  
 8 "Sec. \_\_\_\_ Section 261B.3A, Code 1999, is amended  
 9 to read as follows:  
 10 261B.3A REQUIREMENT.  
 11 ~~A In order to register, a school offering courses~~  
 12 ~~or programs of study leading to a degree in the state~~  
 13 ~~of Iowa shall be accredited by an agency or~~  
 14 ~~organization approved or recognized by the United~~  
 15 ~~States department of education or a successor agency~~  
 16 ~~and be approved for operation by the appropriate state~~  
 17 ~~agencies in all other states in which it operates or~~  
 18 ~~maintains a presence college student aid commission.~~  
 19 Sec. \_\_\_\_ Section 261B.4, subsection 9, Code 1999,  
 20 is amended to read as follows:  
 21 9. ~~Whether The name of the school is accredit~~  
 22 ~~any~~ accrediting agency recognized by the United States  
 23 department of education or a successor agency ~~and, if~~  
 24 ~~so, the name of the accreditation body which has~~  
 25 accredited the school and the status under which  
 26 accreditation is held.  
 27 Sec. \_\_\_\_ Section 261B.9, subsection 6, Code 1999,  
 28 is amended to read as follows:  
 29 6. ~~Whether The name of the school is accredit~~  
 30 ~~an~~ accrediting agency recognized by the United States  
 31 department of education or its successor agency which  
 32 has accredited the school.

33 Sec. \_\_\_\_ TRANSFER OF OSTEOPATHIC FORGIVABLE LOAN  
34 REVOLVING FUND MONEYS BY TREASURER. On the effective  
35 date of this Act, the treasurer of state shall  
36 transfer any balance in the osteopathic forgivable  
37 loan program to the osteopathic physician recruitment  
38 revolving fund established pursuant to section 13 of  
39 this Act."  
40 4. By renumbering as necessary.

S-5069

1 Amend Senate File 2411 as follows:  
2 1. Page 40, by inserting after line 2 the  
3 following:  
4 "Sec. \_\_\_\_ Section 97B.52, Code 1999, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 1A. a. If the department  
7 determines, upon the receipt of evidence and proof,  
8 that the death of a member in special service was the  
9 direct and proximate result of a traumatic personal  
10 injury incurred in the line of duty as a member in  
11 special service, a line of duty death benefit in an  
12 amount of one hundred thousand dollars shall be paid  
13 in a lump sum to the special service member's  
14 beneficiary. A line of duty death benefit payable  
15 under this subsection shall be in addition to any  
16 death benefit payable as provided in subsection 1.  
17 b. A line of duty death benefit shall not be  
18 payable under this subsection if any of the following  
19 applies:  
20 (1) The death resulted from stress, strain,  
21 occupational illness, or a chronic, progressive, or  
22 congenital illness, including, but not limited to, a  
23 disease of the heart, lungs, or respiratory system,  
24 unless a traumatic personal injury was a substantial  
25 contributing factor to the special service member's  
26 death.  
27 (2) The death was caused by the intentional  
28 misconduct of the special service member or by the  
29 special service member's intent to cause the special  
30 service member's own death.  
31 (3) The special service member was voluntarily  
32 intoxicated at the time of death.  
33 (4) The special service member was performing the  
34 special service member's duties in a grossly negligent  
35 manner at the time of death.  
36 (5) An individual who would otherwise be entitled  
37 to a benefit under this subsection was, through the  
38 individual's actions, a substantial contributing  
39 factor to the special service member's death."  
40 2. Page 40, by inserting after line 13 the  
41 following:

42 "Sec. \_\_\_\_ Section 97B.52, subsection 3, paragraph  
43 a, Code 1999, is amended to read as follows:  
44 a. Other than as provided in subsections 1, 1A,  
45 and 2 of this section, or section 97B.51, all rights  
46 to any benefits under the retirement system shall  
47 cease upon the death of a member."  
48 3. Page 43, by striking lines 20 and 21 and  
49 inserting the following: "allowance and prior to the  
50 receipt of any such refund, the benefits of authorized

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1 by subsection 1 and subsection 1A of section 97B.52  
2 shall be paid."  
3 4. By renumbering as necessary.

RICHARD F. DRAKE  
SHELDON RITTMER  
JOHN P. KIBBIE  
MICHAEL W. CONNOLLY

S-5070

1 Amend Senate File 2267 as follows:  
2 1. Page 1, by striking line 21 and inserting the  
3 following: "administers a valid and reliable  
4 assessment of student progress, who".  
5 2. Page 1, line 23, by striking the word "test"  
6 and inserting the following: "assessment".  
7 3. Page 1, by striking lines 26 through 30 and  
8 inserting the following: "The board of directors of  
9 each school district shall enter into a compact with  
10 the parents and guardians of the students enrolled in  
11 the district by adopting a school promotion policy  
12 that facilitates collaborations among teachers,  
13 parents and guardians of the students, and the school  
14 district to support student reading and mathematics  
15 proficiency. By the first day of school, the school  
16 district".  
17 4. Page 2, lines 2 and 3, by striking the words  
18 "standardized basic educational skills test" and  
19 inserting the following: "valid and reliable  
20 assessment of student progress".  
21 5. Page 2, line 4, by striking the word "test"  
22 and inserting the following: "assessment".  
23 6. Page 2, by striking lines 12 and 13 and  
24 inserting the following:  
25 "3. A parent or".  
26 7. Page 2, lines 16 and 17, by striking the words  
27 "standardized basic educational skills test" and  
28 inserting the following: "valid and reliable  
29 assessment of student progress".

- 30 8. Page 2, by striking lines 21 through 23 and  
31 inserting the following: "shall".
- 32 9. Page 3, line 17, by striking the words  
33 "standardized basic educational skills test" and  
34 inserting the following: "valid and reliable  
35 assessment of student progress".
- 36 10. Page 4, by inserting after line 22 the  
37 following:  
38 "10. A valid and reliable assessment, for purposes  
39 of this section, shall not be limited to a  
40 commercially developed measurement."
- 41 11. Title page, by striking line 2 and inserting  
42 the following: "enter into a compact with parents and  
43 guardians by adopting a school promotion".

JEFF ANGELO

S-5071

- 1 Amend Senate File 2371 as follows:
- 2 1. By striking everything after the enacting  
3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 466.1 SHORT TITLE.
- 5 This chapter shall be known and may be cited as  
6 "Initiative on Improving Our Watershed Attributes (I  
7 on IOWA)".
- 8 Sec. 2. NEW SECTION. 466.2 LEGISLATIVE GOAL.
- 9 The goal of this chapter is to develop a  
10 comprehensive water quality program that will result  
11 in water quality improvements while reducing proposed  
12 regulatory impacts. The program shall use  
13 information, education, monitoring, technical  
14 assistance, data gathering and evaluation, incentives,  
15 and more efficient issuance of permits. The program  
16 is expected to have a menu of initiatives and  
17 approaches to appeal to a broad audience of  
18 participants and shall be coordinated so that  
19 individual initiatives work toward the objective of  
20 improved water quality. The departments of  
21 agriculture and land stewardship and natural resources  
22 shall work cooperatively with federal agencies to  
23 obtain waivers and changes in rules and procedures at  
24 national and state levels to improve the federal  
25 programs' environmental and economic performance for  
26 Iowans. State agencies shall collaborate with other  
27 state agencies to attain the overall goal of water  
28 quality.
- 29 Sec. 3. NEW SECTION. 466.3 CONSERVATION BUFFER  
30 STRIP PROGRAM.
- 31 1. As used in this section, "conservation buffer  
32 strip" means a riparian buffer, filter strip,  
33 waterway, contour buffer strip, shallow water area for

34 wildlife, field border, or any vegetative barrier on  
35 private land that meets the criteria established by  
36 the United States department of agriculture, natural  
37 resources conservation service.

38 2. a. The department of agriculture and land  
39 stewardship, in consultation with the department of  
40 natural resources, shall establish a program to  
41 accelerate the United States department of  
42 agriculture's program to install conservation buffer  
43 strips in this state.

44 b. The department of agriculture and land  
45 stewardship shall request waivers from the United  
46 States department of agriculture to initiate pilot  
47 projects that reward landowners maintaining current  
48 conservation practices. The goal of the pilot  
49 projects is to discourage the destruction of existing  
50 conservation buffer strips and to monetarily reward

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1 landowners who maintain quality conservation  
2 practices. If the waivers are granted, up to twenty-  
3 five percent of the program resources shall be  
4 committed to establishing pilot projects.

5 c. The department of agriculture and land  
6 stewardship shall request a waiver from the United  
7 States department of agriculture for the purpose of  
8 establishing that a person who is subject to a twenty-  
9 five percent reduction in conservation buffer strip  
10 payments due to grazing, shall be allowed ninety days  
11 to graze animals.

12 d. The department of natural resources shall  
13 establish a prairie seed harvest program to assist in  
14 the restoration of prairies and provide for private  
15 land stewardship and public resource management  
16 through assistance with the implementation of buffer  
17 and filter strip practices, and public or private  
18 habitat development and management. The department  
19 shall carry out these efforts through landowner  
20 contacts and cooperation with private and public  
21 organizations.

22 e. The five-year goal of the conservation buffer  
23 strip program shall be to meet the objective of water  
24 quality improvement by enrolling an additional four  
25 hundred seven thousand five hundred acres.

26 Sec. 4. **NEW SECTION.** 466.4 CONSERVATION RESERVE  
27 ENHANCED PROGRAM.

28 1. A conservation reserve enhanced program is  
29 established within the department of agriculture and  
30 land stewardship to restore or construct wetlands for  
31 the purposes of intercepting tile line runoff,  
32 reducing nutrient loss, improving water quality, and

33 enhancing agricultural production practices. The  
34 program shall be directed primarily, but not  
35 exclusively, toward the tile-drained areas of the  
36 state.  
37 2. The department of agriculture and land  
38 stewardship shall request the assistance of and  
39 consult with the United States department of  
40 agriculture natural resources conservation service and  
41 farm service agency to implement the conservation  
42 reserve enhanced program. The department shall also  
43 consult with county boards of supervisors, county  
44 conservation boards, drainage district  
45 representatives, department of natural resources, and  
46 soil and water conservation districts affected by the  
47 implementation of the conservation reserve enhanced  
48 program.  
49 3. The department of agriculture and land  
50 stewardship shall maintain a record of all wetlands

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1 established pursuant to the conservation reserve  
2 enhanced program including any conditions that may  
3 apply to the landowner's right to remove the wetland  
4 after the provisions of the conservation reserve  
5 enhanced program contract or easement is concluded.  
6 4. When establishing a wetland under this  
7 subsection, the department of agriculture and land  
8 stewardship shall be governed by the following  
9 requirements:  
10 a. Wetland construction or restoration shall not  
11 damage the value of property in any public or private  
12 drainage system without the property owner's consent.  
13 b. Wetland construction or restoration shall  
14 improve water quality and provide aesthetic and  
15 habitat benefits.  
16 c. Wetland construction or restoration under this  
17 section may be used to mitigate wetland removal by the  
18 landowner if it meets the requirements of federal  
19 agencies with wetland jurisdictional authorities.  
20 Where practical, priority shall be given to mitigating  
21 wetland removal within the same United States  
22 geological survey hydrologic unit code 8 watershed,  
23 but a watershed confines shall not limit the use of  
24 duly authorized wetland mitigation banks.  
25 5. The five-year goal of the conservation reserve  
26 enhanced program is the establishment of thirty-two  
27 thousand five hundred acres of wetlands.  
28 Sec. 5. NEW SECTION. 466.5 WATER QUALITY  
29 MONITORING.  
30 The department of natural resources shall operate  
31 water quality monitoring stations for the purpose of

32 gathering information and data to establish benchmarks  
33 for water quality in this state.

34 Sec. 6. NEW SECTION. 466.6 WATER QUALITY  
35 PROTECTION PROGRAM.

36 1. Conditioned on an appropriation for this  
37 purpose, the department of agriculture and land  
38 stewardship shall implement, in conjunction with the  
39 federal government and other entities, a program that  
40 provides multiobjective resource protections for flood  
41 control, water quality, erosion control, and natural  
42 resource conservation.

43 2. Conditioned on an appropriation for this  
44 purpose, the department of agriculture and land  
45 stewardship shall implement a statewide, voluntary  
46 farm management demonstration program to demonstrate  
47 the effectiveness and adaptability of emerging  
48 practices in agronomy that protect water resources and  
49 provide other environmental benefits. The  
50 demonstration program shall be designed to concentrate

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1 on management techniques in both the livestock and  
2 crop genre and shall be offered to farm operators  
3 through an educational setting and demonstration  
4 projects. The demonstration program shall be offered  
5 in conjunction with the community colleges, Iowa state  
6 university, and private farmer demonstrations.  
7 Continuing education units shall be offered. The  
8 educational program shall be offered at no cost to  
9 farm operators who file a schedule F with the Internal  
10 Revenue Service and do not have permitted livestock  
11 facilities or are certified under a manure management  
12 plan.

13 3. Conditioned upon an appropriation for this  
14 purpose and private funding, the department of  
15 agriculture and land stewardship shall provide  
16 financial assistance for the establishment of  
17 permanent soil and water conservation practices.

18 4. Conditioned upon an appropriation and matching  
19 federal funds for this purpose, the department of  
20 natural resources shall establish a program to assist  
21 homeowners residing outside the boundaries of a city  
22 with improving on-site wastewater systems. The  
23 department shall adopt rules to administer the on-site  
24 wastewater system program. At a minimum, the rules  
25 shall determine criteria for enrollment into the  
26 program, identify methods and tools available for  
27 making and securing loans, establish limits for loan  
28 amounts and terms, and provide assistance to county  
29 environmental health officials to inspect on-site  
30 systems. The department of natural resources shall

31 report to the general assembly on the progress of the  
32 on-site wastewater system program.

33 5. Conditioned upon an appropriation for this  
34 purpose, the department of natural resources shall  
35 provide local watershed managers with geographic  
36 information system data for their use in developing,  
37 monitoring, and displaying results of their watershed  
38 work. The local watershed data shall be considered  
39 public records and are accessible to the public  
40 pursuant to chapter 22.

41 6. Conditioned upon an appropriation for this  
42 purpose, the department of natural resources shall  
43 develop a program that provides support to local  
44 volunteer management efforts to the different programs  
45 concerned with water quality. The department shall  
46 assist in coordinating and tracking of the volunteer  
47 component of these programs to increase efficiency and  
48 avoid duplication of efforts in water quality  
49 monitoring and watershed improvement.

50 7. Conditioned upon an appropriation for this

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1 purpose, the department of natural resources shall  
2 provide for activities supporting the analysis of  
3 water quality monitoring data for trends, eco-region-  
4 based biological standards, and for the preparation  
5 and presentation of data to the public.

6 8. Conditioned upon an appropriation for this  
7 purpose, the department of natural resources shall  
8 contract to assist its staff with the review of  
9 national pollutant discharge elimination system  
10 permits.

11 9. Conditioned upon an appropriation for this  
12 purpose, the department of natural resources shall  
13 expand the floodplain protection education to better  
14 inform local officials that make decisions with regard  
15 to floodplain management.

16 10. Conditioned upon an appropriation for this  
17 purpose, the department of natural resources shall  
18 continue the establishment of an effective and  
19 efficient method of developing a total maximum daily  
20 load program, based on information gathered on other  
21 states' programs and investigation into alternative  
22 methods for satisfying the requirements.

23 Sec. 7. Section 455B.171, Code 1999, is amended by  
24 adding the following new subsections:  
25 NEW SUBSECTION. 10A. "Credible data" means  
26 scientifically valid chemical, physical, or biological  
27 monitoring data collected under a scientifically  
28 accepted sampling and analysis plan, including quality  
29 control and quality assurance procedures. Credible



30 data shall be dated within five years before the  
31 department's date of listing or other determination  
32 under section 455B.194, subsection 1.  
33 NEW SUBSECTION. 14A. "Historical data" means data  
34 collected more than five years before the department's  
35 date of listing or other determination under section  
36 455B.194, subsection 1.  
37 NEW SUBSECTION. 19A. "Naturally occurring  
38 condition" means any condition affecting water quality  
39 which is not caused by human influence on the  
40 environment including, but not limited to, soils,  
41 geology, hydrology, climate, wildlife influence on the  
42 environment, and water flow with specific  
43 consideration given to seasonal and other natural  
44 variations.  
45 NEW SUBSECTION. 31A. "Section 303(d) list" means  
46 any list required under 33 U.S.C. } 1313(d).  
47 NEW SUBSECTION. 31B. "Section 305(b) list" means  
48 any report or list required under 33 U.S.C. } 1315(b).  
49 NEW SUBSECTION. 39A. "Total maximum daily load"  
50 means the same as in the federal Water Pollution

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1 Control Act.  
2 Sec. 8. NEW SECTION. 455B.193 QUALIFICATIONS FOR  
3 COLLECTION OF CREDIBLE DATA.  
4 For purposes of this part, all of the following  
5 shall apply:  
6 1. Data is not credible data unless the data  
7 originates from studies and samples collected by the  
8 department, a professional designee of the department,  
9 or a qualified volunteer. For purposes of this  
10 subsection, "professional designee" includes  
11 governmental agencies other than the department, and a  
12 person hired by, or under contract for compensation  
13 with, the department to collect or study data.  
14 2. All information submitted by a qualified  
15 volunteer shall be reviewed by the department. The  
16 qualified volunteer shall submit a plan with data  
17 which includes information used to obtain the data,  
18 the sampling and analysis plan, and quality control  
19 and quality assurance procedures used in the  
20 monitoring process. The qualified volunteer must  
21 provide proof to the department that the water  
22 monitoring plan was followed. The department shall  
23 review all data collected by a qualified volunteer,  
24 verify the accuracy of the data collected by a  
25 qualified volunteer, and determine that all components  
26 of the water monitoring plan were followed.  
27 3. The department shall adopt rules establishing  
28 requirements for a person to become a qualified

29 volunteer.

30 The department of natural resources shall develop a  
31 methodology for water quality assessments as used in  
32 the section 303(d) listings and assess the validity of  
33 the data.

34 Sec. 9. NEW SECTION. 455B.194 CREDIBLE DATA  
35 REQUIRED.

36 1. The department shall use credible data to a  
37 reasonable certainty when doing any of the following:

38 a. Developing and reviewing any water quality  
39 standard.

40 b. Developing any statewide water quality  
41 inventory or other water assessment report except that  
42 credible data shall not be required for any section  
43 305(b) list.

44 c. Determining whether any water of the state is  
45 impaired.

46 d. Determining whether any water of the state is  
47 to be placed on any section 303(d) list.

48 e. Determining whether any water of the state  
49 shall be removed from any section 303(d) list.

50 f. Determining whether any water of the state is

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1 supporting its designated use or other classification.

2 g. Determining any degradation of a water of the  
3 state under 40 C.F.R. } 131.12.

4 h. Establishing a total maximum daily load for any  
5 water of the state.

6 2. Notwithstanding subsection 1, credible data  
7 shall not be required for any section 305(b) report  
8 and credible data shall not be required for the  
9 establishment of a designated use or other  
10 classification of a water of the state.

11 3. The use of credible data shall be consistent  
12 with the requirements of the federal Water Pollution  
13 Control Act, 33 U.S.C. } 1251 et seq.

14 4. The department shall retain all information  
15 submitted by a qualified volunteer including the  
16 identity of the qualified volunteer submitting the  
17 information, for a period of not less than ten years  
18 from the date of receipt by the department. All  
19 information submitted shall be a public record.

20 Sec. 10. NEW SECTION. 455B.195 USE OR ANALYSIS  
21 OF CREDIBLE DATA.

22 1. For any use or analysis of credible data  
23 described in section 455B.194, subsection 1, all of  
24 the following shall apply:

25 a. The data quality for removal of water of the  
26 state from any list of impaired waters including any  
27 section 303(d) list shall be the same as the data

28 quality for adding a water to that list.  
29 Notwithstanding section 455B.194, subsection 1, for a  
30 water of the state placed on any section 303(d) list,  
31 credible data on the water of the state must be  
32 obtained in order for the water of the state to remain  
33 on the list for the next listing cycle.  
34 b. A water of the state shall not be placed on any  
35 section 303(d) list if pollutant loads from a  
36 naturally occurring condition alone is sufficient to  
37 cause an applicable surface water quality standard to  
38 be exceeded.  
39 c. A water of the state shall not be placed on any  
40 section 303(d) list if the impairment is caused solely  
41 by violations of national pollutant discharge  
42 elimination system program permits and the enforcement  
43 of the pollution control measures is required.  
44 d. A water of the state shall not be placed on any  
45 section 303(d) list if the data shows an impairment,  
46 but technology-based effluent limits or other required  
47 pollution control measures are adequate to achieve  
48 applicable water quality standards.  
49 e. If a pollutant causing an impairment is  
50 unknown, the water of the state may be placed on a

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1 section 303(d) list. However, the department shall  
2 continue to monitor the water of the state to  
3 determine the cause of impairment before a total  
4 maximum daily load is established for the water of the  
5 state and a water of the state listed with an unknown  
6 status shall retain a low priority for a total maximum  
7 daily load development until the cause of the  
8 impairment is determined.  
9 f. When evaluating the waters of the state, the  
10 department shall develop and maintain three separate  
11 listings including a section 303(b) list, a section  
12 305(d) list, and a listing for which further  
13 monitoring is necessary. The section 305(b) list  
14 shall be a cumulative listing of all potential  
15 impairments for which credible data is not required.  
16 If credible data is not required for a section 305(b)  
17 list, the placement of a water of the state on any  
18 section 305(b) list alone is not sufficient evidence  
19 for the water of the state's placement on any section  
20 303(d) list. A listing for which further monitoring  
21 is necessary shall include waters of the state where  
22 some data suggests an impairment, but which requires  
23 further investigation to meet the definition of  
24 credible data.  
25 g. A water of the state shall not be placed on any  
26 section 303(d) list unless data quality objectives, as

27 specified in the appropriate quality assurance plan,  
28 are met. Data quality objectives mean the qualitative  
29 and quantitative statements derived from the data  
30 quality objective process that clarify a study's  
31 technical and quality objectives, define the  
32 appropriate type of data, and specify tolerable levels  
33 of potential decision errors that will be used as the  
34 basis for establishing the quality and quantity of  
35 data needed to support decisions.  
36 h. The department shall take into consideration  
37 any naturally occurring condition when establishing or  
38 allocating responsibility for a total maximum daily  
39 load.  
40 i. Numerical standards shall have a preference  
41 over narrative standards. If the department has  
42 adopted a rule establishing a numerical criterion for  
43 a particular pollutant, a narrative criterion shall  
44 not be the basis for determining an impairment in  
45 connection with that pollutant unless the department  
46 identifies specific factors as to why the numerical  
47 criterion is not adequate to protect water quality.  
48 j. If the department has obtained credible data  
49 for a water of the state, the department may also use  
50 historical data for that particular water of the state

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1 for the purpose of determining whether any trends  
2 exist for that water of the state.  
3 2. This section shall not be construed to require  
4 or authorize the department to perform any act listed  
5 in section 455B.194, subsection 1, not otherwise  
6 required or authorized by applicable law.  
7 Sec. 11. APPLICABILITY OF SECTION 303(d) LISTS.  
8 This Act takes effect July 1, 2000. However, any  
9 requirements under this Act which apply to a section  
10 303(d) list shall not apply for the section 303(d)  
11 list for the year 2000, but any requirements shall  
12 take effect for all section 303(d) lists created after  
13 the year 2000 list."

MERLIN E. BARTZ  
E. THURMAN GASKILL  
JOHN P. KIBBIE  
JOE BOLKCOM  
BILL FINK  
STEVE KING

S-5072

1 Amend House File 2136, as amended, passed, and  
2 reprinted by the House, as follows:

- 3 1. Page 2, by striking lines 25 through 34.
- 4 2. Page 6, line 3, by striking the words "and
- 5 ~~the~~" and inserting the following: "and the".
- 6 3. Page 6, line 16, by striking the words
- 7 "medicine, ~~the~~" and inserting the following:
- 8 "medicine, the".
- 9 4. Page 24, line 26, by striking the figure
- 10 "458.22" and inserting the following: "458A.22".
- 11 5. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
ANDY McKEAN, Chairperson

S-5073

- 1 Amend the amendment, S-5071, to Senate file 2371 as
- 2 follows:
- 3 1. Page 4, line 32, by inserting after the word
- 4 "program." the following: "Notwithstanding section
- 5 8.33, unencumbered or unobligated funds remaining from
- 6 the funds appropriated for this subsection shall not
- 7 revert and shall be available for expenditure during
- 8 subsequent fiscal years."

MERLIN E. BARTZ

S-5074

- 1 Amend the amendment, S-5071, to Senate File 2371 as
- 2 follows:
- 3 1. Page 5, by inserting after line 15 the
- 4 following:
- 5 "\_\_\_\_. The state department of transportation and
- 6 the department of natural resources shall collaborate
- 7 on public transportation programs to provide for the
- 8 preservation of topsoil, erosion control, water
- 9 impoundment during highway construction and
- 10 reconstruction, and restoration and management of
- 11 roadside right-of-way for prairie restoration,
- 12 wildlife habitat, and erosion control."

DAVID MILLER

S-5075

- 1 Amend the amendment, S-5071, to Senate File 2371 as
- 2 follows:
- 3 1. Page 2, line 18, by inserting after the word
- 4 "management." the following: "The department shall
- 5 also collaborate with other public agencies and

- 6 private organizations to develop wetland habitat and  
7 related projects to improve water quality."

DAVID MILLER

S-5076

- 1 Amend Senate File 2221 as follows:  
2 1. Page 2, by inserting after line 7 the  
3 following:  
4 "Sec. \_\_\_\_ JUVENILE INSTITUTIONS. There is  
5 appropriated from the general fund of the state to the  
6 department of human services for the fiscal year  
7 beginning July 1, 2000, and ending June 30, 2001, the  
8 following amount, or so much thereof as is necessary,  
9 to be used for the purpose designated:  
10 For purposes of additional middle school juvenile  
11 court liaisons, including salaries, support,  
12 maintenance, and miscellaneous purposes, and for not  
13 more than the following full-time equivalent  
14 positions:  
15 .....\$ 1,380,000  
16 .....FTEs 52.00"  
17 2. Title page, line 1, by striking the word "and"  
18 and inserting the following: ", juvenile court  
19 liaisons,".  
20 3. Title page, line 2, by inserting after the  
21 word "court" the following: ", and making an  
22 appropriation".  
23 4. By renumbering as necessary.

ELAINE SZYMONIAK

S-5077

- 1 Amend Senate File 2331 as follows:  
2 1. Page 1, line 14, by striking the word "are".

JEFF ANGELO

S-5078

- 1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:  
3 1. By striking page 5, line 25, through page 9,  
4 line 13, and inserting the following:  
5 "Sec. \_\_\_\_ Section 455B.172, Code 1999, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 10. The department shall develop  
8 a methodology for water quality assessments as used  
9 for section 303(d) listings of the federal Water  
10 Pollution Control Act. The department shall also  
11 consult with the United States environmental

12 protection agency, agricultural and environmental  
13 organizations, municipal and industrial associations,  
14 university representatives specializing in water  
15 quality, and citizen groups."

JOE BOLKCOM

S-5079

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:  
3 1. Page 2, line 48, by inserting after the word  
4 "program." the following: "The department shall also  
5 collaborate with other public agencies and private  
6 organizations to develop wetland habitat and related  
7 projects to improve water quality."

DAVID MILLER

S-5080

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:  
3 1. Page 6, by inserting after line 1 the  
4 following:  
5 "Sec. \_\_\_, NEW SECTION. 455B.189 DISCHARGE POINT  
6 IDENTIFICATION.  
7 The department, pursuant to this division, shall  
8 consult with municipalities and industrial national  
9 pollutant discharge elimination system permit holders  
10 and develop guidelines regarding public identification  
11 of sites where national pollutant discharge  
12 elimination system permitted discharges occur to state  
13 waters."

JOE BOLKCOM

S-5081

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:  
3 1. Page 6, line 15, by inserting after the word  
4 "reviewed" the following: "and approved or  
5 disapproved".

MERLIN E. BARTZ

S-5082

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:  
3 1. Page 5, by inserting after line 15 the

4 following:  
5 " \_\_\_\_\_. The state department of transportation and  
6 the department of natural resources shall collaborate  
7 to provide for the preservation of topsoil, erosion  
8 control, water impoundment during highway construction  
9 and reconstruction, and restoration and management of  
10 roadside right-of-way for prairie restoration,  
11 wildlife habitat, and erosion control."

DAVID MILLER

S-5083

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:  
3 1. Page 1, by inserting after line 28 the  
4 following:  
5 "Sec. \_\_\_\_ NEW SECTION. 455B.2A IOWA CLEAN WATER  
6 AWARD.  
7 An Iowa clean water award is created. The governor  
8 shall give the award annually to a city or other  
9 political subdivision which has met criteria  
10 established by the department of natural resources  
11 identifying exemplary efforts to improve water quality  
12 within its jurisdiction."

MICHAEL W. CONNOLLY

S-5084

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:  
3 1. Page 5, line 29, by striking the word  
4 "Credible".  
5 2. Page 5, by striking lines 30 through 36.  
6 3. By striking page 8, line 48 through page 9,  
7 line 2.

JOE BOLKCOM

S-5085

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:  
3 1. Page 9, by inserting after line 6 the  
4 following:  
5 "Sec. \_\_\_\_ LEGISLATIVE STUDY. The legislative  
6 council is requested to establish an interim study  
7 relating to the use of plant nutrients on Iowa soil.  
8 The committee is directed to submit its findings, with



9 any recommendations, in a report to the general  
10 assembly not later than January 15, 2001."

JOHN P. KIBBIE  
MIKE SEXTON  
MERLIN E. BARTZ

S-5086

1 Amend Senate File 2411 as follows:

2 1. Page 48, by inserting after line 3 the  
3 following:

4 "Sec. \_\_\_\_ NEW SECTION. 97B.80A VOLUNTEER PUBLIC  
5 SERVICE CREDIT.

6 1. A vested or retired member who has five or more  
7 full calendar years of covered wages and who at any  
8 time was in full-time volunteer public service, upon  
9 submitting verification of the full-time volunteer  
10 public service and the dates of the service, may make  
11 contributions to the system for up to the lesser of  
12 twenty quarters of service credit for such volunteer  
13 public service or the entire period of the volunteer  
14 public service, in increments of one or more calendar  
15 quarters, and receive credit for membership service  
16 and prior service for the period of time for which the  
17 contributions are made. For purposes of this section,  
18 "full-time volunteer public service" means service in  
19 the federal peace corps program.

20 2. The contributions required to be made for  
21 purposes of this section shall be in an amount equal  
22 to the actuarial cost of the service purchase. For  
23 purposes of this subsection, the actuarial cost of the  
24 service purchase is an amount determined by the  
25 department in accordance with actuarial tables, as  
26 reported to the department by the system's actuary,  
27 which reflects the actuarial cost necessary to fund an  
28 increased retirement allowance resulting from the  
29 purchase of additional service.

30 3. The verification of the full-time volunteer  
31 public service and the dates of such service shall be  
32 made by the department prior to receiving  
33 contributions from the member.

34 4. A member eligible for an increased retirement  
35 allowance because of the payment of contributions  
36 under this section is entitled to receipt of  
37 retroactive adjustment payments for no more than six  
38 months immediately preceding the month in which the  
39 member pays contributions under this section.

40 5. A purchase of service made in accordance with  
41 this section by a retired reemployed member shall be  
42 applied to either the member's original retirement  
43 allowance, or to the member's reemployment service,

44 whichever is more beneficial to the member. If  
45 applied to a member's original retirement allowance,  
46 or to the member's reemployment service after the  
47 retirement allowance payments for such service begin,  
48 the member is eligible to receive retroactive  
49 adjustment payments for no more than six months prior  
50 to completion of the purchase.

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1 6. The department shall ensure that the member, in  
2 exercising an option provided in this section, does  
3 not exceed the amount of annual additions to a  
4 member's account permitted pursuant to section 415 of  
5 the federal Internal Revenue Code."  
6 2. By renumbering as necessary.

MARK SHEARER

S-5087

1 Amend Senate File 2415 as follows:  
2 1. Page 5, line 35, by inserting after the word  
3 "public." the following: "A certified or licensed  
4 member of the board shall be actively engaged in  
5 practice as a certified public accountant or as an  
6 accounting practitioner and shall have been so engaged  
7 for five years preceding appointment, the last two of  
8 which shall have been in this state."  
9 2. Page 6, by striking lines 29 through 33 and  
10 inserting the following: "places as may be fixed by  
11 the board. A majority of".  
12 3. Page 8, by striking lines 5 through 12 and  
13 inserting the following:  
14 "6. The administrator of the professional  
15 licensing and regulation division of the department of  
16 commerce shall provide staffing assistance to the  
17 board for implementing this chapter."  
18 4. By striking page 8, line 31, through page 9,  
19 line 2, and inserting the following: "evidence."  
20 5. Page 9, by inserting after line 24 the  
21 following:  
22 "\_\_\_\_. Rules relating to the propriety of opinions  
23 on financial statements by a certified public  
24 accountant who is not independent.  
25 \_\_\_\_\_. Rules relating to actions discreditable to  
26 the practice as a certified public accountant or  
27 accounting practitioner.  
28 \_\_\_\_\_. Rules relating to professional confidences  
29 between a certified public accountant or accounting  
30 practitioner and a client.  
31 \_\_\_\_\_. Rules governing technical competence and the

expression of opinions on financial statements.  
\_\_\_\_. Rules governing the failure to disclose a  
material fact known to the certified public accountant  
or accounting practitioner.  
\_\_\_\_. Rules relating to a material misstatement  
known to the certified public accountant or accounting  
practitioner.  
\_\_\_\_. Rules governing negligent conduct in an  
examination or in making a report on an examination.  
\_\_\_\_. Rules governing failure to direct attention  
to any material departure from generally accepted  
accounting principles."  
6. Page 10, by striking lines 11 through 28 and  
inserting the following:  
"1. A certificate as a certified public accountant  
may be granted to a person of good moral character who  
makes application pursuant to section 542D.6 and who  
satisfies the education, experience, and examination  
requirements of this section.

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2. An applicant for a certificate who has been  
convicted of forgery, embezzlement, obtaining money  
under false pretenses, theft, extortion, conspiracy to  
defraud, or other similar offense, or of any crime  
involving moral character or honesty, in a court of  
competent jurisdiction in this state, or another  
state, territory, or a district of the United States,  
or in a foreign jurisdiction, may be denied a  
certificate by the board on the grounds of the  
conviction. For purposes of this subsection,  
"conviction" means a conviction for an indictable  
offense and includes a guilty plea, deferred judgment  
from the time of entry of the deferred judgment until  
the time the defendant is discharged by the court  
without entry of judgment, or other finding of guilt  
by a court of competent jurisdiction.  
2A. An applicant for a certificate who has had a  
professional license of any kind revoked in this or  
any other jurisdiction may be denied a certificate by  
the board on the grounds of the revocation.  
2B. A person who makes a false statement of  
material fact on an application for a certificate, or  
who causes to be submitted, or has been a party to  
preparing or submitting a false application for a  
certificate, may be denied a certificate by the board  
on the grounds of the false statement or submission.  
A certificate holder found to have made such a false  
statement or who has caused to be submitted, or was a  
party to preparing or submitting any false application  
for a certificate, may have the holder's certificate

31 suspended or revoked by the board on the grounds of  
32 the false statement or submission.  
33 2C. A certified public accountant shall notify the  
34 board of such accountant's conviction of an offense  
35 included in subsection 2, within sixty days of such  
36 conviction. Failure of the certified public  
37 accountant to notify the board of the conviction  
38 within sixty days of the date of the conviction is  
39 sufficient grounds for revocation of the certificate.  
40 2D. The board, when considering the denial or  
41 revocation of a certificate pursuant to this section,  
42 shall consider the nature of the offense; any  
43 aggravating or extenuating circumstances which are  
44 documented; the time lapsed since the revocation,  
45 conduct, or conviction; the rehabilitation, treatment,  
46 or restitution performed by the applicant or  
47 certificate holder; and any other factors the board  
48 deems relevant. Character references may be required,  
49 but shall not be obtained from certified public  
50 accountants. An applicant shall not be denied a

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1 certificate because of age, citizenship, race,  
2 religion, marital status, or national origin, although  
3 the application may require citizenship information."  
4 7. Page 13, line 33, by striking the word  
5 "thirty" and inserting the following: "sixty".  
6 8. Page 18, line 1, by striking the word "thirty"  
7 and inserting the following: "sixty".  
8 9. Page 25, line 10, by striking the figure  
9 "542D.14" and inserting the following: "542D.13".  
10 10. Page 33, line 10, by striking the words ", by  
11 order," and inserting the following: "may issue an  
12 order to require compliance with section 542D.15 and".  
13 11. Page 34, line 9, by striking the word "shall"  
14 and inserting the following: "may".  
15 12. Page 36, line 33, by inserting after the word  
16 "the" the following: "board or the".  
17 13. Page 37, line 2, by inserting after the word  
18 "chapter" the following: ", except as to those  
19 jurisdictions found not to be substantially equivalent  
20 by the board,".  
21 14. Page 37, line 9, by inserting after the word  
22 "section" the following: "and remit the fee set by  
23 the board".  
24 15. Page 37, line 21, by inserting after the word  
25 "from" the following: "the board or".  
26 16. Page 37, line 23, by inserting after the word  
27 "verification" the following: ", subject to the  
28 board's review and approval,".  
29 17. Page 37, line 28, by inserting after the word

30 "section" the following: "and remit the fee set by  
31 the board".  
32 18. By renumbering as necessary.

JEFF LAMBERTI

S-5088

1 Amend Senate File 2411 as follows:

2 1. Page 56, lines 17 and 18, by striking the  
3 words and figures "but before July 1, 2000".

4 2. Page 56, by striking lines 24 through 31.

5 3. Page 68, by inserting after line 16 the  
6 following:

7 "Sec. \_\_\_\_ Section 411.8, subsection 1, paragraph  
8 b, Code 1999, is amended to read as follows:

9 b. On the basis of the rate of interest and of the  
10 mortality, interest and other tables adopted by the  
11 system, the actuary engaged by the system to make each  
12 valuation required by this chapter, shall immediately  
13 after making such valuation, determine the "normal  
14 contribution rate". Except as otherwise provided in  
15 this lettered paragraph, the normal contribution rate  
16 shall be the rate percent of the earnable compensation  
17 of all members obtained by deducting from the total  
18 liabilities of the fund the amount of the funds in  
19 hand to the credit of the fund and dividing the  
20 remainder by one percent of the present value of the  
21 prospective future compensation of all members as  
22 computed on the basis of the rate of interest and of  
23 mortality and service tables adopted, all reduced by  
24 the employee contribution made pursuant to paragraph  
25 "f" of this subsection. However, the normal rate of  
26 contribution shall not be less than ~~seventeen percent~~  
27 the applicable minimum percentage as provided in this  
28 paragraph.

29 Beginning July 1, 1996, and each fiscal year  
30 thereafter, the normal contribution rate shall be the  
31 rate percent of the earnable compensation of all  
32 members obtained by deducting from the total  
33 liabilities of the fund the amount of the funds in  
34 hand to the credit of the fund and dividing the  
35 remainder by one percent of the present value of the  
36 prospective future compensation of all members as  
37 computed on the basis of the rate of interest and of  
38 mortality and service tables adopted, multiplied by  
39 six-tenths, or ~~seventeen percent~~ the applicable  
40 minimum percentage, whichever is greater.

41 The normal rate of contribution shall be determined  
42 by the actuary after each valuation.

43 For purposes of this paragraph, the "applicable  
44 minimum percentage" shall be seventeen percent for

45 each fiscal year beginning prior to July 1, 2000, and  
46 fifteen percent for each fiscal year beginning on or  
47 after July 1, 2000.  
48 Sec. \_\_\_\_ Section 411.8, subsection 1, paragraph  
49 f, subparagraph (8), Code 1999, is amended to read as  
50 follows:

**Page 2**

1 (8) Beginning July 1, 1996, and each fiscal year  
2 thereafter, an amount equal to the member's  
3 contribution rate times each member's compensation  
4 shall be paid to the fund from the earnable  
5 compensation of the member. For the purposes of this  
6 subparagraph, the member's contribution rate shall be  
7 nine and thirty-five hundredths percent. However, the  
8 system shall increase the member's contribution rate  
9 as necessary to cover any increase in cost to the  
10 system resulting from statutory changes which are  
11 enacted by any session of the general assembly meeting  
12 after January 1, 1991, if the increase cannot be  
13 absorbed within the contribution rates otherwise  
14 established pursuant to this paragraph, but subject to  
15 a maximum employee contribution rate of ~~eleven and~~  
16 ~~three tenths percent~~ as provided in this subparagraph.  
17 The contribution rate increases specified in 1994 Iowa  
18 Acts, chapter 1183, pursuant to this chapter and  
19 chapter 97A shall be the only member contribution rate  
20 increases for these systems resulting from the  
21 statutory changes enacted in 1994 Iowa Acts, chapter  
22 1183, and shall apply only to the fiscal periods  
23 specified in 1994 Iowa Acts, chapter 1183. After the  
24 employee contribution reaches ~~eleven and three tenths~~  
25 ~~percent~~ the maximum employee contribution rate, sixty  
26 percent of the additional cost of such statutory  
27 changes shall be paid by employers under paragraph "c"  
28 and forty percent of the additional cost shall be paid  
29 by employees under this paragraph. For purposes of  
30 this subparagraph, the "maximum employee contribution  
31 rate" shall be eleven and three-tenths percent for  
32 each fiscal year beginning prior to July 1, 2000, and  
33 ten percent for each fiscal year beginning on or after  
34 July 1, 2000."

35 4. Page 69, by inserting after line 30 the  
36 following:  
37 "Sec. \_\_\_\_ Section 411.20, unnumbered paragraph 2,  
38 Code 1999, is amended to read as follows:

- 39 Moneys appropriated by the state shall not be used  
40 to reduce the normal rate of contribution of any city  
41 below ~~seventeen~~ fifteen percent."  
42 5. By renumbering as necessary.

MARY A. LUNDBY

S-5089

- 1 Amend Senate File 2327 as follows:  
2 1. Page 1, line 5, by inserting after the word  
3 "section." the following: "If the acquiring agency is  
4 a person required to obtain a permit under chapter  
5 479, compliance with section 479.5 satisfies the  
6 requirements of this section."  
7 2. Page 1, line 11, by inserting after the word  
8 "section." the following: "If the acquiring agency is  
9 a person required to obtain a permit under chapter  
10 479, compliance with section 479.5 satisfies the  
11 requirements of this section."  
12 3. Page 2, by inserting after line 27, the  
13 following:  
14 "Sec. \_\_\_\_ Section 479.5, unnumbered paragraphs 3  
15 and 6, Code 1999, are amended to read as follows:  
16 A pipeline company shall hold informational  
17 meetings in each county in which real property or  
18 property rights will be affected at least thirty days  
19 prior to filing the petition for a new pipeline. A  
20 member of the board or a person designated by the  
21 board shall serve as the presiding officer at each  
22 meeting ~~and shall present an agenda for the meeting~~  
23 which shall include a summary of the legal rights of  
24 the affected landowners, and shall distribute and  
25 review the statement of individual rights required  
26 under section 6B.2B. No A formal record of the  
27 meeting shall not be required.  
28 The notice shall set forth the name of the  
29 applicant; the applicant's principal place of  
30 business; the general description and purpose of the  
31 proposed project; the general nature of the right-of-  
32 way desired; the possibility that the right-of-way may  
33 be acquired by condemnation if approved by the  
34 utilities board; a map showing the route of the  
35 proposed project; a description of the process used by  
36 the utilities board in making a decision on whether to  
37 approve a permit including the right to take property  
38 by eminent domain; that the landowner has a right to  
39 be present at such meeting and to file objections with  
40 the board; and a designation of the time and place of  
41 the meeting; and ~~The notice shall be served by~~  
42 certified mail with return receipt requested not less  
43 than thirty days previous to the time set for the  
44 meeting; and shall be published once in a newspaper of

45 general circulation in the county. The publication  
46 shall be considered notice to landowners whose  
47 residence is not known and to each person in  
48 possession of or residing on the property provided a  
49 good faith effort to notify can be demonstrated by the  
50 pipeline company.

**Page 2**

1 Sec. \_\_\_\_ Section 479.7, Code 1999, is amended by  
2 adding the following new unnumbered paragraph:  
3 NEW UNNUMBERED PARAGRAPH. Where a petition seeks  
4 the use of the right of eminent domain over specific  
5 parcels of real property, the board shall prescribe  
6 the notice to be served upon the owners of record and  
7 parties in possession of the property over which the  
8 use of the right of eminent domain is sought. The  
9 notice shall include the statement of individual  
10 rights required pursuant to section 6B.2B."  
11 4. By renumbering as necessary.

JEFF ANGELO

S-5090

1 Amend Senate File 2411 as follows:  
2 1. Page 56, lines 17 and 18, by striking the  
3 words and figures "but before July 1, 2000.".  
4 2. Page 56, by striking lines 24 through 31.  
5 3. Page 68, by inserting after line 16 the  
6 following:  
7 "Sec. \_\_\_\_ Section 411.8, subsection 1, paragraph  
8 b, Code 1999, is amended to read as follows:  
9 b. On the basis of the rate of interest and of the  
10 mortality, interest and other tables adopted by the  
11 system, the actuary engaged by the system to make each  
12 valuation required by this chapter, shall immediately  
13 after making such valuation, determine the "normal  
14 contribution rate". Except as otherwise provided in  
15 this lettered paragraph, the normal contribution rate  
16 shall be the rate percent of the earnable compensation  
17 of all members obtained by deducting from the total  
18 liabilities of the fund the amount of the funds in  
19 hand to the credit of the fund and dividing the  
20 remainder by one percent of the present value of the  
21 prospective future compensation of all members as  
22 computed on the basis of the rate of interest and of  
23 mortality and service tables adopted, all reduced by  
24 the employee contribution made pursuant to paragraph  
25 "f" of this subsection. However, the normal rate of  
26 contribution shall not be less than ~~seventeen percent~~  
27 the applicable minimum percentage as provided in this



28 paragraph.

29 Beginning July 1, 1996, and each fiscal year  
30 thereafter, the normal contribution rate shall be the  
31 rate percent of the earnable compensation of all  
32 members obtained by deducting from the total  
33 liabilities of the fund the amount of the funds in  
34 hand to the credit of the fund and dividing the  
35 remainder by one percent of the present value of the  
36 prospective future compensation of all members as  
37 computed on the basis of the rate of interest and of  
38 mortality and service tables adopted, multiplied by  
39 six-tenths, or ~~seventeen percent~~ the applicable  
40 minimum percentage, whichever is greater.

41 The normal rate of contribution shall be determined  
42 by the actuary after each valuation.

43 For purposes of this paragraph, the "applicable  
44 minimum percentage" shall be seventeen percent for  
45 each fiscal year beginning prior to July 1, 2000, and  
46 fifteen percent for each fiscal year beginning on or  
47 after July 1, 2000."

48 4. Page 69, by inserting after line 30 the  
49 following:

50 "Sec. \_\_\_\_ Section 411.20, unnumbered paragraph 2,

## Page 2

1 Code 1999, is amended to read as follows:

2 Moneys appropriated by the state shall not be used  
3 to reduce the normal rate of contribution of any city  
4 below ~~seventeen~~ fifteen percent."

5 5. By renumbering as necessary.

MARY A. LUNDBY

S-5091

1 Amend Senate File 2411 as follows:

2 1. Page 49, by inserting after line 27 the  
3 following:

4 "Sec. \_\_\_\_ IOWA PUBLIC EMPLOYEES' RETIREMENT  
5 SYSTEM -- PENSION PORTABILITY STUDY -- REPORT. The  
6 Iowa public employees' retirement system division  
7 shall conduct a study to consider various proposals to  
8 provide persons covered under the Iowa public  
9 employees' retirement system increased portability of  
10 pensions earned prior to coverage under the Iowa  
11 public employees' retirement system and of the pension  
12 earned under the Iowa public employees' retirement  
13 system. In conducting its study, the Iowa public  
14 employees' retirement system division shall consider  
15 proposals for allowing employees covered under the  
16 Iowa public employees' retirement system to purchase

17 additional service credit under the Iowa public  
18 employees' retirement system based on prior public  
19 sector or private sector employment that is not  
20 covered under the system as well as proposals for  
21 enhancing the ability of employees covered under the  
22 Iowa public employees' retirement system to transfer a  
23 greater portion of the value of the pension earned  
24 under the Iowa public employees' retirement system to  
25 another pension plan upon the employee's termination  
26 of employment covered by the Iowa public employees'  
27 retirement system. On or before September 1, 2001,  
28 the Iowa public employees' retirement system division  
29 shall file a report with the legislative service  
30 bureau, for distribution to the public retirement  
31 systems committee established in section 97D.4, which  
32 contains its findings and recommendations, including  
33 any proposal or proposals for enhancing pension  
34 portability for persons covered by the Iowa public  
35 employees' retirement system. The report shall also  
36 contain any applicable actuarial information  
37 concerning the costs of any proposal or proposals  
38 included in the report."  
39 2. By renumbering as necessary.

SHELDON RITTMER

S-5092

1 Amend Senate File 2144 as follows:  
2 1. Page 1, by striking lines 26 through 28, and  
3 inserting the following: "inspection or unless in the  
4 course of the complaint investigation a violation is  
5 evident to the inspector. Upon arrival".  
6 2. Page 2, by inserting after line 14, the  
7 following:  
8 "1A. The department of inspections and appeals  
9 shall convene an advisory committee of stakeholders to  
10 monitor the development and ongoing refinement of the  
11 criteria to be used in conducting a quality-based  
12 inspection system. The advisory committee shall  
13 consult with the department of inspections and appeals  
14 regarding the ongoing distribution of the most current  
15 criteria to all appropriate stakeholders."  
16 3. By renumbering as necessary.

ELAINE SZYMONIAK

S-5093

1 Amend Senate File 2411 as follows:  
2 1. Page 21, by inserting after line 18 the  
3 following:

"Sec. \_\_\_\_ Section 97B.49B, subsection 1, paragraph a, Code 1999, is amended to read as follows:

a. "Applicable percentage" means the greater of the following percentages:

~~sixty~~ Sixty percent or, for,

(2) For each active or inactive vested member retiring on or after July 1, 1996, but before July 1, 2000, sixty percent plus, if applicable, an additional one-fourth of one percentage point for each additional calendar quarter of eligible service beyond twenty-five years of service ~~for the member~~, not to exceed a total of five additional percentage points.

(3) For each active or inactive vested member retiring on or after July 1, 2000, but before July 1, 2001, sixty percent plus, if applicable, an additional one-fourth of one percentage point for each additional calendar quarter of eligible service beyond twenty-four years of service for the member, not to exceed a total of six additional percentage points.

(4) For each active or inactive vested member retiring on or after July 1, 2001, but before July 1, 2002, sixty percent plus, if applicable, an additional one-fourth of one percentage point for each additional calendar quarter of eligible service beyond twenty-three years of service for the member, not to exceed a total of seven additional percentage points.

(5) For each active or inactive vested member retiring on or after July 1, 2002, but before July 1, 2003, sixty percent plus, if applicable, an additional one-fourth of one percentage point for each additional calendar quarter of eligible service beyond twenty-two years of service for the member, not to exceed a total of eight additional percentage points.

(6) For each active or inactive vested member retiring on or after July 1, 2003, sixty percent plus, if applicable, an additional three-eighths of one percentage point for each additional calendar quarter of eligible service beyond twenty-two years of service for the member, not to exceed a total of twelve additional percentage points.

Sec. \_\_\_\_ Section 97B.49B, subsection 1, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. aa. "Applicable years of service" means the following:

(1) For each active or inactive vested member retiring on or after July 1, 1996, and before July 1,

## Page 2

1 2000, twenty-five.

2 (2) For each active or inactive vested member

3 retiring on or after July 1, 2000, and before July 1,  
4 2001, twenty-four.

5 (3) For each active or inactive vested member  
6 retiring on or after July 1, 2001, and before July 1,  
7 2002, twenty-three.

8 (4) For each active or inactive vested member  
9 retiring on or after July 1, 2002, twenty-two.

10 Sec. \_\_\_\_ Section 97B.49B, subsection 1, paragraph  
11 c, Code 1999, is amended to read as follows:

12 c. "Fraction of years of service" means a number,  
13 not to exceed one, equal to the sum of the years of  
14 eligible service in a protection occupation divided by  
15 ~~twenty-five~~ the applicable years of service for the  
16 member."

17 2. Page 21, by inserting after line 24 the  
18 following:

19 "Sec. \_\_\_\_ Section 97B.49D, subsection 1,  
20 paragraph b, Code 1999, is amended to read as follows:

21 b. One-twelfth of an amount equal to the  
22 applicable percentage of the member's three-year  
23 average covered wage multiplied by a fraction of years  
24 of service. The fraction of years of service for  
25 purposes of this paragraph shall be the actual years  
26 of service, not to exceed ~~twenty-five~~ the applicable  
27 years of service for the member as defined in section  
28 97B.49B, earned in a position described in section  
29 97B.49B, for which special service contributions were  
30 made, divided by ~~twenty-five~~ the applicable years of  
31 service for the member as defined in section 97B.49B.  
32 In calculating the fractions of years of service under  
33 the paragraph, a member shall not receive special  
34 service credit for years of service for which the  
35 member and the member's employer did not make the  
36 required special service contributions to the  
37 department."

38 3. Page 39, line 9, by striking the word "twenty-  
39 five" and inserting the following: "~~twenty-five~~ the  
40 applicable years of service for the member as defined  
41 in section 97B.49B if the member had retired on the  
42 date of death".

43 4. By renumbering as necessary.

ANDY MCKEAN  
STEVE KING  
KEN VEENSTRA  
JOHN P. KIBBIE  
GENE FRAISE  
ROBERT E. DVORSKY  
BETTY A. SOUKUP  
JOHN W. JENSEN  
MARY A. LUNDBY  
JOHN JUDGE

MICHAEL E. GRONSTAL  
MICHAEL W. CONNOLLY  
BILL FINK  
JOHNIE HAMMOND  
MARK SHEARER  
MIKE SEXTON  
MATT McCOY  
LYLE E. ZIEMAN  
TOM FLYNN  
JOE BOLKCOM  
MAGGIE TINSMAN  
JERRY BEHN  
E. THURMAN GASKILL  
PATRICIA HARPER  
PATRICK J. DELUHERY  
KITTY REHBERG  
JEFF ANGELO

S-5094

- 1 Amend Senate File 2411 as follows:
- 2 1. Page 41, line 7, by striking the words "one
- 3 calendar month", and inserting the following: "three
- 4 calendar months".

JOHN P. KIBBIE

S-5095

- 1 Amend Senate File 2411 as follows:
- 2 1. Page 19, by inserting after line 6 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 97B.45, subsection 4, Code
- 5 1999, is amended to read as follows:
- 6 4. The first of any month in which the member is
- 7 at least fifty-five years of age and for which the sum
- 8 of the number of years of membership service and prior
- 9 service and the member's age in years as of the
- 10 member's last birthday equals or exceeds eighty-eight.
- 11 Commencing July 1, 2000, the department shall reduce
- 12 from eighty-eight by one each July 1 until reaching
- 13 eighty-five, if the annual actuarial valuation of the
- 14 retirement system indicates that the cost of the
- 15 reduction can be absorbed within the employer and
- 16 employee contribution rates in effect under section
- 17 97B.11."
- 18 2. By renumbering as necessary.

JOHN P. KIBBIE

S-5096

- 1 Amend Senate File 2411 as follows:
- 2 1. Page 19, line 28, by striking the word
- 3 "fourteen" and inserting the following: "twenty-
- 4 five".

JOHN P. KIBBIE  
MICHAEL W. CONNOLLY

S-5097

- 1 Amend Senate File 2411 as follows:
- 2 1. Page 11, by striking lines 12 through 28 and
- 3 inserting the following: "subparagraph (4), Code
- 4 1999, is amended by striking the subparagraph."
- 5 2. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5098

- 1 Amend Senate File 2411 as follows:
- 2 1. Page 21, by inserting after line 18 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 97B.49A, subsection 1,
- 5 paragraph a, Code 1999, is amended to read as follows:
- 6 a. "Applicable percentage" means sixty percent or,
- 7 for each active or inactive vested member retiring on
- 8 or after July 1, 1996, sixty percent plus, if
- 9 applicable, an additional ~~one-fourth~~ one-half of one
- 10 percentage point for each additional calendar quarter
- 11 of membership and prior service beyond thirty years of
- 12 service, not to exceed a total of ~~five~~ ten additional
- 13 percentage points.
- 14 Sec. \_\_\_\_ Section 97B.49B, subsection 1, paragraph
- 15 a, Code 1999, is amended to read as follows:
- 16 a. "Applicable percentage" means sixty percent or,
- 17 for each active or inactive vested member retiring on
- 18 or after July 1, 1996, sixty percent plus, if
- 19 applicable, an additional ~~one-fourth~~ one-half of one
- 20 percentage point for each additional calendar quarter
- 21 of eligible service beyond twenty-five years of
- 22 service, not to exceed a total of ~~five~~ ten additional
- 23 percentage points."
- 24 2. Page 21, by inserting after line 24 the
- 25 following:
- 26 "Sec. \_\_\_\_ Section 97B.49D, subsection 3, Code
- 27 1999, is amended to read as follows:
- 28 3. In calculating the combined monthly retirement
- 29 allowance pursuant to subsection 1, the applicable
- 30 percentage shall be sixty percent plus, if applicable,
- 31 an additional ~~one-fourth~~ one-half of one percentage

32 point for each additional calendar quarter of  
33 membership service in service as described in  
34 subsection 1, paragraph "a", "b", or "c", beyond  
35 thirty years of service, not to exceed a total of ~~five~~  
36 ten additional percentage points. Any addition in the  
37 percentage multiplier shall be included in the  
38 calculations required under this section."  
39 3. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5099

1 Amend Senate File 2411 as follows:  
2 1. Page 48, by inserting after line 3 the  
3 following:  
4 "Sec. \_\_\_\_ NEW SECTION. 97B.80A PUBLIC  
5 EMPLOYMENT SERVICE CREDIT.  
6 1. A vested or retired member who has five or more  
7 full calendar years of covered wages and who at any  
8 time was employed by a covered employer under this  
9 chapter but was not covered by this chapter and did  
10 not opt out of coverage under this chapter, upon  
11 submitting verification of the public employment and  
12 the dates of the public employment, may make  
13 contributions to the system for up to the lesser of  
14 twenty quarters of service credit for such public  
15 employment or the entire period of the public  
16 employment, in increments of one or more calendar  
17 quarters, and receive credit for membership service  
18 and prior service for the period of time for which the  
19 contributions are made.  
20 2. The contributions required to be made for  
21 purposes of this section shall be in an amount equal  
22 to the actuarial cost of the service purchase. For  
23 purposes of this subsection, the actuarial cost of the  
24 service purchase is an amount determined by the  
25 department in accordance with actuarial tables, as  
26 reported to the department by the system's actuary,  
27 which reflects the actuarial cost necessary to fund an  
28 increased retirement allowance resulting from the  
29 purchase of additional service.  
30 3. The verification of the public employment and  
31 the dates of such public employment shall be made by  
32 the department prior to receiving contributions from  
33 the member.  
34 4. A member eligible for an increased retirement  
35 allowance because of the payment of contributions  
36 under this section is entitled to receipt of  
37 retroactive adjustment payments for no more than six  
38 months immediately preceding the month in which the  
39 member pays contributions under this section.

40 5. A purchase of service made in accordance with  
41 this section by a retired reemployed member shall be  
42 applied to either the member's original retirement  
43 allowance, or to the member's reemployment service,  
44 whichever is more beneficial to the member. If  
45 applied to a member's original retirement allowance,  
46 or to the member's reemployment service after the  
47 retirement allowance payments for such service begin,  
48 the member is eligible to receive retroactive  
49 adjustment payments for no more than six months prior  
50 to completion of the purchase.

**Page 2**

1 6. The department shall ensure that the member, in  
2 exercising an option provided in this section, does  
3 not exceed the amount of annual additions to a  
4 member's account permitted pursuant to section 415 of  
5 the federal Internal Revenue Code."  
6 2. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5100

1 Amend Senate File 2411 as follows:  
2 1. Page 19, by inserting after line 6 the  
3 following:  
4 "Sec. 101. Section 97B.45, subsection 4, Code  
5 1999, is amended to read as follows:  
6 4. The first of any month in which the member is  
7 at least fifty-five years of age and for which the sum  
8 of the number of years of membership service and prior  
9 service and the member's age in years as of the  
10 member's last birthday equals or exceeds ~~eighty-eight~~  
11 eighty-five."  
12 2. Page 23, by inserting after line 26 the  
13 following:  
14 "Sec. 102. Section 97B.49G, subsection 4, Code  
15 1999, is amended by adding the following new  
16 paragraph:  
17 NEW PARAGRAPH. e. The member is an active or  
18 inactive vested member retiring on or after July 1,  
19 1997, and before the implementation date of section  
20 101 of this Act, as determined pursuant to section 103  
21 of this Act, who is at least fifty-five years of age  
22 and for which the sum of the number of years of  
23 membership service and prior service and the member's  
24 age in years as of the member's last birthday equals  
25 or exceeds eighty-eight."  
26 3. Page 48, by inserting after line 26 the  
27 following:



28 "Sec. 103. IMPLEMENTATION PROVISION. The  
29 department of personnel shall implement the amendment  
30 to section 97B.45, subsection 4, as provided in this  
31 Act on July 1, 2000, or on the date that the  
32 department determines that the most recent annual  
33 actuarial valuation of the system indicates that the  
34 employer and employee contribution rates in effect  
35 under section 97B.11 can absorb the costs of the  
36 amendment to section 97B.45, subsection 4, whichever  
37 is later after meeting the other established  
38 priorities of the system. As used in this section,  
39 "other established priorities of the system" means the  
40 implementation of the amendment to section 97B.52,  
41 subsection 1, as provided in section 48 of this Act.  
42 However, notwithstanding section 97B.49H, until the  
43 amendment to section 97B.49G, subsection 4, is  
44 implemented, the department shall not credit amounts  
45 to active member supplemental accounts provided in  
46 section 97B.49H."  
47 4. Page 49, line 3, by inserting after the word  
48 "Act" the following: "and the implementation of the  
49 amendment to section 97B.45, subsection 4, as provided  
50 in section 101 of this Act".

**Page 2**

1 5. By renumbering as necessary.

MICHAEL W. CONNOLLY  
DENNIS H. BLACK  
JOE BOLKCOM  
DICK DEARDEN  
PATRICK J. DELUHERY  
ROBERT E. DVORSKY  
BILL FINK  
TOM FLYNN  
GENE FRAISE  
MICHAEL E. GRONSTAL  
JOHNIE HAMMOND  
STEVE HANSEN  
PATRICIA HARPER  
WALLY E. HORN  
JOHN JUDGE  
JOHN P. KIBBIE  
MATT McCOY  
MARK SHEARER  
BETTY A. SOUKUP  
ELAINE SZYMONIAK

S-5101

1 Amend Senate File 2411 as follows:

2 1. Page 3, by striking lines 6 through 7 and

3 inserting the following:

4 "(3A) Commencing July 1, 2000, for a member who".

5 2. Page 3, line 10, by inserting after the figure

6 "97A.16," the following: "subparagraphs (1) through

7 (3) shall not apply and".

8 3. Page 13, by inserting after line 10 the

9 following:

10 "(f) Employee contributions required under section

11 97B.11 and picked up by the employer under section

12 97B.11A."

13 4. Page 25, line 8, by inserting after the word

14 "member" the following: "who is at least fifty-five

15 years of age".

16 5. Page 40, by inserting after line 13 the

17 following:

18 "Sec. \_\_\_\_ Section 97B.52, subsection 4,

19 unnumbered paragraph 1, Code 1999, is amended to read

20 as follows:

21 In order to receive the death benefit, the

22 beneficiary, heirs at law, or the estate, or any other

23 third-party payee, must apply to the department within

24 five years of the member's death. However, death

25 benefits payable under this section shall not exceed

26 the amount permitted pursuant to Internal Revenue Code

27 section 401(a)(9) and the applicable treasury

28 regulations."

29 6. Page 48, by inserting after line 3 the

30 following:

31 "Sec. \_\_\_\_ NEW SECTION. 97B.73B PATIENT

32 ADVOCATES-- UNPAID CONTRIBUTIONS – SERVICE PURCHASE.

33 1. Notwithstanding the provisions of section

34 97B.9, to the contrary, unpaid contributions for a

35 person classified as a patient advocate under section

36 229.19, for service as a patient advocate prior to

37 July 1, 2000, shall be determined and collected as

38 provided under section 97B.9, subsection 4, but shall

39 be limited to the collection of underpaid

40 contributions for a maximum of one year of service.

41 2. A patient advocate who becomes covered under

42 this chapter and for whom underpaid contributions for

43 one year of service have been paid shall be eligible

44 to purchase membership service for service as a

45 patient advocate prior to July 1, 2000, in excess of

46 the one year of service provided in this section by

47 paying the department of personnel an amount

48 determined as follows:

49 a. For a purchase of membership service prior to

50 July 1, 2002, the total of the employee and employer

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1 contributions, without interest, on the covered wages  
2 that would have been reported to the department under  
3 the provisions of this chapter in effect for the  
4 applicable period of service.

5 b. For a purchase of membership service on or  
6 after July 1, 2002, the actuarial cost of the service  
7 purchase in a manner as provided in section 97B.73."

8 7. Page 49, line 3, by inserting after the word  
9 "Act." the following: "However, the amendment to  
10 section 97B.50, subsection 1, shall not be implemented  
11 until the Iowa public employees' retirement system has  
12 received a determination letter from the federal  
13 internal revenue service approving the retirement  
14 system plan's qualified status under Internal Revenue  
15 Code section 401(a), as amended by section 97B.50,  
16 subsection 1."

17 8. Page 49, line 4, by striking the word  
18 "However" and inserting the following: "In addition".

19 9. Page 51, line 4, by inserting after the word  
20 "departments." the following: "However, the protocols  
21 and guidelines shall not be applied to members of a  
22 police or fire department of a city who are covered by  
23 chapter 20 except through the collective bargaining  
24 process as provided under chapter 20."

25 10. By striking page 73, line 19, through page  
26 76, line 5, and inserting the following:

27 "Sec. \_\_\_\_ Section 602.9104, subsection 1, Code  
28 1999, is amended to read as follows:

29 1. A judge to whom this article applies, shall be  
30 paid an amount equal to ~~ninety-six~~ ninety-five percent  
31 of the basic salary of the judge as set by the general  
32 assembly. An amount equal to ~~four~~ five percent of the  
33 basic salary of the judge as set by the general  
34 assembly is designated as the judge's contribution to  
35 the judicial retirement fund, and shall be paid by the  
36 state in the manner provided in subsection 2.

37 Sec. \_\_\_\_ Section 602.9104, subsection 4,  
38 paragraph a, subparagraph (2), Code 1999, is amended  
39 to read as follows:

40 (2) "Fully funded status" means that the most  
41 recent actuarial valuation reflects that, using the  
42 ~~aggregate cost~~ projected unit credit method in  
43 accordance with generally recognized and accepted  
44 actuarial principles and practices set forth by the  
45 American academy of actuaries, the funded status of  
46 the system is at least one hundred percent.

47 Sec. \_\_\_\_ Section 602.9104, subsection 4,  
48 paragraph b, Code 1999, is amended to read as follows:

49 b. Effective with the fiscal year commencing July  
50 1, 1994, and for each subsequent fiscal year until the

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1 system attains fully funded status, based upon the  
2 benefits provided for judges through the judicial  
3 retirement system as of July 1, 2001, the state shall  
4 contribute annually to the judicial retirement fund an  
5 amount equal to at least twenty-three and seven-tenths  
6 percent of the basic salary of all judges covered  
7 under this article. Commencing with the first fiscal  
8 year in which the system attains fully funded status,  
9 based upon the benefits provide for judges through the  
10 judicial retirement system as of July 1, 2001, and for  
11 each subsequent fiscal year, the state shall  
12 contribute to the judicial retirement fund the  
13 required contribution rate. The state's contribution  
14 shall be appropriated directly to the judicial  
15 retirement fund."

16 11. Page 78, by inserting after line 29 the  
17 following:

18 "Sec. \_\_\_\_\_. JUDICIAL RETIREMENT SYSTEM --  
19 LEGISLATIVE INTENT – NOTIFICATION – REPORT.

20 1. It is the intent of the general assembly that  
21 once the judicial retirement system attains fully  
22 funded status based upon the benefits provided for  
23 judges through July 1, 2001, the employer and employee  
24 contribution rates established to fund the judicial  
25 retirement system should be adjusted to reflect the  
26 ratio of employer and employee contribution rates  
27 required under the Iowa public employees' retirement  
28 system.

29 2. The state court administrator shall notify, in  
30 writing, the public retirement systems committee  
31 established in section 97D.4, when the judicial branch  
32 anticipates that the judicial retirement system is  
33 within two additional fiscal years of attaining fully  
34 funded status as defined in section 602.9104 based  
35 upon the benefits provided for judges through July 1,  
36 2001. In addition, the state court administrator  
37 shall, following the notification to the committee as  
38 provided in this section and in consultation with the  
39 Iowa judges association, conduct a study and submit a  
40 report, including its findings and recommendations, to  
41 the public retirement systems committee prior to the  
42 next scheduled meeting of the committee concerning  
43 appropriate methods of adequately financing the  
44 judicial retirement system once the system reaches  
45 fully funded status. In conducting the study, the  
46 state court administrator shall consider, and make  
47 recommendations concerning, the appropriateness of  
48 funding the judicial retirement system by establishing  
49 employer and employee contribution rates which shall  
50 maintain the actuarial soundness of the system and

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- 1 which shall reflect the intent of the general assembly
- 2 as contemplated in subsection 1."
- 3 12. By renumbering as necessary.

SHELDON RITTMER

S-5102

- 1 Amend House File 2315, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 11 the
- 4 following:
- 5 "Sec. 101. Section 411.15, Code 1999, is amended
- 6 to read as follows:
- 7 411.15 HOSPITALIZATION AND MEDICAL ATTENTION.
- 8 Cities shall provide hospital, nursing, and medical
- 9 attention for the members of the police and fire
- 10 departments of the cities, when injured while in the
- 11 performance of their duties as members of such
- 12 department, and shall ~~continue to~~ also provide
- 13 hospital, nursing, and medical attention ~~for injuries~~
- 14 ~~or diseases incurred while in the performance of their~~
- 15 ~~duties~~ for members receiving a retirement allowance
- 16 under section 411.6, subsection 6. Cities may provide
- 17 the hospital, nursing, and medical attention required
- 18 by this section through the purchase of insurance, by
- 19 self-insuring the obligation, or through payment of
- 20 moneys into a local government risk pool established
- 21 for the purpose of covering the costs associated with
- 22 the requirements of this section. The cost of
- 23 providing the hospital, nursing, and medical attention
- 24 required by this section shall be paid from moneys
- 25 held in a trust and agency fund established pursuant
- 26 to section 384.6, or out of the appropriation for the
- 27 department to which the injured person belongs or
- 28 belonged; provided that any amounts received by the
- 29 injured person under the workers' compensation law of
- 30 the state, or from any other source for such specific
- 31 purposes, shall be deducted from the amount paid by
- 32 the city under the provisions of this section.
- 33 Sec. \_\_\_\_ APPLICABILITY. Section 101 of this Act
- 34 is applicable to members who were retired for
- 35 accidental disability on or after July 1, 1980.
- 36 However, the requirement of section 101 of this Act
- 37 that cities provide hospital, nursing, and medical
- 38 attention for members receiving a retirement allowance
- 39 under section 411.6, subsection 6, only applies on or
- 40 after the effective date of this Act."
- 41 2. Title page, line 2, by inserting after the
- 42 word "employees" the following: "and including an

43 applicability provision".

44 3. By renumbering as necessary.

MATT McCOY

S-5103

1 Amend Senate File 2411 as follows:

2 1. Page 48, by inserting after line 3 the  
3 following:

4 "Sec. Section 97B.73, subsection 1, Code 1999,  
5 is amended to read as follows:

6 1. a. A vested or retired member who has one or  
7 more full calendar years of covered wages who was in  
8 public employment comparable to employment covered  
9 under this chapter in another state or in the federal  
10 government, or who was a member of another public  
11 retirement system in this state, including but not  
12 limited to the teachers insurance annuity association-  
13 college retirement equities fund, but who was not  
14 retired under that system, upon submitting  
15 verification of membership and service in the other  
16 public system to the department, including proof that  
17 the member has no further claim upon a retirement  
18 benefit from that other public system, may make  
19 contributions as provided by this section to the  
20 system either for the entire period of service in the  
21 other public system, or for partial service in the  
22 other public system in increments of one or more  
23 calendar quarters. If the member wishes to transfer  
24 only a portion of the service value of another public  
25 system to this system and the other public system  
26 allows a partial withdrawal of a member's system  
27 credits, the member shall receive credit for  
28 membership service in this system equivalent to the  
29 period of service transferred from the other public  
30 system.

31 b. A vested or retired member who has five or more  
32 full calendar years of covered wages who was in public  
33 employment comparable to employment covered under this  
34 chapter in a qualified Canadian governmental entity  
35 may make contributions as provided by this section to  
36 the system and receive service credit, in increments  
37 of one or more calendar quarters, for up to the lesser  
38 of twenty quarters of service credit for such  
39 employment or the entire period of service in the  
40 other public system. Prior to receiving service  
41 credit, the member shall submit verification of  
42 membership and service in the other public system to  
43 the department, including proof that the member has no  
44 further claim upon a retirement benefit from that  
45 other public system. If the member wishes to transfer

46 only a portion of the service value of another public  
47 system to this system and the other public system  
48 allows a partial withdrawal of a member's system  
49 credits, the member shall receive credit for  
50 membership service in this system equivalent to the

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1 period of service transferred from the other public  
2 system. For purposes of this paragraph, "qualified  
3 Canadian governmental entity" means an elementary  
4 school, secondary school, college, or university that  
5 is organized, administered, and primarily supported by  
6 the provincial, territorial, or federal governments of  
7 Canada, or any combination of the same."  
8 2. By renumbering as necessary.

DONALD B. REDFERN

S-5104

1 Amend Senate File 2366 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. NEW SECTION. 321.216C USE OF  
5 DRIVER'S LICENSE OR NONOPERATOR'S IDENTIFICATION CARD  
6 BY UNDERAGE PERSON TO OBTAIN CIGARETTES OR TOBACCO  
7 PRODUCTS.  
8 A person who is under the age of eighteen, who  
9 alters or displays or has in the person's possession a  
10 fictitious or fraudulently altered driver's license or  
11 nonoperator's identification card and who uses the  
12 license or card to violate or attempt to violate  
13 section 453A.2, subsection 2, commits a simple  
14 misdemeanor punishable by a fine of one hundred  
15 dollars. The court shall forward a copy of the  
16 conviction to the department.  
17 Sec. 2. Section 453A.2, Code 1999, is amended by  
18 adding the following new subsections:  
19 NEW SUBSECTION. 2A. Possession of cigarettes or  
20 tobacco products by an individual under eighteen years  
21 of age does not constitute a violation under this  
22 section if the individual under eighteen years of age  
23 possesses the cigarettes or tobacco products as part  
24 of the individual's employment and the individual is  
25 employed by a person who holds a valid permit under  
26 this chapter or who lawfully offers for sale or sells  
27 cigarettes or tobacco products.  
28 NEW SUBSECTION. 5. A person shall not be guilty  
29 of a violation of this section if conduct that would  
30 otherwise constitute a violation is performed to  
31 assess compliance with cigarette and tobacco products

32 laws if any of the following applies:

33 a. The compliance effort is conducted by or under  
34 the supervision of law enforcement officers.

35 b. The compliance effort is conducted with the  
36 advance knowledge of law enforcement officers and  
37 reasonable measures are adopted by those conducting  
38 the effort to ensure that use of cigarettes or tobacco  
39 products by individuals under eighteen years of age  
40 does not result from participation by any individual  
41 under eighteen years of age in the compliance effort.

42 For the purposes of this subsection, "law  
43 enforcement officer" means a peace officer as defined  
44 in section 801.4 and includes persons designated under  
45 subsection 3 to enforce this section.

46 Sec. 3. Section 453A.3, subsection 2, Code 1999,  
47 is amended to read as follows:

48 2. A person who violates section 453A.2,  
49 subsection 2, ~~shall pay a~~ is subject to the following,  
50 as applicable:

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1 a. A civil penalty pursuant to section 805.8,  
2 subsection 11. Failure to pay the a civil penalty  
3 imposed for a violation of section 453A.2, subsection  
4 2, is a simple misdemeanor punishable as a scheduled  
5 violation under section 805.8, subsection 11.  
6 Notwithstanding section 602.8106 or any other  
7 provision to the contrary, any civil penalty or  
8 criminal fine paid under this subsection shall be  
9 retained by the city or county enforcing the violation  
10 to be used for enforcement of section 453A.2.

11 b. For a first offense, performance of community  
12 service or attendance at tobacco education classes, if  
13 available.

14 c. For a second offense, performance of thirty  
15 hours of community service, and attendance at tobacco  
16 education classes, if available.

17 d. For a third or subsequent offense, performance  
18 of forty hours of community service and suspension of  
19 the person's driver's license for a period of thirty  
20 days. The clerk of the district court shall forward a  
21 copy of the order suspending the motor vehicle license  
22 of the person to the state department of  
23 transportation. Upon receipt of the copy of the order  
24 from the clerk of the district court, the state  
25 department of transportation shall notify the person  
26 that the person's driver's license will be suspended  
27 effective ten days from the date of the notice. The  
28 state department of transportation shall establish  
29 procedures, by rule, to effect the suspension of a  
30 person's driver's license pursuant to this section



including surrender of the person's driver's license to the department and including issuance to the person of a temporary restricted license under section 321.215, as if the suspension was ordered under chapter 321.

The state department of transportation shall, on application, issue a temporary restricted license to a person whose motor vehicle license is suspended under this paragraph "d", allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by the person's full-time or part-time employment, continuing health care or the continuing health care of another who is dependent upon the person, continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion, substance abuse treatment, or court-ordered community

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service responsibilities.

A person for whom a motor vehicle license is suspended under this paragraph is not subject to chapter 321A and the suspension shall not be grounds for determination of risk, rates, or premiums in any policy of insurance issued to or for the person.

Sec. 4. NEW SECTION. 453A.4 SEIZURE OF FALSE OR ALTERED DRIVER'S LICENSE OR NONOPERATOR'S IDENTIFICATION CARD.

1. If a person holding a permit under this chapter or an employee of such a permittee has a reasonable belief based on factual evidence that a driver's license as defined in section 321.1, subsection 20A, or nonoperator's identification card issued pursuant to section 321.190 offered by a person who wishes to purchase cigarettes or tobacco products is altered or falsified or belongs to another person, the permittee or employee may retain the driver's license or nonoperator's identification card. Within twenty-four hours, the card shall be delivered to the appropriate city or county law enforcement agency of the jurisdiction in which the permittee's premises is located, and the permittee shall file a written report of the circumstances under which the card was retained. The local law enforcement agency may investigate whether a violation of section 321.216, 321.216A, or 321.216C has occurred. If an investigation is not initiated or probable cause is not established by the local law enforcement agency,

30 the driver's license or nonoperator's identification  
31 card shall be delivered to the person to whom it was  
32 issued. The local law enforcement agency may forward  
33 the card with the report to the state department of  
34 transportation for investigation, in which case, the  
35 state department of transportation may investigate  
36 whether a violation of section 321.216, 321.216A, or  
37 321.216C has occurred. The state department of  
38 transportation shall return the card to the person to  
39 whom it was issued if an investigation is not  
40 initiated or probable cause is not established.

41 2. Upon taking possession of an identification  
42 card as provided in subsection 1, a receipt for the  
43 card with the date and hour of seizure noted shall be  
44 provided to the person from whom the card is seized.

45 3. A person holding a permit under this chapter or  
46 an employee of such a permittee is not subject to  
47 criminal prosecution for, or to civil liability for  
48 damages alleged to have resulted from, the retention  
49 and delivery of a driver's license or a nonoperator's  
50 identification card which is taken pursuant to

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1 subsections 1 and 2. This section shall not be  
2 construed to relieve a permittee or an employee of  
3 such a permittee from civil liability for damages  
4 resulting from the use of unreasonable force in  
5 obtaining the alleged altered or falsified driver's  
6 license or identification card or the driver's license  
7 or identification card believed to belong to another  
8 person.

9 Sec. 5. Section 453A.13, subsection 2, Code 1999,  
10 is amended by adding the following new paragraph:  
11 NEW PARAGRAPH. c. The department, or a city or  
12 county, shall submit a duplicate of any application  
13 for a retail permit and any retail permit issued by  
14 the entity under this subsection to the Iowa  
15 department of public health within thirty days of the  
16 issuance.

17 Sec. 6. Section 453A.22, subsection 2, paragraphs  
18 c and d, Code 1999, are amended to read as follows:  
19 c. For a third violation within a period of ~~five~~  
20 three years, the violator's permit shall be suspended  
21 for a period of sixty days.

22 d. For a fourth violation within a period of ~~five~~  
23 three years, the violator's permit shall be revoked.

24 Sec. 7. Section 453A.22, Code 1999, is amended by  
25 adding the following new subsections:  
26 NEW SUBSECTION. 4. Notwithstanding subsection 3,  
27 if a retail permit is suspended or revoked under this  
28 section, the suspension or revocation shall only apply

to the place of business at which the violation occurred and shall not apply to any other place of business to which the retail permit applies but at which the violation did not occur.

NEW SUBSECTION. 5. The department or local authority shall report the suspension or revocation of a retail permit under this section to the Iowa department of public health within thirty days of the suspension or revocation of the retail permit.

Sec. 8. Section 602.6405, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. a. Magistrates shall hear and determine violations of and penalties for violations of section 453A.2, subsection 2.

b. Magistrates shall forward copies of citations issued for violations of section 453A.2, subsection 2, and of their dispositions to the clerk of the district court. The clerk of the district court shall maintain records of citations issued and the dispositions of citations, and shall forward a copy of the records to the Iowa department of public health.

Sec. 9. Section 805.6, Code 1999, is amended by

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adding the following new subsection:

NEW SUBSECTION. 2A. The uniform citation and complaint shall contain a place for citing a person in violation of section 453A.2, subsection 2.

Sec. 10. Section 805.8, subsection 11, paragraph b, Code Supplement 1999, is amended to read as follows:

b. (1) For violations of section 453A.2, subsection 2, the scheduled fine is as follows and is a civil penalty, and the criminal penalty surcharge under section 911.2 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed:

(a) If the violation is a first offense, the scheduled fine is ~~twenty-five~~ fifty dollars.

(b) If the violation is a second offense, the scheduled fine is ~~fifty one hundred~~ dollars.

(c) If the violation is a third or subsequent offense, the scheduled fine is ~~one two~~ hundred fifty dollars.

However, the fine shall not be imposed for a first or second offense if the court determines that the violator shall instead perform unpaid community service or attend tobacco education classes pursuant to section 453A.3, subsection 2.

(2) For failing to pay the civil penalty under section ~~453A.2~~ 453A.3, subsection 2, or to perform the

28 unpaid community service or to attend tobacco  
29 education classes under section 453A.3, subsection 2.  
30 the scheduled criminal fine is ~~twenty-five~~ fifty  
31 dollars if the violation is a first offense, ~~fifty-one~~  
32 ~~hundred~~ dollars if the violation is a second offense,  
33 and ~~one two~~ hundred fifty dollars if the violation is  
34 a third or subsequent offense. Failure to pay the  
35 scheduled criminal fine shall not result in the person  
36 being detained in a secure facility. The complainant  
37 shall not be charged a filing fee."

NANCY BOETTGER  
MICHAEL E. GRONSTAL  
STEWART E. IVERSON, Jr  
MATT McCOY

S-5105

1 Amend Senate File 2411 as follows:  
2 1. Page 78, by inserting after line 29 the  
3 following:  
4 Sec. 301. PARTICIPATION IN HEALTH OR MEDICAL  
5 INSURANCE PROGRAMS BY RETIREES AGE FIFTY-FIVE OR  
6 OLDER.  
7 1. As used in this section, unless the context  
8 otherwise requires:  
9 a. "Health or medical insurance program" means a  
10 health or medical group insurance plan for employees  
11 of the state.  
12 b. "Member" means an employee of the executive  
13 branch of the state or the judicial branch of the  
14 state who is a member of the Iowa public employees'  
15 retirement system or the Iowa department of public  
16 safety peace officers' retirement, accident, and  
17 disability system, who at the date of termination of  
18 employment is receiving full health or medical  
19 insurance benefits pursuant to a health or medical  
20 insurance program in which the state makes  
21 contributions, and is not receiving disability  
22 payments under the state employees' disability  
23 insurance program, and who is not a member of the  
24 general assembly. "Member" does not mean an employee  
25 of the state board of regents.  
26 2. A member with at least twenty years of  
27 membership service who retires on or after July 10,  
28 2000, and before February 1, 2001, who applies to  
29 receive retirement benefits under this Act prior to  
30 February 1, 2001, who has attained at least the age of  
31 fifty-five at the time of retirement, and who was a  
32 participant in a health or medical insurance program  
33 in which the state makes contributions at the time of  
34 retirement, may continue to participate in the health

35 or medical insurance program in which the member is  
36 enrolled on April 3, 2000, as authorized by law.  
37 However, a member may choose to participate in a  
38 health or medical insurance program after April 3,  
39 2000, which incurs less cost to the state.  
40 Notwithstanding any other provision of law to the  
41 contrary, the member shall remain eligible to  
42 participate in a health or medical insurance program  
43 as provided by this section and the state shall  
44 continue to pay the employer's portion of the premium  
45 at the cost existing at the time of retirement under  
46 the program for the retiree until the retiree attains  
47 the age of sixty-five. Any additional premium costs  
48 for coverage incurred after the time of retirement  
49 shall be paid by the retiree. However, in order to  
50 have the state continue to pay the employer's portion

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1 of the premium, the member must send written  
2 notification to the department of personnel at any  
3 time after the effective date of this section and  
4 prior to November 1, 2000, of the intent to retire and  
5 the anticipated date of retirement.  
6 3. If a member continues participation in a health  
7 or medical insurance program and the state pays  
8 premiums as authorized in subsection 2, the member is  
9 not eligible to accept further employment in which the  
10 state or a political subdivision of the state is the  
11 employer. However, this subsection shall not apply to  
12 a member who is elected to a public office as defined  
13 in chapter 56.  
14 4. A state department shall not be required to  
15 delete more than its proportionate share of all  
16 general fund full-time equivalent positions vacated  
17 due to the incentive for retirement established in  
18 subsection 2. All positions vacated by a member  
19 exercising the rights established in subsection 2  
20 shall be deleted, and the savings, as determined by  
21 the department of management, shall revert to the  
22 originating fund in a manner specified by the  
23 department of management, except that the portion of  
24 the savings which represents the cost of the  
25 employer's portion of a member's premium payable under  
26 this section shall not revert but shall be transferred  
27 to the department of revenue and finance to defray the  
28 costs of implementing this section. A state  
29 department may use a portion of the savings related to  
30 a deleted position to purchase technology or other  
31 equipment if the department of management determines  
32 that this purchase is necessary to maintain necessary  
33 levels of service for the state department. However,

34 if an affected department determines that the vacancy  
35 may be detrimental to critical services provided to  
36 the public, the affected department may, with the  
37 approval of the department of management, exchange the  
38 vacancy with a position or positions determined by the  
39 department of management to be of an equal value, and  
40 delete that position or positions. If a position is  
41 not available for exchange, the department may, with  
42 the approval of the director of the department of  
43 management, retain and fill the vacancy. It is the  
44 intent of the general assembly that retirement taken  
45 pursuant to this section be used to eliminate the  
46 greatest number of employment positions as is  
47 feasible. The department of management shall report  
48 to the fiscal committee of the legislative council and  
49 legislative fiscal bureau the number of vacancies  
50 retained and filled pursuant to this subsection.

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1 It is the intent of the general assembly that the  
2 cost of premiums incurred by a state department be  
3 included within that department's annual budget and be  
4 paid from originating funds.  
5 Sec. \_\_\_\_ EFFECTIVE DATE. Section 301 of this  
6 Act, being deemed of immediate importance, takes  
7 effect upon enactment."  
8 2. By renumbering as necessary.

MATT McCOY

S-5106

1 Amend Senate File 2411, as follows:  
2 1. Page 69, by inserting after line 30 the  
3 following:  
4 "Sec. 101. Section 411.15, Code 1999, is amended  
5 to read as follows:  
6 411.15 HOSPITALIZATION AND MEDICAL ATTENTION.  
7 Cities shall provide hospital, nursing, and medical  
8 attention for the members of the police and fire  
9 departments of the cities, when injured while in the  
10 performance of their duties as members of such  
11 department, and shall ~~continue to also~~ provide  
12 hospital, nursing, and medical attention ~~for injuries~~  
13 ~~or diseases incurred while in the performance of their~~  
14 ~~duties~~ for members receiving a retirement allowance  
15 under section 411.6, subsection 6. Cities may provide  
16 the hospital, nursing, and medical attention required  
17 by this section through the purchase of insurance, by  
18 self-insuring the obligation, or through payment of  
19 moneys into a local government risk pool established

for the purpose of covering the costs associated with the requirements of this section. The cost of providing the hospital, nursing, and medical attention required by this section shall be paid from moneys held in a trust and agency fund established pursuant to section 384.6, or out of the appropriation for the department to which the injured person belongs or belonged; provided that any amounts received by the injured person under the workers' compensation law of the state, or from any other source for such specific purposes, shall be deducted from the amount paid by the city under the provisions of this section."

2. Page 73, by inserting after line 1 the following:

"Sec. \_\_\_\_ . APPLICABILITY. Section 101 of this Act is applicable to members who were retired for accidental disability on or after July 1, 1980. However, the requirement of section 101 of this Act that cities provide hospital, nursing, and medical attention for members receiving a retirement allowance under section 411.6, subsection 6, only applies on or after the effective date of this Act."

3. By renumbering as necessary.

MATT McCOY

S-5107

Amend Senate File 2328 as follows:

1. By striking everything after the enacting clause, and inserting the following:

"Section 1. NEW SECTION. 709.19 SEXUAL OFFENSE REPORTING.

1. For purposes of this section, "sexual offense" means any offense proscribed under this chapter.

2. Any person, firm, association, or corporation maintaining, advertising, or conducting in Iowa any course of instruction for postsecondary students for profit or for a tuition charge shall:

a. Comply with the provisions of 20 U.S.C. } 1092, as applicable.

b. Prescribe policies and procedures relating to sexual offenses committed on the premises of the postsecondary institution, including but not limited to the following:

(1) Prescribing and publicizing procedures that students should follow if a sexual offense is committed on the premises of the postsecondary institution, including but not limited to whom the sexual offense should be reported, who should otherwise be contacted, and procedures relating to the timely preservation of evidence necessary for proof of

25 the sexual offense.

26 (2) Informing students immediately of their option  
27 to notify law enforcement authorities of the alleged  
28 sexual offense. If the sexual offense occurred on the  
29 campus of a postsecondary institution governed by the  
30 state board of regents that employs full-time  
31 certified law enforcement officers, the incident shall  
32 be reported to the department of public safety.

33 (3) Notifying students of existing counseling,  
34 mental health, or other services available, either on  
35 campus or in the community, for victims of sexual  
36 offenses.

37 (4) Notifying students of options for changing  
38 academic and living situations after an alleged  
39 commission of a sexual offense, and providing  
40 available assistance regarding such changes if  
41 requested by the victim.

42 (5) Prescribing disciplinary procedures for sexual  
43 offenses, and notifying students of the possible  
44 sanctions that could be imposed following the final  
45 determination of disciplinary procedures resulting  
46 from sexual offenses.

47 (6) Conducting education programs to promote the  
48 awareness of sexual offenses.

49 3. Providers of medical treatment or counselors  
50 employed by the postsecondary institution shall not be

## Page 2

1 included within the reporting requirement.

2 Sec. 2. Section 915.20, subsection 1, paragraph a,  
3 Code 1999, is amended to read as follows:

4 a. "Proceedings related to the offense" means any  
5 of the following:

6 (1) Any activities engaged in or proceedings  
7 commenced by a law enforcement agency, judicial  
8 district department of correctional services, or a  
9 court pertaining to the commission of a public offense  
10 against the victim, in which the victim is present, as  
11 well as examinations of the victim in an emergency  
12 medical facility due to injuries from the public  
13 offense which do not require surgical procedures.  
14 "Proceedings related to the offense" includes, but is  
15 not limited to, law enforcement investigations,  
16 pretrial court hearings, trial and sentencing  
17 proceedings, and proceedings relating to the  
18 preparation of a presentence investigation report in  
19 which the victim is present.

20 (2) Any investigation, meeting, or other  
21 proceeding related to a sexual offense that is subject  
22 to a disciplinary proceeding by a person, firm,  
23 association, or corporation maintaining, advertising,



- 24 or conducting in Iowa any course of instruction for  
25 postsecondary students for profit or for a tuition  
26 charge pursuant to section 709.19."  
27 2. Title page, line 1, by striking the words  
28 "reports of assault and sexual abuse" and inserting  
29 the following: "sexual offenses".  
30 3. Title page, line 2, by adding after the word  
31 "campuses" the following: "and private postsecondary  
32 school premises".  
33 4. By renumbering as necessary.

MARK SHEARER

S-5108

- 1 Amend Senate File 2349 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 9H.1, Code Supplement 1999, is  
5 amended by adding the following new subsection:  
6 NEW SUBSECTION. 6A. "Contract for the care and  
7 feeding of swine" means an oral or written agreement  
8 executed between a person and the owner of swine,  
9 under which the person agrees to care for and feed the  
10 owner's swine on the person's premises. A contract  
11 for the care and feeding of swine does not include an  
12 agreement for the sale or purchase of swine."  
13 2. Page 1, line 17, by striking the words "or  
14 499" and inserting the following: ~~"or 499, or 501"~~.  
15 3. Page 1, line 22, by striking the words "or  
16 499" and inserting the following: ~~"or 499, or 501"~~.  
17 4. Page 1, line 24, by striking the words "or  
18 499" and inserting the following: ~~"or 499, or 501"~~.  
19 5. Page 2, line 14, by striking the figure "2002"  
20 and inserting the following: "2004".

E. THURMAN GASKILL  
JOHN P. KIBBIE

S-5109

- 1 Amend Senate File 2324 as follows:  
2 1. Page 1, line 4, by inserting before the words  
3 "The attorney" the following: "1."  
4 2. Page 1, line 15, by inserting after the word  
5 "offense." the following: "The offenses that require  
6 the offender to submit a physical specimen for DNA  
7 profiling shall include but are not limited to the  
8 following:  
9 a. Murder in violation of section 707.2 or 707.3.  
10 b. Attempt to commit murder in violation of  
11 section 707.11.

- 12 c. Kidnapping in violation of section 710.1,  
13 710.2, or 710.3.  
14 d. Sexual abuse in violation of sections 709.2,  
15 709.3, or 709.4.  
16 e. Assault with intent to commit sexual abuse in  
17 violation of section 709.11.  
18 f. Assault while participating in a felony in  
19 violation of section 708.3.  
20 g. Burglary in the first degree in violation of  
21 section 713.3."  
22 3. Page 1, line 16, by inserting before the word  
23 "The" the following: "2."

ROBERT E. DVORSKY

S-5110

- 1 Amend the amendment, S-5103, to Senate File 2411 as  
2 follows:  
3 1. Page 1, line 34, by striking the word  
4 "Canadian" and inserting the following: "foreign".  
5 2. Page 2, line 3, by striking the word  
6 "Canadian" and inserting the following: "foreign".  
7 3. Page 2, line 7, by striking the word "Canada"  
8 and inserting the following: "the applicable foreign  
9 country".

MICHAEL E. GRONSTAL

S-5111

- 1 Amend Senate File 2367 as follows:  
2 1. Page 1, by striking lines 18 and 19.  
3 2. Page 1, by striking lines 25 through 27.  
4 3. By relettering as necessary.

JOHN REDWINE

S-5112

- 1 Amend Senate File 2126 as follows;  
2 1. Page 1, line 4, by striking the words "an  
3 individual or" and inserting the following: "a".  
4 2. Page 1, line 19, by striking the words "an  
5 individual or" and inserting the following: "a".  
6 3. Page 2, by inserting after line 30 the  
7 following:  
8 "4A. This section shall not be construed to limit  
9 or otherwise discourage the use of generic equivalent  
10 drugs approved by the United States food and drug  
11 administration, whenever available and appropriate.  
12 This section, when a brand name drug is requested by a

13 covered individual and a suitable generic equivalent  
14 is available and appropriate, shall not be construed  
15 to prohibit a third-party payor from requiring the  
16 covered individual to pay a deductible, coinsurance,  
17 or copayment consistent with subsection 3, in addition  
18 to the difference of the cost of the brand name drug  
19 less the maximum covered amount for a generic  
20 equivalent.

21 4B. A person who provides an individual policy or  
22 contract providing for third-party payment or  
23 prepayment of health or medical expenses shall make  
24 available a coverage provision that satisfies the  
25 requirements in subsections 1 through 4A in the same  
26 manner as such requirements are applicable to a group  
27 policy or contract under those subsections. The  
28 policy or contract shall provide that the individual  
29 policyholder may reject the coverage provision at the  
30 option of the policyholder."

JOANN JOHNSON

S-5113

1 Amend House File 2145, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 257.6, subsection 3, Code  
6 1999, is amended by adding the following new  
7 unnumbered paragraph:  
8 NEW UNNUMBERED PARAGRAPH. For the purposes of  
9 calculating special education support services costs  
10 for the school budget year beginning July 1, 2001, and  
11 succeeding budget years, a school district shall  
12 include accredited nonpublic school pupils receiving  
13 special education support services in determining its  
14 additional enrollment because of special education  
15 pursuant to this subsection. If, however, a nonpublic  
16 school pupil or a pupil attending another district  
17 under a whole grade sharing agreement or open  
18 enrollment receives special education support services  
19 through an area education agency other than the area  
20 education agency of the pupil's residence, the pupil  
21 shall be deemed to be served by the area education  
22 agency of the pupil's residence, which shall by  
23 contractual arrangement reimburse the area education  
24 agency through which the pupil actually receives  
25 services. Each school district shall include in the  
26 December 15 additional enrollment certification for  
27 special education the number of nonpublic school  
28 pupils within the school district receiving special  
29 education support services by the area education

30 agency. If an area education agency does not provide  
31 by itself or through another area education agency  
32 special education support services to nonpublic school  
33 pupils in a manner comparable to services provided  
34 public school pupils, as determined by the state board  
35 of education, the state board shall instruct the  
36 department of management to reduce the special  
37 education support services budget one time by an  
38 amount to compensate for such reduced services. The  
39 special education support services budget shall be  
40 reduced by an amount equal to the product of the cost  
41 per pupil in basic enrollment for the budget year for  
42 special education support services times the  
43 difference between the enrollment served and the basic  
44 enrollment recorded for the area.  
45 Sec. \_\_\_\_\_. Section 257.6, subsection 5, unnumbered  
46 paragraph 2, Code 1999, is amended to read as follows:  
47 Weighted enrollment for special education support  
48 services costs is equal to the weighted enrollment as  
49 calculated pursuant to subsection 3, minus the  
50 additional pupils added due to the application of the

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1 supplementary weighting.  
2 Sec. \_\_\_\_\_. Section 257.9, subsections 3 and 4, Code  
3 1999, are amended by striking the subsections and  
4 inserting in lieu thereof the following:  
5 3. SPECIAL EDUCATION SUPPORT SERVICES STATE COST  
6 PER PUPIL FOR 2001-2002. For the budget year  
7 beginning July 1, 2001, for the special education  
8 support services state cost per pupil, the department  
9 of management shall divide the total of the approved  
10 budgets of the area education agencies for special  
11 education support services for that year which are  
12 approved by the state board of education under section  
13 273.3, subsection 12, by the total of the weighted  
14 enrollment for special education support services in  
15 the state for the budget year. The special education  
16 support services state cost per pupil for the budget  
17 year is the amount calculated by the department of  
18 management under this subsection.  
19 4. SPECIAL EDUCATION SUPPORT SERVICES STATE COST  
20 PER PUPIL FOR 2002-2003 AND SUCCEEDING YEARS. For the  
21 budget year beginning July 1, 2002, and succeeding  
22 budget years, the special education support services  
23 state cost per pupil for the budget year is the  
24 special education support services state cost per  
25 pupil for the base year plus the special education  
26 support services allowable growth for the budget year.  
27 Sec. \_\_\_\_\_. Section 257.10, subsections 3 and 4,  
28 Code Supplement 1999, are amended by striking the

29 subsections and inserting in lieu thereof the  
30 following:  
31 3. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT  
32 COST PER PUPIL FOR 2001-2002. For the budget year  
33 beginning July 1, 2001, for the special education  
34 support services district cost per pupil, the  
35 department of management shall divide the approved  
36 budget of each area education agency for special  
37 education support services for that year approved by  
38 the state board of education, under section 273.3,  
39 subsection 12, by the total of the weighted enrollment  
40 for special education support services in the area for  
41 that budget year.  
42 The special education support services district  
43 cost per pupil for each school district in an area for  
44 the budget year is the amount calculated by the  
45 department of management under this subsection. If,  
46 however, the special education support services  
47 district cost per pupil calculated under this  
48 subsection in any school district is less than the  
49 special education support services state cost per  
50 pupil for the budget year, the department of

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1 management shall increase the special education  
2 support services district cost per pupil of that  
3 district to an amount equal to the special education  
4 support services state cost per pupil for the budget  
5 year.  
6 4. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT  
7 COST PER PUPIL FOR 2002-2003 AND SUCCEEDING YEARS.  
8 For the budget year beginning July 1, 2002, and  
9 succeeding budget years, the special education support  
10 services district cost per pupil for the budget year  
11 is the special education support services district  
12 cost per pupil for the base year plus the special  
13 education support services allowable growth for the  
14 budget year."  
15 2. Page 1, by striking lines 18 and 19 and  
16 inserting the following:  
17 "Sec. \_\_\_\_ EFFECTIVE AND APPLICABILITY DATES.  
18 1. The section of this Act amending section 257.6,  
19 subsection 3, is applicable for the purposes of  
20 determining weighted enrollment and special education  
21 support services state and district cost calculations  
22 for the school budget year beginning July 1, 2001, and  
23 succeeding budget years.  
24 2. The section of this Act amending section  
25 257.46, being deemed of immediate importance, takes  
26 effect upon enactment."  
27 3. Title page, by striking lines 2 and 3 and

28 inserting the following: "determining gifted and  
29 talented program funding, providing for the  
30 utilization of an enrollment count including nonpublic  
31 school pupils in determining special education support  
32 services funding, and providing effective and  
33 applicability dates."  
34 4. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5114

1 Amend Senate File 2366 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. NEW SECTION. 321.216C USE OF  
5 DRIVER'S LICENSE OR NONOPERATOR'S IDENTIFICATION CARD  
6 BY UNDERAGE PERSON TO OBTAIN CIGARETTES OR TOBACCO  
7 PRODUCTS.  
8 A person who is under the age of eighteen, who  
9 alters or displays or has in the person's possession a  
10 fictitious or fraudulently altered driver's license or  
11 nonoperator's identification card and who uses the  
12 license or card to violate or attempt to violate  
13 section 453A.2, subsection 2, commits a simple  
14 misdemeanor punishable by a fine of one hundred  
15 dollars. The court shall forward a copy of the  
16 conviction to the department.  
17 Sec. 2. Section 453A.2, Code 1999, is amended by  
18 adding the following new subsections:  
19 NEW SUBSECTION. 2A. Possession of cigarettes or  
20 tobacco products by an individual under eighteen years  
21 of age does not constitute a violation under this  
22 section if the individual under eighteen years of age  
23 possesses the cigarettes or tobacco products as part  
24 of the individual's employment and the individual is  
25 employed by a person who holds a valid permit under  
26 this chapter or who lawfully offers for sale or sells  
27 cigarettes or tobacco products.  
28 NEW SUBSECTION. 5. A person shall not be guilty  
29 of a violation of this section if conduct that would  
30 otherwise constitute a violation is performed to  
31 assess compliance with cigarette and tobacco products  
32 laws if any of the following applies:  
33 a. The compliance effort is conducted by or under  
34 the supervision of law enforcement officers.  
35 b. The compliance effort is conducted with the  
36 advance knowledge of law enforcement officers and  
37 reasonable measures are adopted by those conducting  
38 the effort to ensure that use of cigarettes or tobacco  
39 products by individuals under eighteen years of age  
40 does not result from participation by any individual

41 under eighteen years of age in the compliance effort.  
42 For the purposes of this subsection, "law  
43 enforcement officer" means a peace officer as defined  
44 in section 801.4 and includes persons designated under  
45 subsection 3 to enforce this section.  
46 Sec. 3. Section 453A.3, subsection 2, Code 1999,  
47 is amended to read as follows:  
48 2. A person who violates section 453A.2,  
49 subsection 2, shall pay a is subject to the following.  
50 as applicable:

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1 a. A civil penalty pursuant to section 805.8,  
2 subsection 11. Failure to pay the a civil penalty  
3 imposed for a violation of section 453A.2, subsection  
4 2, is a simple misdemeanor punishable as a scheduled  
5 violation under section 805.8, subsection 11.  
6 Notwithstanding section 602.8106 or any other  
7 provision to the contrary, any civil penalty or  
8 criminal fine paid under this subsection shall be  
9 retained by the city or county enforcing the violation  
10 to be used for enforcement of section 453A.2.  
11 b. For a first offense, performance of community  
12 service or attendance at tobacco education classes, if  
13 available.  
14 c. For a second offense, performance of thirty  
15 hours of community service, and attendance at tobacco  
16 education classes, if available.  
17 d. For a third or subsequent offense, performance  
18 of forty hours of community service and suspension of  
19 the person's driver's license for a period of thirty  
20 days. The clerk of the district court shall forward a  
21 copy of the order suspending the motor vehicle license  
22 of the person to the state department of  
23 transportation. Upon receipt of the copy of the order  
24 from the clerk of the district court, the state  
25 department of transportation shall notify the person  
26 that the person's driver's license will be suspended  
27 effective ten days from the date of the notice. The  
28 state department of transportation shall establish  
29 procedures, by rule, to effect the suspension of a  
30 person's driver's license pursuant to this paragraph  
31 "d" including surrender of the person's driver's  
32 license to the department and including issuance to  
33 the person of a temporary restricted license under  
34 section 321.215, as if the suspension was ordered  
35 under chapter 321.  
36 The state department of transportation shall, on  
37 application, issue a temporary restricted license to a  
38 person whose motor vehicle license is suspended under  
39 this paragraph "d", allowing the person to drive to

40 and from the person's home and specified places at  
41 specified times which can be verified by the  
42 department and which are required by the person's  
43 full-time or part-time employment, continuing health  
44 care or the continuing health care of another who is  
45 dependent upon the person, continuing education while  
46 enrolled in an educational institution on a part-time  
47 or full-time basis and while pursuing a course of  
48 study leading to a diploma, degree, or other  
49 certification of successful educational completion,  
50 substance abuse treatment, or court-ordered community

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1 service responsibilities.  
2 A person for whom a motor vehicle license is  
3 suspended under this paragraph "d" is not subject to  
4 chapter 321A and the suspension shall not be grounds  
5 for determination of risk, rates, or premiums in any  
6 policy of insurance issued to or for the person.  
7 Sec. 4. NEW SECTION. 453A.4 SEIZURE OF FALSE OR  
8 ALTERED DRIVER'S LICENSE OR NONOPERATOR'S  
9 IDENTIFICATION CARD.  
10 1. If a person holding a permit under this chapter  
11 or an employee of such a permittee has a reasonable  
12 belief based on factual evidence that a driver's  
13 license as defined in section 321.1, subsection 20A,  
14 or nonoperator's identification card issued pursuant  
15 to section 321.190 offered by a person who wishes to  
16 purchase cigarettes or tobacco products is altered or  
17 falsified or belongs to another person, the permittee  
18 or employee may retain the driver's license or  
19 nonoperator's identification card. Within twenty-four  
20 hours, the card shall be delivered to the appropriate  
21 city or county law enforcement agency of the  
22 jurisdiction in which the permittee's premises is  
23 located, and the permittee shall file a written report  
24 of the circumstances under which the card was  
25 retained. The local law enforcement agency may  
26 investigate whether a violation of section 321.216,  
27 321.216A, or 321.216C has occurred. If an  
28 investigation is not initiated or probable cause is  
29 not established by the local law enforcement agency,  
30 the driver's license or nonoperator's identification  
31 card shall be delivered to the person to whom it was  
32 issued. The local law enforcement agency may forward  
33 the card with the report to the state department of  
34 transportation for investigation, in which case, the  
35 state department of transportation may investigate  
36 whether a violation of section 321.216, 321.216A, or  
37 321.216C has occurred. The state department of  
38 transportation shall return the card to the person to



39 whom it was issued if an investigation is not  
40 initiated or probable cause is not established.  
41 2. Upon taking possession of an identification  
42 card as provided in subsection 1, a receipt for the  
43 card with the date and hour of seizure noted shall be  
44 provided to the person from whom the card is seized.  
45 3. A person holding a permit under this chapter or  
46 an employee of such a permittee is not subject to  
47 criminal prosecution for, or to civil liability for  
48 damages alleged to have resulted from, the retention  
49 and delivery of a driver's license or a nonoperator's  
50 identification card which is taken pursuant to

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1 subsections 1 and 2. This section shall not be  
2 construed to relieve a permittee or an employee of  
3 such a permittee from civil liability for damages  
4 resulting from the use of unreasonable force in  
5 obtaining the alleged altered or falsified driver's  
6 license or identification card or the driver's license  
7 or identification card believed to belong to another  
8 person.

9 Sec. 5. Section 453A.13, subsection 2, Code 1999,  
10 is amended by adding the following new paragraph:  
11 NEW PARAGRAPH. c. The department, or a city or  
12 county, shall submit a duplicate of any application  
13 for a retail permit and any retail permit issued by  
14 the entity under this subsection to the Iowa  
15 department of public health within thirty days of the  
16 issuance.

17 Sec. 6. Section 453A.22, subsection 2, paragraphs  
18 c and d, Code 1999, are amended to read as follows:

19 c. For a third violation within a period of ~~five~~  
20 three years, the violator's permit shall be suspended  
21 for a period of sixty days.

22 d. For a fourth violation within a period of ~~five~~  
23 three years, the violator's permit shall be revoked.

24 Sec. 7. Section 453A.22, Code 1999, is amended by  
25 adding the following new subsections:

26 NEW SUBSECTION. 4. Notwithstanding subsection 3,  
27 if a retail permit is suspended or revoked under this  
28 section, the suspension or revocation shall only apply  
29 to the place of business at which the violation  
30 occurred and shall not apply to any other place of  
31 business to which the retail permit applies but at  
32 which the violation did not occur.

33 NEW SUBSECTION. 5. The department or local  
34 authority shall report the suspension or revocation of  
35 a retail permit under this section to the Iowa  
36 department of public health within thirty days of the  
37 suspension or revocation of the retail permit.

38 Sec. 8. Section 602.6405, Code 1999, is amended by  
39 adding the following new subsection:  
40 NEW SUBSECTION. 1A. a. Magistrates shall hear  
41 and determine violations of and penalties for  
42 violations of section 453A.2, subsection 2.  
43 b. Magistrates shall forward copies of citations  
44 issued for violations of section 453A.2, subsection 2,  
45 and of their dispositions to the clerk of the district  
46 court. The clerk of the district court shall maintain  
47 records of citations issued and the dispositions of  
48 citations, and shall forward a copy of the records to  
49 the Iowa department of public health.  
50 Sec. 9. Section 805.6, Code 1999, is amended by

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1 adding the following new subsection:  
2 NEW SUBSECTION. 2A. The uniform citation and  
3 complaint shall contain a place for citing a person in  
4 violation of section 453A.2, subsection 2.  
5 Sec. 10. Section 805.8, subsection 11, paragraph  
6 b, Code Supplement 1999, is amended to read as  
7 follows:  
8 b. (1) For violations of section 453A.2,  
9 subsection 2, the scheduled fine is as follows and is  
10 a civil penalty, and the criminal penalty surcharge  
11 under section 911.2 shall not be added to the penalty,  
12 and the court costs pursuant to section 805.9,  
13 subsection 6, shall not be imposed:  
14 (a) If the violation is a first offense, the  
15 scheduled fine is ~~twenty five~~ fifty dollars.  
16 (b) If the violation is a second offense, the  
17 scheduled fine is ~~fifty one hundred~~ dollars.  
18 (c) If the violation is a third or subsequent  
19 offense, the scheduled fine is ~~one two~~ hundred fifty  
20 dollars.  
21 However, the fine shall not be imposed for a first  
22 or second offense if the court determines that the  
23 violation shall instead perform unpaid community  
24 service or attend tobacco education classes pursuant  
25 to section 453A.3, subsection 2.  
26 (2) For failing to pay the civil penalty under  
27 section ~~453A.2~~ 453A.3, subsection 2, or to perform the  
28 unpaid community service or to attend tobacco  
29 education classes under section 453A.3, subsection 2,  
30 the scheduled criminal fine is ~~twenty five~~ fifty  
31 dollars if the violation is a first offense, ~~fifty one~~  
32 hundred dollars if the violation is a second offense,  
33 and ~~one two~~ hundred fifty dollars if the violation is  
34 a third or subsequent offense. Failure to pay the

35 scheduled criminal fine shall not result in the person  
36 being detained in a secure facility. The complainant  
37 shall not be charged a filing fee."

NANCY BOETTGER  
MICHAEL E. GRONSTAL  
STEWART E. IVERSON, Jr.  
MATT McCOY

S-5115

1 Amend House File 2172, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 8 through 10 and  
4 inserting the following:  
5 " (3) An applicant for a position with a law  
6 enforcement agency of a political subdivision of the  
7 state when the applicant is being considered for a  
8 position in which the employee filling the position  
9 has direct access to prisoner funds, any other cash  
10 assets, and confidential information."

COMMITTEE ON JUDICIARY  
ANDY McKEAN, Chairperson

S-5116

1 Amend the amendment, S-5114, to Senate File 2366 as  
2 follows:  
3 1. Page 1, by striking lines 46 and 47, and  
4 inserting the following:  
5 "Sec. \_\_\_\_ Section 453A.3, Code 1999, is amended to  
6 read as follows:  
7 453A.3 PENALTY.  
8 1. a. A person, other than a retailer, who  
9 violates section 453A.2, subsection 1, or section  
10 453A.39 is guilty of a simple misdemeanor.  
11 b. An employee of a retailer who violates section  
12 453A.2, subsection 1, commits a simple misdemeanor  
13 punishable as a scheduled violation under section  
14 805.8, subsection 11.  
15 c. A person who violates section 453A.39, is  
16 guilty of a simple misdemeanor."  
17 2. Page 4, by striking lines 17 through 23, and  
18 inserting the following:  
19 "Sec. \_\_\_\_ Section 453A.22, subsection 2, Code  
20 1999, is amended to read as follows:  
21 2. If a retailer or employee of a retailer has  
22 violated section 453A.2, 453A.36, subsection 6, or  
23 453A.39, the department or local authority, in  
24 addition to the other penalties fixed for such  
25 violations in this section, shall assess a penalty

26 upon the same hearing and notice as prescribed in  
27 subsection 1 as follows:  
28 a. For a first violation, the ~~violator~~ retailer  
29 shall be assessed a civil penalty in the amount of  
30 three hundred dollars. Failure to pay the civil  
31 penalty as ordered under this subsection shall result  
32 in automatic suspension of the permit for a period of  
33 fourteen days.  
34 b. For a second violation within a period of two  
35 years, the ~~violator's~~ retailer's permit shall be  
36 suspended for a period of thirty days.  
37 c. For a third violation within a period of ~~five~~  
38 three years, the ~~violator's~~ retailer's permit shall be  
39 suspended for a period of sixty days.  
40 d. For a fourth violation within a period of ~~five~~  
41 three years, the ~~violator's~~ retailer's permit shall be  
42 revoked."  
43 3. Page 5, by inserting after line 4, the  
44 following:  
45 "Sec. \_\_\_\_ Section 805.8, subsection 11, Code  
46 Supplement 1999, is amended by adding the following  
47 new paragraph after paragraph a, and relettering the  
48 subsequent paragraph:  
49 NEW PARAGRAPH. aa. For violations of section  
50 453A.2, subsection 1, by an employee of a retailer,

**Page 2**

1 the scheduled fine is as follows:  
2 (1) If the violation is a first offense, the  
3 scheduled fine is one hundred dollars.  
4 (2) If the violation is a second offense, the  
5 scheduled fine is two hundred fifty dollars.  
6 (3) If the violation is a third or subsequent  
7 offense, the scheduled fine is five hundred dollars."

JEFF LAMBERTI

S-5117

1 Amend Senate File 2391 as follows:  
2 1. Page 5, by striking lines 24 through 30 and  
3 inserting the following: "section. This section  
4 forbids payment of compensation to persons including,  
5 but not limited to, managers, ~~callers, cashiers, floor~~  
6 ~~workers~~, janitorial personnel, accountants and  
7 bookkeepers. Callers, cashiers, and floor workers may  
8 be employed. The privilege of selling merchandise on  
9 the".

MICHAEL W. CONNOLLY

S-5118

1 Amend Senate File 2395 as follows:

2 1. Page 1, by inserting after line 29 the  
3 following:

4 "6A. Standards for information technology must be  
5 developed and implemented to ensure the appropriate  
6 acquisition of information technology and to  
7 effectively manage the state's information technology  
8 resources."

9 2. Page 2, by striking line 23 and inserting the  
10 following:

11 "a. The office of the governor or the office of an  
12 elective constitutional or statutory officer."

13 3. Page 5, by inserting after line 3 the  
14 following:

15 "\_\_\_\_. Recommending standards for an electronic  
16 repository for maintaining mandated agency reports as  
17 provided in section 304.13A. Such repository shall be  
18 developed and maintained for the purpose of providing  
19 public access to such mandated reports. The  
20 department shall develop such standards in  
21 consultation with the state librarian."

22 4. Page 5, by inserting after line 10 the  
23 following:

24 "\_\_\_\_. Coordinating the acquisition of information  
25 technology by participating agencies in furtherance of  
26 the purposes of this chapter."

27 5. Page 5, line 29, by inserting after the word  
28 "state." the following: "It is the intent of the  
29 general assembly that the general assembly make  
30 amounts collected as fees pursuant to this subsection  
31 available to the department for the department's  
32 operational expenses. Such amounts shall not be  
33 available to the department except pursuant to  
34 enactment by the general assembly which is signed by  
35 the governor."

36 6. Page 8, line 3, by striking the words "and  
37 chairperson".

38 7. Page 9, by inserting after line 6 the  
39 following:

40 "The information technology council shall elect its  
41 own chairperson from among the voting members of the  
42 council."

43 8. Page 11, line 18, by striking the word  
44 "director" and inserting the following: "governor".

45 9. Page 11, line 20, by striking the words "a  
46 three-year term" and inserting the following: "at the  
47 pleasure of the governor, except that an administrator  
48 shall not serve for a term greater than three years  
49 unless reappointed by the governor".

50 10. Page 13, by inserting after line 2 the

**Page 2**

1 following: "It is the intent of the general assembly  
2 that information technology standards be established  
3 for the purpose of guiding such procurements, but such  
4 standards shall not be mandatory on any participating  
5 agency until approved by act of the general assembly  
6 affirmatively approving such standards.

7 The office of the governor or the office of an  
8 elective constitutional or statutory officer shall  
9 consult with the department prior to procuring  
10 information technology and consider the standards  
11 recommended by the council, and provide a written  
12 report to the department relating to the office's  
13 decision regarding such acquisitions."

14 11. Page 13, line 13, by striking the word  
15 "establishing" and inserting the following:  
16 "recommending".

17 12. Page 13, line 16, by inserting after the word  
18 "source." the following: "The information technology  
19 council, in recommending such fees, shall also  
20 consider the collection of an enhanced fee for  
21 accessing government information or engaging in  
22 transactions with governmental entities which occur  
23 through IowaAccess and where a fee is already charged  
24 for such access or transaction. It is the intent of  
25 the general assembly that the fees charged for  
26 services provided through IowaAccess be reasonable, but  
27 set at levels necessary to generate sufficient revenue  
28 to cover the operational costs of IowaAccess. It is  
29 also the intent of the general assembly that fees be  
30 charged for a sufficient number of differing types of  
31 access or transactions in an effort to maintain a  
32 lower overall level of the fees to be charged."

33 13. Page 16, by inserting after line 22 the  
34 following:

35 "Sec. \_\_\_\_ Section 11.5B, Code 1999, is amended by  
36 adding the following new subsection:

37 NEW SUBSECTION. 14. Information technology  
38 department.

39 Sec. \_\_\_\_ Section 304.3, Code 1999, is amended by  
40 adding the following new subsection:

41 NEW SUBSECTION. 9. The director of the  
42 information technology department.

43 Sec. \_\_\_\_ Section 304.7, Code 1999, is amended by  
44 adding the following new subsection:

45 NEW SUBSECTION. 1A. Public records policies for  
46 an electronic repository for mandated agency reports.

47 Sec. \_\_\_\_ NEW SECTION. 304.13A ELECTRONIC  
48 RECORDS.

49 1. An agency required to compile and maintain a  
50 report, on and after July 1, 2001, shall maintain such

**Page 3**

1 report in an electronic form, giving consideration to  
2 the standards for electronic records recommended by  
3 the information technology department. Such agency,  
4 by itself, or with the assistance of the information  
5 technology department, shall also make the report  
6 accessible to the public through the internet as  
7 provided in subsection 2 and through other electronic  
8 means.

9 2. A copy of all required agency reports shall be  
10 located at an internet site maintained by the  
11 information technology department in consultation with  
12 the state librarian, and all required reports shall be  
13 placed on electronic media. The state librarian shall  
14 provide for the distribution of such copies to a  
15 public library in this state requesting such copy.  
16 For purposes of this section, "public library"  
17 means a city library, a regional library as provided  
18 in chapter 256, or a county library as provided in  
19 chapter 336.

20 3. It is the intent of the general assembly that  
21 this section be interpreted to reduce, to the greatest  
22 extent possible, printed copies of agency reports  
23 while protecting the public's right to have access to  
24 such reports. It is the intent of the general  
25 assembly that the distribution of a printed mandatory  
26 report be used only when it is the most efficient and  
27 cost-effective method for providing public access to  
28 such report. It is the intent of the general assembly  
29 that agency reports subject to this section be made  
30 available, to the greatest extent possible, to the  
31 public by electronic means.

32 4. The commission, in consultation with the  
33 information technology department, shall make  
34 recommendations to the governor and the general  
35 assembly for the continued reduction of printed  
36 reports throughout state government in a manner that  
37 protects the public's right to access such reports."

38 14. By renumbering as necessary.

STEVE KING

S-5119

1 Amend Senate File 2391 as follows:

2 1. Page 2, by striking lines 23 through 33 and  
3 inserting the following: "paragraph. A bingo  
4 licensee may conduct three jackpot games per bingo  
5 occasion. In a jackpot bingo game, may be conducted  
6 once during any twenty-four hour period in which the  
7 prize may begin at not more than three hundred dollars

8 in cash or actual retail value of merchandise prizes  
9 and may be increased by not more than one hundred  
10 dollars after each bingo occasion. However, the cost  
11 of play in a jackpot bingo game shall not be increased  
12 and the jackpot of the first two jackpot games shall  
13 not amount to more than ~~eight hundred two thousand~~  
14 five hundred dollars in cash or actual retail value of  
15 merchandise prizes. If a third jackpot game is  
16 conducted, the jackpot shall not amount to more than  
17 five thousand dollars in cash or actual retail value  
18 of merchandise prizes. A jackpot bingo game is not  
19 prohibited by paragraph".

MICHAEL W. CONNOLLY

S-5120

1 Amend Senate File 2391 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 99B.1, subsection 18, Code  
5 1999, is amended to read as follows:  
6 18. "Net receipts" means gross receipts less  
7 amount awarded as prizes and less state and local  
8 sales tax paid upon the gross receipts. Reasonable  
9 expenses, charges, fees, taxes other than the state  
10 and local sales tax, and deductions allowed by the  
11 department shall not exceed ~~twenty-five~~ fifty percent  
12 of net receipts."  
13 2. Page 4, by inserting after line 15 the  
14 following:  
15 "Sec. \_\_\_\_ Section 99B.7, subsection 3, paragraph  
16 b, unnumbered paragraph 2, Code 1999, is amended to  
17 read as follows:  
18 Proceeds given to another charitable organization  
19 to satisfy the ~~seventy-five~~ fifty percent dedication  
20 requirement shall not be used by the donee to pay any  
21 expenses in connection with the conducting of bingo  
22 by the donor organization, or for any cause, deed, or  
23 activity that would not constitute a valid dedication  
24 under this section."  
25 3. Page 4, line 28, by striking the word  
26 "seventy-five" and inserting the following: "~~seventy-~~  
27 five fifty".  
28 4. Page 5, line 15, by striking the word  
29 "seventy-five" and inserting the following: "~~seventy-~~  
30 five fifty".

MICHAEL W. CONNOLLY



S-5121

1 Amend Senate File 2391 as follows:

2 1. Page 8, by inserting after line 31 the  
3 following:

4 "Sec. \_\_\_\_ Section 422.43, subsections 2 and 3,  
5 Code Supplement 1999, are amended to read as follows:

6 2. There is imposed a tax of five percent upon the  
7 gross receipts derived from the operation of all forms  
8 of amusement devices and games of skill, games of  
9 chance, and raffles, ~~and except~~ bingo games, as  
10 defined in chapter 99B, operated or conducted within  
11 the state, the tax to be collected from the operator  
12 in the same manner as for the collection of taxes upon  
13 the gross receipts of tickets or admission as provided  
14 in this section. The tax shall also be imposed upon  
15 the gross receipts derived from the sale of lottery  
16 tickets or shares pursuant to chapter 99E. The tax on  
17 the lottery tickets or shares shall be included in the  
18 sales price and distributed to the general fund as  
19 provided in section 99E.10.

20 3. The tax thus imposed covers all receipts from  
21 the operation of games of skill, games of chance, and  
22 raffles ~~and bingo games~~ as defined in chapter 99B, and  
23 musical devices, weighing machines, shooting  
24 galleries, billiard and pool tables, bowling alleys,  
25 pinball machines, slot-operated devices selling  
26 merchandise not subject to the general sales taxes and  
27 on all receipts from devices or systems where prizes  
28 are in any manner awarded to patrons and upon the  
29 receipts from fees charged for participation in any  
30 game or other form of amusement, and generally upon  
31 the gross receipts from any source of amusement  
32 operated for profit, not specified in this section,  
33 and upon the gross receipts from which no tax is  
34 collected for tickets or admission, but no tax shall  
35 be imposed upon any activity exempt from sales tax  
36 under section 422.45, subsection 3. Every person  
37 receiving gross receipts from the sources defined in  
38 this section is subject to all provisions of this  
39 division relating to retail sales tax and other  
40 provisions of this chapter as applicable.

41 Sec. \_\_\_\_ Section 422.45, subsection 3, Code  
42 Supplement 1999, is amended to read as follows:

43 3. The gross receipts from sales of educational,  
44 religious, or charitable activities, where the entire  
45 proceeds from the sales are expended for educational,  
46 religious, or charitable purposes, except the gross  
47 receipts from games of skill, games of chance, and  
48 raffles ~~and bingo games~~ as defined in chapter 99B.  
49 The gross receipts from bingo games are exempt to the  
50 extent the gross receipts are expended for

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1 educational, religious, or charitable purposes. This  
2 exemption is disallowed on the amount of the gross  
3 receipts only to the extent the gross receipts are not  
4 expended for educational, religious, or charitable  
5 purposes."  
6 2. Title page, line 3, by inserting after the  
7 word "raffles" the following: "and providing a sales  
8 tax exemption for certain games of chance".

MICHAEL W. CONNOLLY

S-5122

1 Amend Senate File 2395 as follows:  
2 1. Page 13, by striking lines 10 through 16 and  
3 inserting the following: "state, or local. Except as  
4 provided in this section, IowaAccess shall be a state  
5 funded service providing access, including enhanced  
6 access, to government information and transactions.  
7 The information technology council, in establishing  
8 the fees for enhanced access, shall consider the  
9 reasonable cost of accessing such government  
10 information through IowaAccess. A fee for enhanced  
11 access shall not exceed the direct cost of accessing  
12 government information and transactions, and shall be  
13 set in accordance with section 22.3A, subsection 2,  
14 paragraph "b".  
15 For purposes of this section, "enhanced access"  
16 means access to government information which is not  
17 currently available to the public and which requires  
18 special sorts or formatting, or other action to  
19 provide such information, access to government  
20 information which is responsive to special requests  
21 for multiple government records in customized formats,  
22 or routine batch processing requests for information  
23 databases that would permit a recipient to obtain and  
24 commercially market available government information.  
25 A fee shall not be charged for government  
26 information or access to government information on or  
27 after the effective date of this section if a fee is  
28 not charged for such information or access to such  
29 information prior to that date.  
30 This section shall not be construed to impair the  
31 right of a person to contract to purchase information  
32 or data from the Iowa court information system or any  
33 other governmental entity. This section shall not be  
34 construed to affect a data purchase agreement or

35 contract in existence on the effective date of this  
36 section."

DONALD B. REDFERN  
JOANN JOHNSON  
JEFF LAMBERTI  
PATRICIA HARPER  
MATT McCOY  
PATRICK J. DELUHERY  
LARRY McKIBBEN  
ROBERT E. DVORSKY  
TOM FLYNN  
MICHAEL E. GRONSTAL

S-5123

1 Amend House File 2008, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 24 through 32 and  
4 inserting the following: "appropriate tag to  
5 transport the animal. ~~No~~ A license shall not be".

COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT  
MERLIN E. BARTZ, Chairperson

S-5124

1 Amend the amendment, S-5122, to Senate File 2395,  
2 as follows:  
3 1. Page 1, by striking lines 10 through 24 and  
4 inserting the following: "information through  
5 lowAccess."

JEFF LAMBERTI

S-5125

1 Amend Senate File 2338 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 256.11, Code 1999, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 9. Unless a waiver has been  
7 obtained under section 256.11A, each school or school  
8 district shall provide an articulated sequential  
9 elementary-secondary guidance program for grades  
10 kindergarten through twelve and a guidance counselor  
11 who meets the licensing standards prescribed by the  
12 board of educational examiners. In determining the  
13 requirements of this subsection for nonpublic schools,  
14 the department shall evaluate the schools on a school

15 system basis rather than on an individual school  
16 basis.  
17 Sec. \_\_\_\_\_. Section 256.11A, subsection 1, Code  
18 1999, is amended to read as follows:  
19 1. ~~Schools and school districts unable to meet the~~  
20 ~~standard adopted by the state board requiring each~~  
21 ~~school or school district operating a kindergarten~~  
22 ~~through grade twelve program to provide an articulated~~  
23 ~~sequential elementary-secondary guidance program. The~~  
24 ~~board of directors of a school district or the~~  
25 ~~authorities in charge of a nonpublic school may, not~~  
26 ~~later than August 1, 1995 1999, for the school year~~  
27 ~~beginning July 1, 1995 1999, file a written request to~~  
28 ~~the department of education that the department waive~~  
29 ~~the requirement for, established in section 256.11,~~  
30 ~~subsection 9, that a school or school district~~  
31 ~~operating a kindergarten through grade twelve program,~~  
32 ~~provide an articulated sequential elementary-secondary~~  
33 ~~guidance program and a guidance counselor who meets~~  
34 ~~the licensing standards prescribed by the board of~~  
35 ~~educational examiners. The procedures specified in~~  
36 ~~subsection 3 apply to the request. Not later than~~  
37 ~~August 1, 1996 2000, for the school year beginning~~  
38 ~~July 1, 1996 2000, the board of directors of a school~~  
39 ~~district or the authorities in charge of a nonpublic~~  
40 ~~school may request a one-year extension of the~~  
41 ~~waiver."~~  
42 2. Page 3, by inserting after line 35 the  
43 following:  
44 "Sec. \_\_\_\_\_. STATE MANDATE FUNDING SPECIFIED. In  
45 accordance with section 25B.2, subsection 3, the state  
46 cost of requiring compliance with any state mandate  
47 included in section 1 of in th is Act shall be paid by  
48 a school district from state school foundation aid  
49 received by the school district under section 257.16.  
50 This specification of the payment of the state cost

## Page 2

1 shall be deemed to meet all the state funding-related  
2 requirements of section 25B.2, subsection 3, and no  
3 additional state funding shall be necessary for the  
4 full implementation of this Act by and enforcement of  
5 this Act against all affected school districts."  
6 3. Title page, by striking lines 1 and 2 and  
7 inserting the following: "An Act relating to the  
8 duties and responsibilities of the state board of  
9 education."

MICHAEL W. CONNOLLY

S-5126

1 Amend Senate File 2338 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 256.11, Code 1999, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 9. Unless a waiver has been  
7 obtained under section 256.11A, each school or school  
8 district shall provide an articulated sequential  
9 elementary-secondary guidance program for grades  
10 kindergarten through twelve and a guidance counselor  
11 who meets the licensing standards prescribed by the  
12 board of educational examiners. In determining the  
13 requirements of this subsection for nonpublic schools,  
14 the department shall evaluate the schools on a school  
15 system basis rather than on an individual school  
16 basis.

17 Sec. \_\_\_\_ Section 256.11A, subsection 1, Code  
18 1999, is amended to read as follows:

19 ~~1. Schools and school districts unable to meet the~~  
20 ~~standard adopted by the state board requiring each~~  
21 ~~school or school district operating a kindergarten~~  
22 ~~through grade twelve program to provide an articulated~~  
23 ~~sequential elementary-secondary guidance program. The~~  
24 ~~board of directors of a school district or the~~  
25 ~~authorities in charge of a nonpublic school may, not~~  
26 ~~later than August 1, 1995 1999, for the school year~~  
27 ~~beginning July 1, 1995 1999, file a written request to~~  
28 ~~the department of education that the department waive~~  
29 ~~the requirement for, established in section 256.11,~~  
30 ~~subsection 9, that a school or school district~~  
31 ~~operating a kindergarten through grade twelve program,~~  
32 ~~provide an articulated sequential elementary-secondary~~  
33 ~~guidance program and a guidance counselor who meets~~  
34 ~~the licensing standards prescribed by the board of~~  
35 ~~educational examiners. The procedures specified in~~  
36 ~~subsection 3 apply to the request. Not later than~~  
37 ~~August 1, 1996 2000, for the school year beginning~~  
38 ~~July 1, 1996 2000, the board of directors of a school~~  
39 ~~district or the authorities in charge of a nonpublic~~  
40 ~~school may request a one-year extension of the~~  
41 ~~waiver."~~

42 2. Page 3, by inserting after line 35 the  
43 following:

44 "Sec. \_\_\_\_ STATE MANDATE FUNDING SPECIFIED. In  
45 accordance with section 25B.2, subsection 3, the state  
46 cost of requiring compliance with any state mandate  
47 included in section 1 of this Act shall be paid by a  
48 school district from state school foundation aid  
49 received by the school district under section 257.16.  
50 This specification of the payment of the state cost

**Page 2**

- 1 shall be deemed to meet all the state funding-related
- 2 requirements of section 25B.2, subsection 3, and no
- 3 additional state funding shall be necessary for the
- 4 full implementation of this Act by and enforcement of
- 5 this Act against all affected school districts."
- 6 3. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5127

- 1 Amend the House amendment, S-3450, to Senate File
- 2 449, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 4 the
- 5 following:
- 6 "Sec. \_\_\_\_ NEW SECTION. 1.18 OFFICIAL LANGUAGE
- 7 OF STATE.
- 8 The official language of the state shall be the
- 9 English language and all official proceedings,
- 10 records, and publications shall be in the English
- 11 language. This English language requirement shall not
- 12 apply to communications intended for persons who are
- 13 deaf or blind. The requirements of this section
- 14 establishing English as the official language of the
- 15 state shall not apply to any of the following:
- 16 1. To public employees in the oral or verbal, as
- 17 opposed to written, performance of government business
- 18 if necessary for effective communications.
- 19 2. To instruction in foreign language classes.
- 20 3. To instruction designed to aid students with
- 21 limited English proficiency.
- 22 4. When deemed to interfere with the needs of the
- 23 judicial system.
- 24 5. When public health, safety, and emergency
- 25 services require the use of other languages.
- 26 6. To the promotion of international commerce and
- 27 tourism.
- 28 7. To any oral or written communications,
- 29 examinations, or publications produced or utilized by
- 30 a driver's license station, provided public safety is
- 31 not jeopardized.
- 32 8. To personal communications relating to a
- 33 particular student and sent home from a school with
- 34 that student. Such communications may be in a
- 35 language other than English if a non-English language
- 36 is necessary for effective communications.
- 37 9. To any publication of any division of the
- 38 department of human rights. Written material produced
- 39 by the divisions of the department of human rights

- 40 relating to any matter within the scope of their  
41 authority may be published in any language necessary  
42 to effectively communicate with the intended  
43 recipients of the material."  
44 2. Page 3, by striking lines 3 through 5.  
45 3. By renumbering as necessary.

STEVE KING

S-5128

- 1 Amend Senate File 2213 as follows:  
2 1. Page 1, line 25, by inserting after the word  
3 "applicable." the following: "The requirements of  
4 this section are met if the pipeline company, where  
5 facilities permit, provides to the contractor and  
6 landowner all physical access necessary for precise  
7 electronic location of the pipe."  
8 2. Page 2, line 17, by inserting after the word  
9 "applicable." the following: "The requirements of  
10 this section are met if the pipeline company, where  
11 facilities permit, provides to the contractor and  
12 landowner all physical access necessary for precise  
13 electronic location of the pipe."  
14 3. Page 3, line 9, by inserting after the word  
15 "applicable." the following: "The requirements of  
16 this section are met if the pipeline company, where  
17 facilities permit, provides to the contractor and  
18 landowner all physical access necessary for precise  
19 electronic location of the pipe."

MICHAEL E. GRONSTAL

S-5129

- 1 Amend Senate File 2213 as follows:  
2 1. Page 1, line 3, by striking the word "If", and  
3 inserting the following: "If Unless otherwise agreed  
4 to in writing by the landowner and the pipeline  
5 company, if". "  
6 2. Page 1, line 29, by striking the word "If",  
7 and inserting the following: "If Unless otherwise  
8 agreed to in writing by the landowner and the pipeline  
9 company, if". "  
10 3. Page 2, line 21, by striking the word "If",  
11 and inserting the following: "If Unless otherwise  
12 agreed to in writing by the landowner and the pipeline  
13 company, if". "

STEVE KING

S-5130

1 Amend Senate File 2175 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. \_\_\_\_ Section 524.312, subsection 2,  
5 Code 1999, is amended to read as follows:

6 2. a. A state bank ~~may~~, with the prior written  
7 approval of the superintendent, may change the  
8 location of its principal place of business to a new  
9 location. A change of location shall be limited to  
10 another location in the same municipal corporation, to  
11 a location in a municipal corporation in the same  
12 county, or to a location in a municipal corporation in  
13 a county that is contiguous to or touching or  
14 cornering on the county in which the state bank is  
15 located.

16 b. If a state bank has its principal place of  
17 business in an unincorporated area, the superintendent  
18 may authorize a change of location of its principal  
19 place of business to a new location within the same  
20 unincorporated area as well as to any location  
21 referred to ~~in this subsection under paragraph "a".~~ A  
22 state bank subject to this paragraph that proposes a  
23 change in the location of its principal place of  
24 business, at the discretion of the state bank, may  
25 continue to maintain a bank office at the state bank's  
26 previous principal place of business located in the  
27 unincorporated area."

28 2. By renumbering as necessary.

MARK SHEARER

S-5131

1 Amend House File 656, as passed by the House, as  
2 follows:

3 1. Page 1, by striking lines 9 through 12.

4 2. Page 1, by inserting before line 13 the  
5 following:

6 "Sec. \_\_\_\_ Section 39.3, Code 1999, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 17. "Written" and "in writing"  
9 may include any mode of representing words or letters  
10 in general use. A signature, when required by law,  
11 must be made by the writing or markings of the person  
12 whose signature is required. If a person is unable  
13 due to a physical disability to make a written  
14 signature or mark, that person may substitute either  
15 of the following in lieu of a signature required by  
16 law:

17 a. The name of the person with a disability



18 written by another upon the request and in the  
19 presence of the person with a disability.

20 b. A rubber stamp reproduction of the name or  
21 facsimile of the actual signature of the person with a  
22 disability when adopted by that person for all  
23 purposes requiring a signature and then only when  
24 affixed by that person or another upon the request and  
25 in the presence of the person with a disability."

26 3. Page 2, line 5, by striking the word  
27 "fourteen" and inserting the following: "eleven".

28 4. Page 7, line 21, by striking the word  
29 "fourteen" and inserting the following: "eleven".

30 5. Page 9, by striking lines 25 through 34.

31 6. Page 11, by inserting after line 31 the  
32 following:

33 "Sec. \_\_\_\_ Section 48A.30, subsection 1, paragraph  
34 a, Code 1999, is amended to read as follows:

35 a. The registered voter dies. For the purposes of  
36 this subsection, the commissioner may accept as  
37 evidence of death a notice from the state registrar of  
38 vital statistics forwarded by the state registrar of  
39 voters, a written statement from a member of the  
40 registered voter's household, an obituary in a  
41 newspaper, a written statement from an election  
42 official, or a notice from the ~~clerk of the district~~  
43 ~~court in county recorder~~ of the county where the  
44 registered voter died."

45 7. Page 12, by striking lines 10 through 12, and  
46 inserting the following: "withdrawals by candidates  
47 for the general election."

48 8. Page 14, by inserting after line 23, the  
49 following:

50 "Sec. \_\_\_\_ Section 49.84, Code 1999, is amended by

## Page 2

1 adding the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. This section does not  
3 prohibit a voter from taking minor children into the  
4 voting booth with the voter.

5 Sec. \_\_\_\_ Section 49.88, Code 1999, is amended by  
6 adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. This section does not  
8 prohibit a voter from taking minor children into the  
9 voting booth with the voter."

10 9. Page 17, by striking lines 8 through 14.

11 10. Page 18, line 35, by striking the figure  
12 "2000," and inserting the following: "2001,".

13 11. Page 27, by striking lines 13 and 14.

14 12. Page 34, by striking lines 2 through 19.

15 13. Page 43, by inserting after line 21, the  
16 following:

17 "Sec. \_\_\_\_ EFFECTIVE DATE. The sections of this  
18 Act which amend sections 43.14, 45.5, and 45.6, take  
19 effect January 1, 2001."

20 14. Title page, line 4, by inserting after the  
21 word "laws" the following: "and providing an  
22 effective date".

23 15. By renumbering as necessary.

SHELDON RITTMER

S-5132

1 Amend House File 656, as passed by the House, as  
2 follows:

3 1. Page 12, by inserting before line 13, the  
4 following:

5 "Sec. \_\_\_\_ Section 49.53, unnumbered paragraph 1,  
6 Code 1999, is amended to read as follows:

7 The commissioner shall not less than four nor more  
8 than twenty days before the day of each election,  
9 except those for which different publication  
10 requirements are prescribed by law, publish notice of  
11 the election. The notice shall contain a facsimile of  
12 the portion of the ballot containing the first  
13 rotation as prescribed by section 49.31, subsection 2,  
14 and shall show the names of all candidates or nominees  
15 and the office each seeks, and all public questions,  
16 to be voted upon at the election. The sample ballot  
17 published as a part of the notice may at the  
18 discretion of the commissioner be reduced in size  
19 relative to the actual ballot but such reduction shall  
20 not cause upper case letters appearing on the  
21 published sample ballot to be less than ~~five thirty-~~  
22 ~~sixths of an inch high in candidates' names or in~~  
23 ~~summaries of public measures~~ the minimum type sizes  
24 required in section 49.57. The notice shall also  
25 state the date of the election, the hours the polls  
26 will be open, the location of each polling place at  
27 which voting is to occur in the election, the location  
28 of the polling places designated as early ballot pick-  
29 up sites, and the names of the precincts voting at  
30 each polling place, but the statement need not set  
31 forth any fact which is apparent from the portion of  
32 the ballot appearing as a part of the same notice.  
33 The notice shall include the full text of all public  
34 measures to be voted upon at the election. The notice  
35 shall also include notice of testing required pursuant  
36 to sections 52.9, 52.35, and 52.38."

37 2. Page 16, by inserting after line 18 the  
38 following:

39 "Sec. \_\_\_\_ Section 50.19, unnumbered paragraph 2,  
40 Code 1999, is amended to read as follows:

41 Material pertaining to elections for federal  
42 offices, including voted ballots, precinct election  
43 registers, declarations of eligibility signed by  
44 voters, documents relating to absentee ballots, and  
45 challenges of voters, shall be preserved for twenty-  
46 two months after the election. If a contest is not  
47 pending the materials may be destroyed at the end of  
48 the retention period.  
49 Sec. \_\_\_\_ Section 50.19, Code 1999, is amended by  
50 adding the following new unnumbered paragraph :

**Page 2**

1 NEW UNNUMBERED PARAGRAPH. Unvoted ballots for all  
2 elections may be destroyed ten days following the  
3 deadline to contest the election for which the ballots  
4 were prepared or the day after final determination of  
5 all pending contests of the election for which the  
6 ballots were prepared, whichever is later."  
7 3. Page 19, by inserting after line 1, the  
8 following:  
9 Sec. \_\_\_\_ Section 53.2, unnumbered paragraph 1,  
10 Code 1999, is amended to read as follows:  
11 Any registered voter, under the circumstances  
12 specified in section 53.1, may on any day, except  
13 election day, and not more than seventy days prior to  
14 the date of the election, apply in person for an  
15 absentee ballot at the commissioner's office or at any  
16 location designated by the commissioner, or make  
17 written application to the commissioner for an  
18 absentee ballot. However, for those elections in  
19 which the commissioner directs the polls be opened at  
20 noon pursuant to section 49.73, a voter may apply in  
21 person for an absentee ballot at the commissioner's  
22 office from eight a.m. until eleven a.m. on election  
23 day. The state commissioner shall prescribe a form  
24 for absentee ballot applications. However, if a  
25 registered voter submits an application that includes  
26 all of the information required in this section, the  
27 prescribed form is not required. Absentee ballot  
28 applications may include instructions to send the  
29 application directly to the county commissioner of  
30 elections. However, no absentee ballot application  
31 shall be preaddressed or printed with instructions to  
32 send the applications to anyone other than the  
33 appropriate commissioner."  
34 4. By renumbering as necessary.

SHELDON RITTMER

S-5133

1 Amend Senate File 2427 as follows:

2 1. Page 1, by inserting after line 12 the  
3 following:

4 "Sec. \_\_\_\_ Section 103A.9, subsection 4, Code

5 1999, is amended to read as follows:

6 4. All factory-built structures, without regard to  
7 manufacture date, shall be installed in accordance  
8 with the code in the governmental subdivisions which  
9 have adopted the state building code or any other  
10 building code. However, a governmental subdivision  
11 shall not require that a factory-built structure, that  
12 was manufactured in accordance with federally mandated  
13 standards, be renovated in accordance with the state  
14 building code or any other building code which the  
15 governmental subdivision has adopted when the factory-  
16 built structure is being moved from one lawful  
17 location ~~within the state~~ to another unless such  
18 required renovation is in conformity with those  
19 specifications for the factory-built structure which  
20 existed when it was manufactured or the factory-built  
21 structure is being rented for occupancy.

22 Existing factory-built structures not constructed  
23 to be in compliance with federally mandated standards  
24 may be moved from one established mobile home park to  
25 another ~~within the state~~ and shall not be required to  
26 be renovated to comply with the state building code or  
27 any other building code which the governmental  
28 subdivision has adopted unless the factory-built  
29 structure is being rented for occupancy or has been  
30 declared a public nuisance according to standards  
31 generally applied to housing.

32 Sec. \_\_\_\_ Section 103A.10, subsection 3, Code  
33 1999, is amended to read as follows:

34 3. Provisions of the state building code relating  
35 to the manufacture and installation of factory-built  
36 structures shall apply throughout the state. Factory-  
37 built structures approved by the commissioner shall be  
38 deemed to comply with all building regulations  
39 applicable to its manufacture and installation and  
40 shall be exempt from any local building regulations.  
41 Manufactured homes shall be installed using either the  
42 manufacturer's instructions, the state administrative  
43 rules for manufactured housing installation, or any  
44 installation system approved by a registered  
45 engineer."

46 2. Title page, line 1, by inserting after the  
47 word "structures," the following: "the installation  
48 of factory-built structures,".

JOANN JOHNSON

S-5134

- 1 Amend Senate File 2367 as follows:
- 2 1. Page 1, by striking lines 3 and 4 and
- 3 inserting the following:
- 4 "1. A health care provider who initially
- 5 identifies and diagnoses a spontaneous termination of
- 6 pregnancy or who".
- 7 2. Page 1, by striking lines 14 through 17.
- 8 3. Page 1, by striking line 22, and inserting the
- 9 following: "~~in which the patient resides~~ county and
- 10 state".
- 11 4. Page 2, line 12, by striking the words
- 12 "~~identifies and diagnoses or~~" and inserting the
- 13 following: "identifies and diagnoses or".
- 14 5. Page 2, line 15, by striking the words
- 15 "~~identified and diagnosed or~~" and inserting the
- 16 following: "identified and diagnosed or".
- 17 6. Page 4, by striking lines 2 and 3.

JOHNIE HAMMOND  
PATRICIA HARPER

S-5135

- 1 Amend House File 2198, as passed by the House as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "include" the following: ", but shall not be limited
- 5 to,".
- 6 2. Page 1, line 7, by striking the words "shall
- 7 include".
- 8 3. Page 1, line 8, by inserting after the word
- 9 "identified" the following: "; shall gather and
- 10 report data relating to reorganization efforts since
- 11 1979, listing the school districts that utilized
- 12 reorganization or sharing incentives such as whole
- 13 grade sharing, shared classes or teachers, shared
- 14 superintendents, and shared mathematics, science, and
- 15 language courses, the current status of school
- 16 districts that received reorganization or sharing
- 17 incentives, the costs of the incentives, the school
- 18 districts that consolidated, and how incentives were
- 19 used by the school districts; shall study the effect
- 20 of reorganization or sharing incentives on
- 21 transportation of students; shall determine the
- 22 efficacy and the cost effectiveness of the incentives;
- 23 shall study the feasibility of providing school
- 24 infrastructure funding as a reorganization incentive;
- 25 and shall identify actions that may be taken by the
- 26 state, the department of education, area education
- 27 agencies, and stakeholders that have proven in the

28 past to assist school district reorganization and  
29 whole grade sharing efforts".

COMMITTEE ON EDUCATION  
DONALD B. REDFERN, Chairperson

S-5136

1 Amend Senate File 2258 as follows:

2 1. Page 2, by inserting after line 35 the  
3 following:

4 "Sec. \_\_\_\_ Section 124.212, subsection 5, Code

5 1999, is amended to read as follows:

6 5. EPHEDRINE. Unless specifically excepted in  
7 paragraph "b", or "c", or listed in another schedule,  
8 any material, compound, mixture, or preparation which  
9 contains any quantity of the following substance,  
10 including its salts, optical isomers, and salts of  
11 such optical isomers:

12 a. Ephedrine.

13 b. The following drug products containing  
14 ephedrine, its salts, optical isomers, and salts of  
15 such optical isomers are excepted from this schedule,  
16 if they may lawfully be sold over the counter without  
17 a prescription under the federal Food, Drug and  
18 Cosmetic Act; are labeled and marketed in a manner  
19 consistent with the pertinent over-the-counter  
20 tentative final or final monograph; are manufactured  
21 and distributed for legitimate medicinal use in a  
22 manner that reduces or eliminates the likelihood of  
23 abuse; and are not marketed, advertised, or labeled  
24 for the indication of stimulation, mental alertness,  
25 weight loss, muscle enhancement, appetite control, or  
26 energy:

27 (1) Solid oral dosage forms, including soft  
28 gelatin capsules, that combine active ingredients in  
29 the following range for each dosage unit of not less  
30 than twelve and five-tenths milligrams but not more  
31 than twenty-five milligrams of ephedrine and not less  
32 than four hundred milligrams of guaifenesin packaged  
33 in blister packs of not more than two tablets per  
34 blister.

35 (2) Anorectal preparations containing less than  
36 five percent ephedrine.

37 c. Drug products are also excepted from this  
38 schedule if the drug products are not otherwise  
39 prohibited by any other law and are naturally  
40 occurring ephedrine alkaloids or their salts, isomers,  
41 or salts of isomers, or a combination of these  
42 substances that are contained in a matrix of organic  
43 material and do not exceed fifteen percent of the

44 total weight of the natural product."

45 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5137

1 Amend Senate File 2341 as follows:

2 1. By striking page 4, line 27 through page 5,  
3 line 19.

4 2. By striking page 5, line 32 through page 6,  
5 line 9 and inserting the following: "school ready  
6 children grant as of June 30, 2000. For designated  
7 community empowerment areas that have never been  
8 awarded a school ready children grant as of June 30,  
9 2000, the allocation amount for the fiscal year  
10 beginning July 1, 2000, shall be adjusted so that the  
11 total of the allocations for those areas is equivalent  
12 to the amount available for distribution to those  
13 areas after distribution of grant moneys to areas  
14 previously approved for a school ready children grant.  
15 The adjustment amount for those areas shall be in  
16 proportion to the amount an individual allocation  
17 bears to the total of the allocations for those areas.  
18 The grant period for those areas for that fiscal year  
19 shall be adjusted relative to the amount available for  
20 distribution to those areas in proportion to the  
21 amount an individual allocation bears to the total of  
22 the allocations for those areas."

23 3. Page 6, by inserting after line 15 the  
24 following:

25 "Sec. \_\_\_\_ INITIAL FIVE-YEAR PLAN. The initial  
26 five-year plan required under section 28.4, subsection  
27 12, paragraph "a", for consolidating, blending, and  
28 redistributing state-administered funding streams for  
29 children from birth through age five made available to  
30 community empowerment area boards shall be completed  
31 on or before December 15, 2000. Along with the  
32 initial plan, the Iowa empowerment board shall develop  
33 recommendations providing implementation options for  
34 the plan. The options shall include but are not  
35 limited to a negotiation process for the state,  
36 community boards, and local entities receiving the  
37 funding streams for the children to identify how the  
38 funding streams will be utilized within a community  
39 empowerment area. The initial plan and the  
40 recommendations shall be submitted to the governor and  
41 general assembly on or before the completion date

42 identified in this section."

43 4. By renumbering as necessary.

NANCY BOETTGER  
MAGGIE TINSMAN  
ELAINE SZYMONIAK  
JERRY BEHN  
KEN VEENSTRA  
PATRICIA HARPER  
JOHN REDWINE  
NEAL SCHUERER  
MARK SHEARER  
ROBERT E. DVORSKY  
DAVID MILLER

S-5138

1 Amend Senate File 2338 as follows:

2 1. Page 1, by inserting after line 21 the  
3 following:

4 "1A. All projects shall, where applicable, conform  
5 to the provisions of chapter 73A as if the school  
6 facility constructed were a public improvement and as  
7 if the private investors financing the school facility  
8 construction were a school corporation."

9 2. By renumbering as necessary.

MIKE SEXTON

S-5139

1 Amend House File 683 as amended, passed, and  
2 reprinted by the House as follows:

3 1. By striking page 1, line 1, through page 4,  
4 line 16, and inserting the following:

5 "Section 1. INTENT OF THE GENERAL ASSEMBLY. It is  
6 the intent of the general assembly that parties to  
7 family law actions maintain responsibility for their  
8 decision making, improve their communications  
9 concerning their children, and commit themselves to  
10 the decisions they reach. The best interests of  
11 children are normally served through maintenance of  
12 maximum contact with both parents, with a minimum of  
13 parental conflict.

14 Because research demonstrates that parental  
15 conflict may result in emotional and psychological  
16 damage to parties and their children, the general  
17 assembly finds that mediation should be utilized to  
18 the greatest extent possible in the resolution of  
19 domestic relations disputes in this state.

20 Sec. 2. Section 598.7A, Code 1999, is amended by  
21 striking the section and inserting in lieu thereof the



22 following:

23 598.7A MEDIATION.

24 1. The district court may, on its own motion or on  
25 the motion of any party, order the parties to  
26 participate in mediation in any dissolution of  
27 marriage action or other domestic relations action.  
28 Mediation performed under this section shall comply  
29 with the provisions of chapter 679C. The provisions  
30 of this section shall not apply to actions which  
31 involve domestic abuse pursuant to chapter 236. The  
32 provisions of this section shall not affect a judicial  
33 district's or court's authority to order settlement  
34 conferences pursuant to rules of civil procedure. The  
35 court shall, on application of a party, grant a waiver  
36 from any court-ordered mediation under this section if  
37 the party demonstrates that a history of domestic  
38 abuse exists as specified in section 598.41,  
39 subsection 3, paragraph "j".

40 2. The supreme court shall establish a dispute  
41 resolution program in family law cases that includes  
42 the opportunities for mediation and settlement  
43 conferences. Any judicial district may implement such  
44 a dispute resolution program, subject to the rules  
45 prescribed by the supreme court.

46 3. The supreme court shall prescribe rules for the  
47 mediation program, including the circumstances under  
48 which the district court may order participation in  
49 mediation.

50 4. Any dispute resolution program shall comply

## Page 2

1 with all of the following standards:

2 a. Participation in mediation shall include  
3 attendance at a mediation session with the mediator  
4 and the parties to the action, listening to the  
5 mediator's explanation of the mediation process,  
6 presentation of one party's view of the case, and  
7 listening to the response of the other party.  
8 Participation in mediation does not require that the  
9 parties reach an agreement.

10 b. The parties may choose the mediator, or the  
11 court shall appoint a mediator. A court-appointed  
12 mediator shall meet the qualifications established by  
13 the supreme court.

14 c. Parties to the mediation have the right to  
15 advice and presence of counsel at all times.

16 d. The parties to the mediation shall present any  
17 agreement reached through the mediation to their  
18 attorneys, if any. A mediation agreement reached by  
19 the parties shall not be enforceable until approved by  
20 the court.

21 e. The costs of mediation shall be borne by the  
22 parties, as agreed to by the parties, or as ordered by  
23 the court, and may be taxed as court costs. Mediation  
24 shall be provided on a sliding fee scale for parties  
25 who are determined to be indigent pursuant to section  
26 815.9.

27 5. The supreme court shall prescribe  
28 qualifications for mediators under this section on or  
29 before January 1, 2001. The qualifications shall  
30 include but are not limited to the ethical standards  
31 to be observed by mediators. The qualifications shall  
32 not include a requirement that the mediator be  
33 licensed to practice any particular profession.

34 Sec. 3. SUPREME COURT REPORT. The supreme court  
35 shall submit a report to the general assembly by  
36 January 1, 2001, which shall include any  
37 recommendations for implementing, modifying, and  
38 funding this Act.

39 Sec. 4. EFFECTIVE DATE. This Act takes effect  
40 July 1, 2001, except that section 3 of this Act takes  
41 effect upon enactment."

42 2. Title Page, line 2, by inserting after the  
43 word "child" the following: ", and providing  
44 effective dates".

45 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
ANDY McKEAN, Chairperson

S-5140

1 Amend House File 2528, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 7, by striking lines 32 through 34.

4 2. By striking page 10, line 29, through page 11,  
5 line 3.

6 3. Page 11, by striking lines 12 and 13, and  
7 inserting the following: "and to receive evidence,  
8 and shall deliberate in open session. After  
9 deliberations commence, the".

10 4. By renumbering as necessary.

COMMITTEE ON LOCAL GOVERNMENT  
JEFF ANGELO, Chairperson

S-5141

1 Amend Senate File 2318 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

"DIVISION I

PILOT CHARTER SCHOOL PROGRAM

Section 1. NEW SECTION. 256F.1 FINDINGS AND  
INTENT.

The general assembly finds that the restrictions and requirements of state laws and regulations often prevent public schools and school districts from achieving effective education reform. To determine whether allowing public schools or school districts to operate under a charter can help a school or district more effectively achieve the goal of education reform, the general assembly finds that a pilot program should be enacted allowing public schools and school districts to specify their own duties, responsibilities, and operations. To assist public schools and school districts in meeting their student achievement and education reform goals, the general assembly finds that two charter school models are necessary, both of which shall be publicly authorized and publicly funded:

1. The state public charter school model.

2. The local public charter school model.

Sec. 2. NEW SECTION. 256F.2 PILOT PROGRAM –  
DEFINITIONS.

1. Commencing with the school year beginning July 1, 2001, the state board of education shall initiate a pilot program to test the effectiveness of charter schools. The purpose of the pilot charter school program is to encourage public schools and school districts to determine creative ways to achieve the educational outcomes that meet the needs of all children to be successful. Under the program, the state board may approve as pilot programs not more than five state public charter school programs and not more than five local public charter school programs, unless the state board receives fewer applications than the maximum for either model, in which case, effective July 1, 2003, the state board may approve the applications for either model until it reaches a total of ten pilot programs. A school district approved as a pilot program for a state public charter school shall be counted as one program under this section. The state board shall approve only those applications that meet the qualifications specified in section 256F.3 or 256F.21, as applicable, in accordance with this chapter. To receive approval to establish a pilot charter school, the board of

**Page 2**

1 directors of a school district shall submit an  
2 application to the state board in accordance with

3 section 256F.3 or 256F.21, as applicable, in  
4 accordance with this chapter. The state board shall  
5 adopt rules in accordance with chapter 17A for the  
6 implementation of this chapter. When considering  
7 applications, state board approval shall be based on  
8 whether the applications meet the following criteria,  
9 in order of priority:

10 a. Meets all of the qualifications specified in  
11 section 256F.3 or section 256F.21, as applicable.

12 b. Ensures geographical distribution of pilot  
13 programs across the state.

14 c. Ensures distribution to small, medium, and  
15 large school districts.

16 d. That no other pilot charter school program of  
17 its type exists within the same school district.

18 2. The approval by the state board of an  
19 application shall not be conditioned upon the  
20 bargaining unit status of the employees of the charter  
21 school.

22 3. A school board may, by majority vote, submit  
23 the question of whether to operate the school district  
24 as a state public charter school to the eligible  
25 electors of the school district at any regular school  
26 election or at a special election called specifically  
27 for this purpose. The school board shall submit an  
28 application to the state board for approval of the  
29 state public charter school as a pilot program only if  
30 a majority of the eligible electors voting in an  
31 election called pursuant to this subsection vote in  
32 favor of the question.

33 4. "Department" means the department of education,  
34 for purposes of this chapter.

35 5. "Pilot charter school", for purposes of this  
36 division, means a state public or local public charter  
37 school operated as a pilot program, as indicated by  
38 the context.

39 6. "Pilot charter school district" means a school  
40 district operating under a contract with the state  
41 board in accordance with this chapter.

42 7. "State board" means the state board of  
43 education, for purposes of this chapter.

44 Sec. 3. NEW SECTION. 256F.3 GENERAL OPERATING  
45 REQUIREMENTS.

46 1. Any pilot charter school that is approved to  
47 operate shall operate under the provisions of its  
48 contract and shall be subject to the following:

49 a. Shall meet all applicable federal, state, and  
50 local health and safety requirements and laws

**Page 3**

1 prohibiting discrimination on the basis of race,  
2 creed, color, sex, national origin, religion,  
3 ancestry, or disability. A charter school shall be  
4 subject to any court-ordered desegregation plan in  
5 effect for the school district at the time the  
6 school's charter application is approved.  
7 b. Shall operate as a nonsectarian, nonreligious  
8 public school.  
9 c. Shall be free of tuition and application fees  
10 to Iowa resident students between the ages of five and  
11 twenty-one years.  
12 d. Shall be subject to and shall comply with  
13 chapters 216 and 216A relating to civil and human  
14 rights.  
15 e. Shall be considered a school district for  
16 purposes of tort liability under chapter 670.  
17 f. Shall not be used as a method of providing  
18 education or generating revenue for students receiving  
19 competent private instruction pursuant to chapter  
20 299A.  
21 g. Shall receive state moneys or be eligible to  
22 receive state moneys as provided in chapters 256D,  
23 256E, 257, 285, 294A, and 295, as if it did not  
24 operate under a charter. A pilot charter school  
25 district may levy taxes and issue bonds as provided in  
26 chapters 73A, 75, 76, 257, 279, 295, 296, and 298, as  
27 if it did not operate under a charter. The enrollment  
28 of the pilot charter school shall be included in the  
29 actual enrollment of the school district in which the  
30 pilot charter school is located except as provided in  
31 paragraph "h".  
32 h. Shall operate within the same geographic  
33 boundaries that existed prior to its becoming a pilot  
34 charter school or district. The enrollment of the  
35 pilot charter school or district shall be calculated  
36 and submitted as provided in chapter 257 as if it did  
37 not operate under a charter.  
38 i. Shall provide special education services in  
39 accordance with chapter 256B. However, the school  
40 district of residence shall be responsible for the  
41 difference between the state moneys received pursuant  
42 to the weighting plan under section 256B.9, and the  
43 pilot charter school's extraordinary costs of  
44 instruction of children requiring special education.  
45 j. Shall not discriminate in its student  
46 admissions policies or practices on the basis of  
47 intellectual or athletic ability, measures of  
48 achievement or aptitude, status as a person with a  
49 disability, or any other basis that would be illegal  
50 if practiced by a school district. However, a pilot

**Page 4**

1 charter school may limit admission to students who are  
2 within a particular range of age or grade level or on  
3 any other basis that would be legal if initiated by a  
4 school district. Enrollment priority shall be given  
5 to the siblings of students enrolled in a pilot  
6 charter school.

7 2. A pilot charter school shall enroll an eligible  
8 student who submits a timely application, unless the  
9 number of applications exceeds the capacity of a  
10 program, class, grade level, or building. In this  
11 case, students must be accepted by lot. A pilot  
12 charter school shall be subject to section 282.18 as  
13 if it did not operate under a charter, except as  
14 provided in this chapter.

15 3. A pilot charter school is a public school and  
16 is part of the state's system of public education.  
17 Except as provided in this chapter, a pilot charter  
18 school is exempt from all statutes and rules  
19 applicable to a school, a school board, or a district,  
20 although it may elect to comply with one or more  
21 provisions of statute or administrative rule.

22 4. The state board and a pilot charter school may  
23 freely negotiate which state statutes and  
24 administrative rules apply to the pilot charter  
25 school.

26 5. A bargaining unit formed by employees of a  
27 pilot charter school shall be separate from a school  
28 district bargaining unit, unless the entire school  
29 district is approved as a pilot charter school.

30 6. A pilot charter school shall provide  
31 instruction for at least the number of days required  
32 by section 279.10, subsection 1, unless the school  
33 provides instruction throughout the year according to  
34 section 256.20 or section 279.10, subsection 3.

35 Sec. 4. NEW SECTION. 256F.4 CONTRACT.

36 1. An approved pilot charter school application  
37 shall constitute an agreement, the terms of which  
38 shall be the terms of a four-year renewable contract  
39 between the pilot charter school or pilot charter  
40 school district and the state board under division II,  
41 and between the pilot charter school and the local  
42 school district under division III. The contract  
43 shall reflect all agreements regarding the operation  
44 of the pilot charter school. The terms of the  
45 contract may be revised at any time, with the approval  
46 of the state board and the pilot charter school under  
47 division II, or with the approval of the pilot charter  
48 school and the school district under division III,  
49 whether or not the stated provisions of the contract  
50 are being fulfilled.

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2. The state board of education shall provide by rule for the ongoing review of a pilot charter school's compliance with a contract entered into in accordance with this chapter. The department shall visit a pilot charter school district at least once annually to determine the status and progress toward the goals of its contract.

Sec. 5. NEW SECTION. 256F.5 INSTRUCTIONAL AND NONINSTRUCTIONAL STAFF.

1. Employees of a pilot charter school may, if otherwise eligible, organize under chapter 20 and comply with its provisions as if it did not operate under a charter.

2. Practitioners employed by pilot charter schools shall be licensed in accordance with chapter 272 except as follows:

a. Up to fifteen percent of the teachers employed by pilot charter schools shall not be required to be licensed under chapter 272.

b. A person may be employed as an administrator if the person is pursuing a course of study leading to the completion of all requirements for licensure as an administrator.

3. Practitioners employed in a pilot charter school shall be public school employees for purposes of chapter 97B.

Sec. 6. NEW SECTION. 256F.6 PROCEDURES AFTER REVOCATION – STUDENT ENROLLMENT.

1. If the contract for a pilot charter school district is revoked under section 256F.13, the state board shall merge the territory of the school district with one or more contiguous school districts at the end of the school year. Division of assets and liabilities of the school district shall be as provided in sections 275.29 through 275.31. Until the merger is completed, and subject to a decision by the state board of education, the pilot charter school district shall pay tuition for its resident students to an accredited school district under section 282.24. However, in lieu of merger and payment of tuition by a pilot charter school district, the state board may place the district under receivership for the remainder of the school year or until the district meets the accreditation requirements of section 256.11 or the terms of the contract entered into pursuant to section 256F.4. The receivership shall be under the direct supervision and authority of the director of the department of education. The decision of whether to merge the school district and require payment of tuition for the district's students or to place the

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1 district under receivership shall be based upon a  
2 determination by the state board of the best interests  
3 of the students, parents, residents of the community,  
4 teachers, administrators, and board members of the  
5 district and the recommendations of the director of  
6 the department of education. If the state board  
7 revokes a contract, the revocation shall take effect  
8 on the date established by the resolution of the state  
9 board, which shall be no later than the end of the  
10 school year in which the contract is revoked.

11 2. If a pilot charter school contract is revoked  
12 in accordance with this chapter, a student who  
13 attended the school, siblings of the student, or  
14 another student who resides in the same place as the  
15 student may enroll in the resident district or may  
16 submit an application to a nonresident district  
17 according to section 282.18 at any time. Applications  
18 and notices required by section 282.18 shall be  
19 processed and provided in a prompt manner. The  
20 application and notice deadlines in section 282.18 do  
21 not apply under these circumstances.

22 Sec. 7. NEW SECTION. 256F.7 REPORTS.

23 1. Notwithstanding section 256F.3, subsection 3,  
24 not later than December 1, 2001, and annually  
25 thereafter, the state board shall submit a  
26 comprehensive report, with findings and  
27 recommendations, to the senate and house standing  
28 committees on education. The report shall evaluate  
29 pilot charter school programs generally, including but  
30 not limited to, an evaluation of whether the pilot  
31 programs are fulfilling the purposes set forth in  
32 section 256F.11, subsection 1, and if applicable,  
33 section 256F.22. The report also shall contain, for  
34 each pilot charter school, a copy of the pilot charter  
35 school's mission statement, attendance statistics and  
36 dropout rate, aggregate assessment test scores,  
37 projections of financial stability, and number of and  
38 comments on supervisory visits by the department of  
39 education.

40 2. Notwithstanding section 256F.3, subsection 3, a  
41 pilot charter school shall meet the reporting  
42 requirements of section 256.7, subsection 21,  
43 paragraph "c". The department shall disseminate the  
44 information submitted by a pilot charter school in  
45 accordance with this section to all school districts.

46 DIVISION II

47 THE STATE PUBLIC CHARTER SCHOOL MODEL

48 Sec. 8. NEW SECTION. 256F.11 APPLICATION --  
49 DEFINITION.

50 1. An application for the approval of a pilot



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1 charter school shall include, but shall not be limited  
2 to, a description of the following:

3 a. The method for admission to a pilot charter  
4 school or schools within a pilot charter school  
5 district.

6 b. The mission, purpose, innovation, and  
7 specialized focus of the proposed pilot charter school  
8 or schools within a pilot charter school district.

9 c. An explicit statement of the performance goals  
10 and objectives, by which the school's student  
11 achievement shall be judged, proposed by the school  
12 board or school district attendance center submitting  
13 the application to the school board, the measures to  
14 be used to assess progress, the attendance center or  
15 the school district's current baseline status with  
16 respect to the goals, and the time frame for  
17 accomplishing the goals.

18 d. Procedures for teacher evaluation and  
19 professional development for teachers and  
20 administrators.

21 e. The school or district governance and bylaws.

22 f. The financial plan for the operation of the  
23 school or district.

24 g. The educational program, instructional  
25 methodology, and services to be offered to students.

26 h. The number and qualifications of teachers and  
27 administrators to be employed.

28 i. The organization of the school or schools  
29 within the pilot charter school district in terms of  
30 ages of students or grades to be taught along with an  
31 estimate of the total enrollment of the school or  
32 schools within the pilot school district.

33 j. The provision of school facilities and public  
34 transportation.

35 k. A statement of equal educational opportunity  
36 which shall state that the pilot charter school or  
37 district shall be open to all students on a space-  
38 available basis, and shall not discriminate on the  
39 basis of race, color, national origin, creed, sex,  
40 ethnicity, sexual orientation, mental or physical  
41 disability, age, ancestry, athletic performance,  
42 special need, or proficiency in the English language,  
43 or academic achievement.

44 l. Assurance of the assumption of liability by the  
45 pilot charter school or district.

46 m. The types and amounts of insurance coverage to  
47 be obtained by the pilot charter school or district.

48 n. A plan of operation to be implemented if the  
49 state public charter school revokes or fails to renew  
50 its contract.

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2. If an attendance center located within a district submits an application to a school district, the board of directors of the school district shall notify the applicant of its decision to deny or approve the application within ninety days of receiving the application. If the board denies the application, or fails to notify the person of its decision in a timely manner, the applicant may apply to the state board. If the state board approves the application, the state board shall notify the board of directors of the school district in which the attendance center is located, and the school board shall become the authorizing body for the pilot charter school, shall issue a contract with the pilot charter school, and shall otherwise comply with the provisions of the chapter. The decision of the state board is final and is not subject to review by a court or any other state agency.

3. A school district seeking approval for a pilot charter school shall also submit with the application evidence of broad-based support among parents, teachers, and pupils within the school district for the formation of a pilot charter school by way of a petition, public opinion survey, or other similar, reliable indicator of public opinion.

4. For purposes of this division, "pilot charter school" means a state public charter school operated as a pilot program, unless the context indicates otherwise. "Attendance center", means a public school building that houses elementary, middle, or secondary school students. An attendance center shall not enter into a charter school contract with a school district under this division unless the attendance center is located within the school district.

**Sec. 9. NEW SECTION. 256F.12 ADDITIONAL PROVISIONS REGARDING STATE PUBLIC PILOT CHARTER SCHOOLS.**

1. A school district receiving approval to become a pilot charter school district or to establish a pilot charter school under division I and this division shall do the following:

a. Contract for an annual financial audit by a certified public accountant in accordance with generally accepted accounting principles. The audit shall examine the validity and integrity of data reported to the state for state school foundation aid purposes and internal controls of the charter school or district. Notwithstanding any provision to the contrary, a pilot charter school or district may, but shall not be required to, conform to uniform state

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1 financial accounting and reporting standards and  
2 processes, laws, and regulations governing school  
3 districts.

4 b. Operate within the geographical boundaries of  
5 the school district approved to establish the pilot  
6 charter school.

7 c. Be accountable to the state board for purposes  
8 of ensuring compliance with the charter provisions.

9 2. A pilot charter school or a pilot charter  
10 school district shall be liable for timely payment on  
11 its bonded indebtedness and subject to the same bonded  
12 indebtedness limitations as if it did not operate  
13 under a charter.

14 3. A pilot charter school and a pilot charter  
15 school district shall be accountable to the state  
16 board for purposes of ensuring compliance with the  
17 charter provisions.

18 Sec. 10. NEW SECTION. 256F.13 REVOCATION OF  
19 CONTRACT.

20 1. A contract for the establishment of a state  
21 public pilot charter school or district issued under  
22 this division may be revoked either by the state board  
23 in the case of a school or district, or, in the case  
24 of a school only, the school board that established  
25 the pilot charter school if the appropriate board  
26 determines that one or more of the following occurred:

27 a. Failure of the pilot charter school or district  
28 to abide by and meet the educational goals set forth  
29 in the contract.

30 b. Failure of the pilot charter school or district  
31 to comply with all applicable law.

32 c. Failure of the pilot charter school or district  
33 to meet generally accepted public sector accounting  
34 principles.

35 d. The existence of one or more other grounds for  
36 revocation as specified in the contract.

37 2. If the state board decides to consider a  
38 proposal to revoke a contract in accordance with this  
39 section, the state board shall notify the school  
40 district of the proposed action at least sixty days  
41 prior to revoking a contract. If the school district  
42 decides to consider a proposal to revoke a contract,  
43 it shall notify the state board of the proposed action  
44 at least sixty days prior to revoking the contract.  
45 The notice shall state the grounds for the proposed  
46 action in writing and in reasonable detail. If the  
47 state board is initiating the action, the school  
48 district may request in writing an informal hearing  
49 before the state board within fourteen days of  
50 receiving notice of revocation of the contract. Upon

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1 receiving a timely written request for a hearing, the  
2 state board shall give reasonable notice to the school  
3 board of the hearing date. The state board shall  
4 conduct an informal hearing before taking final  
5 action. The school board shall take final action to  
6 revoke or approve continuation of a contract by the  
7 last day of classes in the school year. If the final  
8 action to revoke a contract under this section occurs  
9 prior to the last day of classes in the school year, a  
10 pilot charter school student may enroll in the  
11 resident district or another district as provided in  
12 section 256F.6.

13 3. The decision of the state board or the school  
14 board to revoke a contract under this section is  
15 solely within the discretion of the state board or the  
16 school board, is final, and is not subject to review  
17 by a court or any other state agency. A board  
18 revoking a contract under this section is not liable  
19 for that action to the pilot charter school, a student  
20 enrolled in the pilot charter school or the student's  
21 parent or guardian, or any other person.

**DIVISION III****THE LOCAL PUBLIC CHARTER SCHOOL MODEL**

24 Sec. 11. NEW SECTION. 256F.21 LOCAL PUBLIC PILOT  
25 CHARTER SCHOOL – AUTHORIZING AGENT.

26 1. The board of directors of a school district may  
27 become the authorizing agent for a pilot charter  
28 school if the board submits a copy of the contract  
29 established between the board and the proposed local  
30 operators of the proposed pilot charter school to the  
31 state board. However, the local operators shall have  
32 final authority over the content contained in the  
33 application. The state board shall approve or deny  
34 the establishment of a pilot charter school in  
35 accordance with this division only on the basis of  
36 whether the proposed pilot charter school contract and  
37 location meets the requirements set forth section  
38 256F.2, subsection 1.

39 2. "Authorizing agent" means the board of  
40 directors of a school district.

41 3. "Pilot charter school", for purposes of this  
42 division, means a local public charter school operated  
43 as a pilot program, except as provided in section  
44 256F.22, subsection 2, and unless the context  
45 indicates otherwise.

46 Sec. 12. NEW SECTION. 256F.22 CONTRACT TO  
47 ORGANIZE.

48 1. To obtain a contract to organize and operate a  
49 pilot charter school in accordance with this division,  
50 a person may apply to an authorizing body described in

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1 section 256F.21, subsection 2. The application shall  
2 include all of the information described in section  
3 256F.11, subsection 1, and all of the following  
4 information:  
5 a. Identification of the applicant for the  
6 contract.  
7 b. Subject to the resolution adopted by the  
8 authorizing body under section 256F.24, subsection 2,  
9 a list of the proposed members of the board of  
10 directors of the pilot charter school and a  
11 description of the qualifications and method for  
12 appointment or election of members of the pilot  
13 charter school board of directors.  
14 c. The proposed articles of incorporation, which  
15 shall include at least all of the following:  
16 (1) The name of the proposed pilot charter school.  
17 (2) The mission, purpose, and specialized focus of  
18 the proposed pilot charter school. This language  
19 shall provide that the pilot charter school is  
20 incorporated pursuant to this section and that the  
21 pilot charter school is a governmental entity.  
22 (3) The name of the authorizing body.  
23 (4) The proposed time when the articles of  
24 incorporation will be effective.  
25 (5) Other matters considered expedient to be in  
26 the articles of incorporation.  
27 (6) The composition of the pilot charter school  
28 board.  
29 d. Documentation meeting the application  
30 requirements of the authorizing body, including at  
31 least all of the following:  
32 (1) A copy of curricula to be offered by the pilot  
33 charter school. To the extent applicable, the  
34 progress of the students in the pilot charter school  
35 shall be reflected in the report filed with the state  
36 board in accordance with section 256F.7.  
37 (2) A description of how the applicant will  
38 provide to the general public adequate notice that a  
39 pilot charter school is being created and adequate  
40 information on the admission policy, criteria, and  
41 process.  
42 e. Descriptions of staff responsibilities.  
43 f. Identification of where the pilot charter  
44 school will be located, which shall be within the  
45 boundaries of the school district acting as the  
46 authorizing body, including a description of and the  
47 address for the proposed physical plant in which the  
48 pilot charter school will be located. A pilot charter  
49 school may be located in all or part of an existing  
50 public school building. A pilot charter school shall

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1 not operate at a site other than the single site  
2 requested for the configuration of grades that will  
3 use the site, as specified in its application.  
4 g. An agreement that the pilot charter school will  
5 comply with the provisions of this division and,  
6 subject to the provisions of this chapter, with all  
7 other state and federal law applicable to school  
8 districts.

9 2. Within ninety days of receiving an application  
10 made in accordance with subsection 1, the board of  
11 directors of the school district shall notify the  
12 applicant of its decision to deny or approve the  
13 application. If the board denies the application, or  
14 fails to notify the person of its decision in a timely  
15 manner, the applicant may apply to the state board.  
16 If the state board approves the application, the state  
17 board shall notify the board of directors of the  
18 school district in which the pilot charter school is  
19 located, and the school board shall become the  
20 authorizing body for the pilot charter school, shall  
21 issue a contract with the pilot charter school, and  
22 shall otherwise comply with the provisions of the  
23 charter. The decision of the state board is final and  
24 is not subject to review by a court or any other state  
25 agency.

26 3. The authorizing body shall oversee the pilot  
27 charter school operating under a contract issued by  
28 the authorizing body. The oversight shall be  
29 sufficient to ensure that the authorizing body can  
30 certify that the pilot charter school is in compliance  
31 with applicable statute, administrative rules, and the  
32 terms of the contract. However, control of  
33 instruction at a pilot charter school shall be vested  
34 in the board of directors of the pilot charter school  
35 under the general supervision of that board.

36 4. If the state board finds that an authorizing  
37 body is not engaging in appropriate continuing  
38 oversight of a pilot charter school operating under a  
39 contract with the authorizing body, the state board  
40 may suspend the power of the authorizing body to issue  
41 new contracts to organize and operate pilot charter  
42 schools. A contract issued by the authorizing body  
43 during the suspension is void. A contract issued by  
44 the authorizing body before the suspension is not  
45 affected by the suspension.

46 Sec. 13. NEW SECTION. 256F.23 ADDITIONAL  
47 PROVISIONS REGARDING LOCAL PUBLIC PILOT CHARTER  
48 SCHOOLS.

49 1. A pilot charter school established under this  
50 division shall do the following:

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1 a. Operate within the geographical boundaries of  
2 the school district approved to establish the pilot  
3 charter school.

4 b. Be accountable to the local school board for  
5 purposes of ensuring compliance with the charter  
6 provisions.

7 2. An authorizing body is not required to issue a  
8 contract to any person. Pilot charter school  
9 contracts shall be issued on a competitive basis  
10 taking into consideration the resources available for  
11 the proposed pilot charter school, the population to  
12 be served by the proposed pilot charter school, and  
13 the educational goals to be achieved by the proposed  
14 pilot charter school.

15 3. A pilot charter school is subject to the same  
16 financial audits, audit procedures, and audit  
17 requirements as a school district. The audit shall be  
18 consistent with the requirements of sections 11.6,  
19 11.14, 11.19, 256.9, subsection 19, and section  
20 279.29, except to the extent deviations are necessary  
21 because of the program at the school. The auditor of  
22 state may conduct financial, program, or compliance  
23 audits.

24 Sec. 14. NEW SECTION. 256F.24 BOARD OF  
25 DIRECTORS.

26 1. A pilot charter school shall be organized and  
27 administered under the direction of a board of  
28 directors.

29 2. The authorizing body shall adopt a resolution  
30 establishing the method of board selection, length of  
31 term, and number of members of the board of directors  
32 of each pilot charter school. The person who applies  
33 to the authorizing body under section 256F.22,  
34 subsection 1, shall hold an election for members of  
35 the pilot charter school's board of directors in a  
36 timely manner after the school is operating. Staff  
37 members employed by the pilot charter school,  
38 including teachers providing instruction under a  
39 contract with a teaching cooperative and all parents  
40 or guardians of children enrolled in the school, shall  
41 be given the opportunity to participate in the  
42 election. A provisional board may operate before the  
43 election of the school's board of directors. Meetings  
44 of the board of directors of a pilot charter school  
45 are subject to the provisions of chapter 21.

46 3. The board of directors for the pilot charter  
47 school shall adopt bylaws and shall organize the pilot  
48 charter school as a nonprofit association, nonprofit  
49 corporation, or business corporation.

50 Sec. 15. NEW SECTION. 256F.25 REVOCATION OF

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## 1 CONTRACT.

2 1. A contract issued under this division may be  
3 revoked by the authorizing body if it determines that  
4 one or more of the following occurred:

5 a. Failure of the pilot charter school to abide by  
6 and meet the educational goals set forth in the  
7 contract.

8 b. Failure of the pilot charter school to comply  
9 with all applicable law.

10 c. Failure of the pilot charter school to meet  
11 generally accepted public sector accounting  
12 principles.

13 d. The existence of one or more other grounds for  
14 revocation as specified in the contract.

15 2. If the authorizing body determines to revoke a  
16 contract in accordance with this division, the  
17 authorizing body shall notify the pilot charter school  
18 of the proposed action at least sixty days prior to  
19 revoking a contract. The notice shall state the  
20 grounds for the proposed action in writing and in  
21 reasonable detail. The pilot charter school may  
22 request in writing an informal hearing before the  
23 authorizing body within fourteen days of receiving  
24 notice of revocation of the contract. Upon receiving  
25 a timely written request for a hearing, the  
26 authorizing body shall give reasonable notice to the  
27 pilot charter school of the hearing date. The  
28 authorizing body shall conduct an informal hearing  
29 before taking final action. The authorizing body  
30 shall take final action to revoke or approve  
31 continuation of a contract by the last day of classes  
32 in the school year. If the final action to revoke a  
33 contract under this section occurs prior to the last  
34 day of classes in the school year, a student attending  
35 the school may enroll in the resident district or  
36 another district as provided in section 256F.6.

37 3. The decision of the authorizing body to revoke  
38 a contract under this section is subject to appeal  
39 under section 290.1. An authorizing body revoking a  
40 contract under this section is not liable for that  
41 action to the pilot charter school, a student enrolled  
42 in the pilot charter school or the student's parent or  
43 guardian, or any other person.

44 Sec. 16. NEW SECTION. 256F.26 IMMUNITY.

45 The state board, members of the state board, the  
46 authorizing body, members of the board of the  
47 authorizing body in their official capacity, and  
48 employees of an authorizing body are immune from civil  
49 or criminal liability with respect to all activities  
50 related to a charter school they approve or oversee.



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1 The board of directors of the pilot charter school  
2 shall obtain at least the amount of and types of  
3 insurance required by the contract, pursuant to  
4 section 256F.11, subsection 1.

5 Sec. 17. NEW SECTION. 256F.27 EXEMPTION FROM  
6 TAXATION.

7 A pilot charter school is exempt from all state  
8 taxation on its earnings and property. Instruments of  
9 conveyance to or from a pilot charter school are  
10 exempt from all state taxation. A pilot charter  
11 school shall not levy taxes for any purpose. However,  
12 the operation of a pilot charter school and oversight  
13 of a pilot charter school by a school district shall  
14 not affect the ability of the school district to levy  
15 taxes in accordance with any applicable statute.

16 Sec. 18. NEW SECTION. 256F.28 OTHER AID --  
17 INTERESTS IN PROPERTY.

18 A pilot charter school may acquire by purchase,  
19 gift, devise, lease, sublease, installment purchase  
20 agreement, land contract, option, or by any other  
21 means, hold and own in its own name buildings and  
22 other property for school purposes and other  
23 interests, including, but not limited to, interests in  
24 property subject to mortgages, security interests, or  
25 other liens, necessary or convenient to fulfill its  
26 purposes. For the purposes of condemnation, a pilot  
27 charter school may proceed under chapter 6B or any  
28 other applicable statutes, but only with the express,  
29 written permission of the authorizing body in each  
30 instance of condemnation and only after just  
31 compensation has been determined and paid.

32 Sec. 19. NEW SECTION. 256F.29 LEASED SPACE.

33 A pilot charter school may lease space from a board  
34 eligible to be an authorizing body or other public or  
35 private nonprofit, nonsectarian organization. If a  
36 pilot charter school is unable to lease appropriate  
37 space from an eligible board or other public or  
38 private nonprofit, nonsectarian organization, the  
39 school may lease space from another nonsectarian  
40 organization if the department of education, in  
41 consultation with the department of general services,  
42 approves the lease. If the school is unable to lease  
43 appropriate space from public or private nonsectarian  
44 organizations, the school may lease space from a  
45 sectarian organization if the leased space is  
46 constructed as a school facility and the department of  
47 education, in consultation with the department of  
48 general services, approves the lease.

49 Sec. 20. NEW SECTION. 256F.30 AUTHORITY TO RAISE  
50 INITIAL WORKING CAPITAL.

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1 The authorizing body may authorize a pilot charter  
2 school before the applicant has secured its space,  
3 equipment, facilities, and personnel, if the applicant  
4 indicates the authority is necessary for it to raise  
5 working capital. An authorizing body shall not  
6 authorize a school before the state board has approved  
7 the application.

8 Sec. 21. NEW SECTION. 256F.31 TRANSPORTATION.

9 A pilot charter school shall provide transportation  
10 services to students enrolled in the pilot charter  
11 school, as if it was a school district, in accordance  
12 with section 285.1. The state shall pay  
13 transportation aid to the pilot charter school under  
14 chapter 285 as if it was a school district.

15 Sec. 22. NEW SECTION. 256D.32 DISSEMINATE  
16 INFORMATION.

17 The authorizing body, the pilot charter school, and  
18 the department shall disseminate information to the  
19 public on how to form and operate a charter school and  
20 how to utilize the offerings of a charter school.

21 Particular groups to be targeted include low-income  
22 families and communities and minority students.

23 Sec. 23. NEW SECTION. 256D.33 LEAVE TO TEACH IN  
24 A CHARTER SCHOOL.

25 Each school district shall be required to grant a  
26 leave of absence to any teacher in the school district  
27 requesting such leave in order to teach in a pilot  
28 charter school. A teacher may request a leave of  
29 absence for up to two years. While on leave, the  
30 teacher shall retain the teacher's seniority. At the  
31 end of the second year, the teacher may either return  
32 to the teacher's former teaching position in the  
33 school district or, if the teacher chooses, may  
34 continue teaching at the pilot charter school and  
35 resign from the school district position.

36 Sec. 24. NEW SECTION. 256D.34 STATE SCHOOL  
37 FOUNDATION AID FOR A CHARTER SCHOOL.

38 1. Revenue from taxes levied by a school district  
39 or bonds issued by a school district shall be used to  
40 support the operation or facilities of a pilot charter  
41 school overseen by a school district, but locally  
42 operated, in the same manner as that revenue may be  
43 used by the school district to support its operations  
44 and facilities. This section shall not be construed  
45 to authorize a school district to levy taxes or to  
46 issue bonds for any purpose that is not otherwise  
47 authorized under this chapter.

48 2. The authorizing body for a pilot charter school  
49 is the fiscal agent for the pilot charter school. A  
50 state school aid payment for a pilot charter school

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1 shall be paid in accordance with section 257.16 to the  
2 fiscal agent, which shall then forward the payment to  
3 the pilot charter school.  
4 Sec. 25. EMERGENCY RULES. The state board of  
5 education may adopt emergency rules under section  
6 17A.4, subsection 2, and section 17A.5, subsection 2,  
7 paragraph "b", to implement this Act and the rules  
8 shall be effective immediately upon filing unless a  
9 later date is specified in the rules. Any rules  
10 adopted in accordance with this section shall also be  
11 published as a notice of intended action as provided  
12 in section 17A.4."

NANCY BOETTGER  
ELAINE SZYMONIAK

**S-5142**

1 Amend House File 2198, as passed by the House, as  
2 follows:  
3 1. Page 1, line 4, by inserting after the word  
4 "incentives." the following: "As a component of the  
5 study, the department shall invite the Iowa high  
6 school athletic association and the Iowa girls high  
7 school athletic union to submit for consideration any  
8 information or advice for the elimination of sports-  
9 related barriers to reorganization."

ROBERT E. DVORSKY

HOUSE AMENDMENT TO  
SENATE FILE 2300

**S-5143**

1 Amend Senate File 2300, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 10, by inserting before the word  
4 "game" the following: "fur-bearing".  
5 2. Page 1, line 11, by inserting before the word  
6 "game" the following: "fur-bearing".  
7 3. Page 1, line 16, by inserting before the word  
8 "game" the following: "fur-bearing".  
9 4. Page 1, line 21, by inserting before the word  
10 "game" the following: "fur-bearing".  
11 5. Page 1, line 21, by inserting after the word  
12 "fish" the following: "with the intent of obstructing  
13 or harassing another person who is lawfully hunting,  
14 fishing, or fur harvesting".

- 15 6. By renumbering, relettering, or redesignating  
16 and correcting internal references as necessary.

S-5144

- 1 Amend Senate File 2126 as follows:  
2 1. Page 1, by striking lines 6 and 7 and  
3 inserting the following: "health or medical expenses  
4 shall make available a coverage provision for  
5 contraceptive benefits as provided in this section.  
6 Such policy or contract shall not do either of the  
7 following:"  
8 2. Page 1, by inserting after line 18 the  
9 following:  
10 "1A. A policy or contract subject to subsection 1  
11 shall provide that the policyholder may reject the  
12 coverage provision for contraceptive benefits at the  
13 option of the policyholder."  
14 3. Page 1, line 21, by inserting after the figure  
15 "1" the following: "and which includes a coverage  
16 provision for contraceptive benefits".  
17 4. By renumbering as necessary.

NEAL SCHUERER

S-5145

- 1 Amend Senate File 2126 as follows:  
2 1. Page 1, by inserting after line 18 the  
3 following:  
4 "1A. An individual or group policy or contract  
5 providing for third-party payment or prepayment of  
6 health or medical expenses which does not provide  
7 coverage benefits for viagra or similar drugs is not  
8 subject to the requirements of subsection 1."  
9 2. By renumbering as necessary.

STEVE KING

S-5146

- 1 Amend Senate File 2126 as follows:  
2 1. Page 1, by inserting after line 18 the  
3 following:  
4 "1A. Notwithstanding subsection 1, a group policy  
5 or contract providing for third-party payment or  
6 prepayment of health or medical expenses which is  
7 issued to an employer who on at least fifty percent of  
8 the employer's working days during the preceding  
9 calendar year employed no more than one hundred full-  
10 time equivalent employees is not subject to the

- 11 requirements of subsection 1."  
12 2. By renumbering as necessary.

STEVE KING

S-5147

- 1 Amend Senate File 2203 as follows:  
2 1. Page 1, line 13, by inserting after the word  
3 "provider" the following: ", if the health care  
4 provider has agreed, in writing, to accept payment by  
5 the carrier or organized delivery system as full  
6 payment for the health care services provided and has  
7 agreed to not bill any person insured by the carrier  
8 or organized delivery system for any balance  
9 attributable to the health care services provided with  
10 the exception of applicable deductibles, coinsurance  
11 and copayments".

ELAINE SZYMONIAK

S-5148

- 1 Amend Senate File 2267 as follows:  
2 1. Page 4, by striking lines 20 through 22.  
3 2. Page 4, by striking lines 27 through 29 and  
4 inserting the following: "received by the school  
5 district under section 257.16. This specification of  
6 the payment of the".

MICHAEL E. GRONSTAL

S-5149

- 1 Amend Senate File 2267 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. DEPARTMENT OF EDUCATION. There is  
5 appropriated from the general fund of the state to the  
6 department of education for the fiscal year beginning  
7 July 1, 2000, and ending June 30, 2001, the following  
8 amount, or so much thereof as is necessary, to be used  
9 for the purpose designated:  
10 For issuance of reading interventions grants to  
11 school districts that wish to utilize intervention  
12 methods to assist children enrolled in the district  
13 who are reading below grade level:  
14 .....\$ 5,000,000  
15 The director of the department of education shall  
16 develop reading interventions grant approval criteria  
17 and procedures. In developing grant approval criteria  
18 and awarding grants, the director shall consider

19 equity concerns and options for distributing grant  
20 amounts, based on enrollment, in order to accommodate  
21 the needs of small, medium, and large population  
22 school districts. The deadline for applications for  
23 reading interventions grants for the fiscal year  
24 beginning July 1, 2000, shall be November 1, 2000,  
25 with grant awards to be made on or about December 1,  
26 2000. Grant moneys received pursuant to this section  
27 shall supplement, not supplant, moneys received by a  
28 school district pursuant to section 256D.5.  
29 Sec. 2. NEW SECTION. 279.59 STUDENT PROMOTION  
30 POLICY.  
31 Each school district is encouraged to develop and  
32 adopt a student promotion policy that expresses  
33 clearly to parents the school district's reluctance to  
34 promote any child from third to fourth grade if the  
35 district determines, through valid and reliable  
36 assessments of student progress, that the child is not  
37 reading at grade level. Such a policy shall take into  
38 consideration and allow for the promotion of a child  
39 if the district finds that promotion is in the best  
40 interest of the child. Any policy adopted in  
41 accordance with this section shall require that the  
42 school district consult with the parent or guardian of  
43 the child before making any decision regarding  
44 retention."  
45 2. Title page, by striking lines 1 through 4 and  
46 inserting the following: "An Act encouraging a school  
47 district to develop and adopt a student promotion  
48 policy and making an appropriation to the department  
49 of education to provide reading interventions grants  
50 to school districts."

MICHAEL W. CONNOLLY

S-5150

- 1 Amend Senate File 2391 as follows:
- 2 1. Page 2, line 27, by striking the word "three"
- 3 and inserting the following: "~~three~~ five".
- 4 2. Page 2, line 31, by striking the word "eight"
- 5 and inserting the following: "~~eight~~ fifteen".

MICHAEL W. CONNOLLY

S-5151

- 1 Amend Senate File 2267 as follows:
- 2 1. Page 4, by striking lines 20 through 34.

JEFF ANGELO

S-5152

1 Amend Senate File 2332 as follows:

2 1. By striking everything after the enacting  
3 clause, and inserting the following:

4 "Section 1. NEW SECTION. 597A.1 FATHERHOOD  
5 INITIATIVE -- PURPOSE -- GOALS.

6 1. The purpose of this chapter is to promote the  
7 recognition of the importance of the participation of  
8 both parents in the lives of their children. While  
9 social policy and practice have often focused on the  
10 difficulties of raising a child in a single-parent  
11 family and have often created barriers to the  
12 involvement of both parents in their child's life, the  
13 purpose of this chapter is to promote a social policy  
14 and practice that values the contribution that each  
15 parent brings to the family unit. The purpose of this  
16 chapter shall be implemented through a fatherhood  
17 initiative to be directed by the council on  
18 responsible fatherhood created in section 597A.2.

19 2. The goals of the fatherhood initiative are to  
20 increase the awareness of the problems created when a  
21 child grows up without the presence of a responsible  
22 father; identify obstacles that impede or prevent the  
23 involvement of responsible fathers in the lives of  
24 their children; identify strategies that are  
25 successful in overcoming identified obstacles and in  
26 encouraging responsible fatherhood; and facilitate the  
27 transition from current policy, perceptions, and  
28 practices that adversely affect participation of  
29 fathers in their children's lives to those that  
30 promote the contributions of responsible fathers.

31 3. The fatherhood initiative shall promote  
32 positive interaction between fathers and their  
33 children. While emphasis on implementation of the  
34 program shall be among the population of children  
35 whose families have received or are receiving public  
36 assistance, this emphasis shall not be to the  
37 exclusion of other populations for which the  
38 initiative is appropriate.

39 4. The components of the fatherhood initiative  
40 shall include but are not limited to all of the  
41 following:

42 a. Promotion of public education concerning the  
43 financial and emotional responsibilities of  
44 fatherhood.

45 b. Provision of assistance to men in preparation  
46 for the legal, financial, and emotional  
47 responsibilities of fatherhood.

48 c. Promotion of the establishment of paternity  
49 upon the birth of a child.

50 d. Encouragement of fathers to foster an emotional

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- 1 connection to and financial support of their children.
- 2 e. Establishment of support mechanisms for fathers
- 3 in developing and maintaining relationships with their
- 4 children.
- 5 f. Identification and promotion of methods which
- 6 reduce the negative outcomes experienced by children
- 7 affected by divorce, separation, and disputes
- 8 regarding custody and visitation.
- 9 g. Integration of state and local services
- 10 available for families.

11 Sec. 2. NEW SECTION. 597A.2 COUNCIL ON  
12 RESPONSIBLE FATHERHOOD -- CREATED -- DUTIES.

- 13 1. A council on responsible fatherhood is created
- 14 to carry out the purposes, goals, and components of
- 15 the fatherhood initiative described in section 597A.1.
- 16 2. The council membership shall consist of twenty-
- 17 one members, appointed by and serving at the pleasure
- 18 of the governor, subject to confirmation by the
- 19 senate. Members shall be appointed on the basis of
- 20 interest and expertise in the areas of children and
- 21 families. Additionally, the membership shall include
- 22 four members of the general assembly, as ex officio,
- 23 nonvoting members. The legislative members shall be
- 24 appointed by the majority leader of the senate, after
- 25 consultation with the president of the senate and the
- 26 minority leader of the senate, and by the speaker of
- 27 the house, after consultation with the majority leader
- 28 and the minority leader of the house of
- 29 representatives. Appointments shall comply with
- 30 sections 69.16 and 69.16A. The governor shall appoint
- 31 the chairperson of the council. A majority of the
- 32 appointed members of the council constitutes a quorum.
- 33 The department of human services shall provide staff
- 34 support to the council. Nonlegislative members shall
- 35 receive actual expenses incurred while serving in
- 36 their official capacity and may also be eligible to
- 37 receive compensation as provided in section 7E.6.
- 38 Legislative members shall receive compensation
- 39 pursuant to section 2.12.
- 40 3. The council shall do all of the following
- 41 guided by the purpose and goals specified in this
- 42 chapter:
- 43 a. Develop a comprehensive plan to promote
- 44 positive involvement between fathers and their
- 45 children.
- 46 b. Evaluate state programs, government policies,
- 47 and community initiatives related to fatherhood and
- 48 make recommendations for improvement.
- 49 c. Convene a statewide symposium to provide a
- 50 mechanism for the discussion and resolution of issues



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1 related to responsible fatherhood and the importance  
2 of the participation of both parents in the lives of  
3 their children.  
4 4. The council shall submit a report, annually, on  
5 or before January 1, to the governor and the general  
6 assembly, regarding its findings and recommendations.  
7 Sec. 3. This Act is repealed, effective February  
8 1, 2004.  
9 Sec. 4. EFFECTIVE DATE. This Act, being deemed of  
10 immediate importance, takes effect upon enactment."  
11 2. Title page, line 1, by inserting after the  
12 word "fatherhood" the following: ", providing for a  
13 repeal, and providing an effective date".

ELAINE SZYMONIAK

## S-5153

1 Amend Senate File 2216 as follows:  
2 1. Page 2, by inserting after line 7 the  
3 following:  
4 "Sec. \_\_\_\_ EFFECTIVE DATE. This Act takes effect  
5 July 1, 2001."  
6 2. Title page, line 2, by inserting after the  
7 word "abusers" the following: "and providing an  
8 effective date".  
9 3. By renumbering as necessary.

DAVID MILLER

## S-5154

1 Amend House File 2377, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 6, by inserting before the word  
4 "committee" the following: "child fatality review".  
5 2. Page 1, line 8, by striking the word "death"  
6 and inserting the following: "fatality".  
7 3. Page 1, line 17, by striking the word "death"  
8 and inserting the following: "fatality".  
9 4. Page 1, line 24, by striking the word "deaths"  
10 and inserting the following: "fatalities".  
11 5. Page 2, line 9, by striking the word "death"  
12 and inserting the following: "fatality".  
13 6. Page 2, line 16, by striking the word "death"  
14 and inserting the following: "fatality".  
15 7. Page 2, by striking line 33 and inserting the  
16 following: "report on a child fatality by an ad hoc  
17 child fatality review committee under".  
18 8. Page 3, by inserting after line 4 the

19 following:

20 "Sec. \_\_\_\_ Section 232.70, Code 1999, is amended

21 by adding the following new subsection:

22 NEW SUBSECTION. 8. Within twenty-four hours of  
23 receiving a report from a mandatory or permissive  
24 reporter, the department shall inform the reporter,  
25 orally or by other appropriate means, whether or not  
26 the department has commenced an assessment of the  
27 allegation in the report."

28 9. Page 3, by inserting after line 22 the

29 following:

30 "Sec. \_\_\_\_ Section 235A.15, subsection 2,  
31 paragraph f, Code Supplement 1999, is amended to read  
32 as follows:

33 f. ~~The following, but only~~ Only with respect to  
34 disposition data for cases of founded child abuse  
35 subject to placement in the central registry pursuant  
36 to section 232.71D:

37 ~~(1) To~~ to a person who submits written  
38 authorization from an individual allowing the person  
39 access to data pursuant to this subsection on behalf  
40 of the individual in order to verify whether the  
41 individual is named in a founded child abuse report as  
42 having abused a child.

43 ~~(2) To an individual who is requesting information~~  
44 ~~on a specific case of child abuse which resulted in a~~  
45 ~~child fatality or near fatality."~~

46 10. By striking page 3, line 32 through page 4,  
47 line 5 and inserting the following: "protection  
48 system in order to improve the system. After".

49 11. Page 6, by striking lines 6 through 15 and  
50 inserting the following: "other official source. The

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1 child abuse information may also include the following  
2 related information that the individual is allowed  
3 under law to possess: department of human services  
4 information described in section 217.30, subsection 1,  
5 mental health information as defined in section 228.1,  
6 and juvenile court social records and other  
7 information in official juvenile court records  
8 described in section 232.147. A person who receives  
9 confidential child abuse information and related  
10 information redisseminated under this subsection".

11 12. Page 7, by inserting after line 14 the  
12 following:

13 "Sec. \_\_\_\_ STUDY OF ACCESS TO CONFIDENTIAL  
14 INFORMATION. The legislative council is requested to  
15 establish a study committee for the 2000 interim to  
16 review state policy regarding confidential information  
17 in the area of child abuse and other human services

18 related programs. The study shall include  
 19 consideration of the review of the child abuse program  
 20 performed by independent experts retained by the  
 21 department of human services, approaches used in other  
 22 states, policy regarding privileged information, and  
 23 access to agency and other information by the office  
 24 of the citizens' aide."

25 13. Page 7, by striking lines 15 through 20 and  
 26 inserting the following:

27 "Sec. \_\_\_\_ EFFECTIVE DATE -- APPLICABILITY. This  
 28 Act, being deemed of immediate importance, takes  
 29 effect upon enactment and is applicable to disclosures  
 30 of information on or after the date of enactment  
 31 related to cases of child abuse reported prior to, on,  
 32 or after the effective date of this Act."

33 14. Title page, by striking lines 1 and 2 and  
 34 inserting the following: "An Act providing for access  
 35 to certain child abuse information, making penalties  
 36 and".

COMMITTEE ON HUMAN RESOURCES  
 NANCY BOETTGER, Chairperson

HOUSE AMENDMENT TO  
 SENATE FILE 2147

S-5155

1 Amend Senate File 2147, as amended, passed, and  
 2 reprinted by the Senate, as follows:

- 3 1. By striking page 10, line 28, through page 11,  
 4 line 10, and inserting the following:
- |                                       |                                    |
|---------------------------------------|------------------------------------|
| 5 "Over 1,000 pounds <u>up to and</u> | <del>\$15 plus one half cent</del> |
| 6 <u>including 2,000 pounds</u>       | <del>per pound \$22</del>          |
| 7 Over 2,000 pounds <u>up to and</u>  | <del>\$80 plus three cents</del>   |
| 8 <u>including 3,000 pounds</u>       | <del>per pound \$155</del>         |
| 9 Over 3,000 pounds <u>up to and</u>  | <del>\$100 plus four cents</del>   |
| 10 <u>including 4,000 pounds</u>      | <del>per pound \$240</del>         |
| 11 Over 4,000 pounds <u>up to and</u> | <del>\$150 plus five cents</del>   |
| 12 <u>including 5,000 pounds</u>      | <del>per pound \$375</del>         |
| 13 Over 5,000 pounds <u>up to and</u> | <del>\$200 plus seven cents</del>  |
| 14 <u>including 6,000 pounds</u>      | <del>per pound \$585</del>         |
| 15 Over 6,000 pounds <u>up to and</u> | <del>\$200 plus ten cents</del>    |
| 16 <u>including 7,000 pounds</u>      | <del>per pound \$850</del>         |
| 17 <u>Over 7,000 pounds up to and</u> | <u>\$950</u>                       |
| 18 <u>including 8,000 pounds</u>      |                                    |
| 19 <u>Over 8,000 pounds up to and</u> | <u>\$1,050</u>                     |
| 20 <u>including 9,000 pounds</u>      |                                    |
| 21 <u>Over 9,000 pounds up to and</u> | <u>\$1,150</u>                     |
| 22 <u>including 10,000 pounds"</u>    |                                    |
- 23 2. By renumbering as necessary.

S-5156

- 1 Amend House File 2510, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, lines 10 through 12, by striking the
- 4 words "or, at the end of the full period of
- 5 revocation, an operator's license issued by the
- 6 department".

COMMITTEE ON TRANSPORTATION  
RICHARD F. DRAKE, Chairperson

S-5157

- 1 Amend Senate File 2216 as follows:
- 2 1. Page 2, by striking lines 6 and 7 and
- 3 inserting the following:
- 4 "Sec. \_\_\_\_ SUBSTANCE ABUSE TREATMENT COSTS. There
- 5 is appropriated from the general fund of the state to
- 6 the Iowa department of public health for the fiscal
- 7 year beginning July 1, 2000, and ending June 30, 2001,
- 8 the following amount, or so much thereof as is
- 9 necessary, to be used for the purpose designated:
- 10 For reimbursement of the treatment costs of
- 11 pregnant women who are subject to civil commitment in
- 12 accordance with this Act:
- 13 .....\$ 10,700,000"
- 14 2. Title page, line 2, by inserting after the word "abusers "
- 15 the following: "and making an appropriation".
- 16 3. By renumbering as necessary.

JOHNIE HAMMOND

S-5158

- 1 Amend Senate File 2216 as follows:
- 2 1. Page 2, by inserting before line 8 the
- 3 following:
- 4 "Sec. \_\_\_\_ CONTINGENT EFFECTIVE DATE. The Iowa
- 5 department of public health shall consult with the
- 6 judicial branch, the Iowa county attorney's
- 7 association, the legislative fiscal bureau, substance
- 8 abuse treatment providers, and other knowledgeable
- 9 persons in developing a fiscal year projection for
- 10 each judicial district as to the number of pregnant
- 11 women who are likely to be subject to commitment for
- 12 treatment in accordance with this Act. In addition,
- 13 the department shall consult with the same persons and
- 14 others in evaluating the availability of qualified
- 15 treatment in each judicial district. This Act shall
- 16 take effect on July 1, 2001, only if the director of
- 17 public health submits a report by July 1, 2001, to the

18 governor, general assembly, and the judicial branch  
19 finding that in each judicial district of the state,  
20 adequate capacity to provide treatment is available  
21 for that fiscal year to meet the needs of the number  
22 of pregnant women who are likely to be subject to  
23 commitment under this Act and sufficient funding is  
24 available to pay for the treatment. Otherwise, the  
25 Act shall take effect on July 1 of the fiscal year  
26 following the date the director of public health  
27 submits such a report."  
28 2. By renumbering as necessary.

JOHNIE HAMMOND  
PATRICIA HARPER

S-5159

1 Amend the amendment, S-5141, to Senate File 2318 as  
2 follows:  
3 1. Page 14, line 49, by striking the words "with  
4 respect to all activities" and inserting the  
5 following: "for all reasonable actions taken in the  
6 performance of their duties".

JOE BOLKCOM

S-5160

1 Amend Senate File 2332 as follows:  
2 1. By striking everything after the enacting  
3 clause, and inserting the following:  
4 "Section 1. NEW SECTION. 597A.1 FATHERHOOD  
5 INITIATIVE -- PURPOSE -- GOALS.  
6 1. The purpose of this chapter is to promote the  
7 recognition of the importance of the participation of  
8 both parents in the lives of their children. While  
9 social policy and practice have often focused on the  
10 difficulties of raising a child in a single-parent  
11 family and have often created barriers to the  
12 involvement of both parents in their child's life, the  
13 purpose of this chapter is to promote a social policy  
14 and practice that values the contribution that each  
15 parent brings to the family unit. The purpose of this  
16 chapter shall be implemented through a fatherhood  
17 initiative to be directed by the council on  
18 responsible fatherhood created in section 597A.2.  
19 2. The goals of the fatherhood initiative are to  
20 increase the awareness of the problems created when a  
21 child grows up without the presence of a responsible  
22 father; identify obstacles that impede or prevent the  
23 involvement of responsible fathers in the lives of  
24 their children; identify strategies that are

25 successful in overcoming identified obstacles and in  
26 encouraging responsible fatherhood; and facilitate the  
27 transition from current policy, perceptions, and  
28 practices that adversely affect participation of  
29 fathers in their children's lives to those that  
30 promote the contributions of responsible fathers.

31 3. The fatherhood initiative shall promote  
32 positive interaction between fathers and their  
33 children. While emphasis on implementation of the  
34 program shall be among the population of children  
35 whose families have received or are receiving public  
36 assistance, this emphasis shall not be to the  
37 exclusion of other populations for which the  
38 initiative is appropriate.

39 4. The components of the fatherhood initiative  
40 shall include but are not limited to all of the  
41 following:

42 a. Promotion of public education concerning the  
43 financial and emotional responsibilities of  
44 fatherhood.

45 b. Provision of assistance to men in preparation  
46 for the legal, financial, and emotional  
47 responsibilities of fatherhood.

48 c. Promotion of the establishment of paternity  
49 upon the birth of a child.

50 d. Encouragement of fathers to foster an emotional

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1 connection to and financial support of their children.

2 e. Establishment of support mechanisms for fathers  
3 in developing and maintaining relationships with their  
4 children.

5 f. Identification and promotion of methods which  
6 reduce the negative outcomes experienced by children  
7 affected by divorce, separation, and disputes  
8 regarding custody and visitation.

9 g. Integration of state and local services  
10 available for families.

11 Sec. 2. NEW SECTION. 597A.2 COUNCIL ON  
12 RESPONSIBLE FATHERHOOD -- CREATED -- DUTIES.

13 1. A council on responsible fatherhood is created  
14 to carry out the purposes, goals, and components of  
15 the fatherhood initiative described in section 597A.2.

16 2. The council membership shall consist of twenty-  
17 one members, appointed by and serving at the pleasure  
18 of the governor, subject to confirmation by the  
19 senate. Members shall be appointed on the basis of  
20 interest and expertise in the areas of children and  
21 families. Additionally, the membership shall include  
22 four members of the general assembly, as ex officio,  
23 nonvoting members. The legislative members shall be

24 appointed by the majority leader of the senate, after  
25 consultation with the president of the senate and the  
26 minority leader of the senate, and by the speaker of  
27 the house, after consultation with the majority leader  
28 and the minority leader of the house of  
29 representatives. Appointments shall comply with  
30 sections 69.16 and 69.16A. The governor shall appoint  
31 the chairperson of the council. A majority of the  
32 appointed members of the council constitutes a quorum.  
33 The department of human services shall provide staff  
34 support to the council. Nonlegislative members shall  
35 receive actual expenses incurred while serving in  
36 their official capacity and may also be eligible to  
37 receive compensation as provided in section 7E.6.  
38 Legislative members shall receive compensation  
39 pursuant to section 2.12.  
40 3. The council shall do all of the following  
41 guided by the purpose and goals specified in this  
42 chapter:  
43 a. Develop a comprehensive plan to promote  
44 positive involvement between fathers and their  
45 children.  
46 b. Evaluate state programs, government policies,  
47 and community initiatives related to fatherhood and  
48 make recommendations for improvement.  
49 c. Convene a statewide symposium to provide a  
50 mechanism for the discussion and resolution of issues

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1 related to responsible fatherhood and the importance  
2 of the participation of both parents in the lives of  
3 their children.  
4 d. Develop criteria for and issue requests for  
5 proposals to provide grants for responsible fatherhood  
6 projects, as approved by the council.  
7 4. The council may receive grants, contributions,  
8 and other funds which may be available for projects  
9 and activities related to responsible fatherhood.  
10 5. The council shall submit a report, annually, on  
11 or before January 1, to the governor and the general  
12 assembly, regarding its findings and recommendations.  
13 Sec. 3. This Act is repealed, effective February  
14 1, 2004.  
15 Sec. 4. EFFECTIVE DATE. This Act, being deemed of  
16 immediate importance, takes effect upon enactment."  
17 2. Title page, line 1, by inserting after the  
18 word "fatherhood" the following: ", providing for a  
19 repeal, and providing an effective date".

## S-5161

- 1 Amend the amendment, S-5157, to Senate File 2216 as
- 2 follows:
- 3 1. Page 1, by striking line 7 and inserting the
- 4 following: "year beginning July 1, 2001, and ending
- 5 June 30, 2002,".

JOHNIE HAMMOND

## S-5162

- 1 Amend House File 2205, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by striking lines 23 through 25.
- 4 2. Page 4, line 32, by striking the figure
- 5 "537,".
- 6 3. Page 4, line 33, by striking the figure
- 7 "558A,".
- 8 4. Page 15, line 15, by inserting after the word
- 9 "state" the following: "other than a state executive
- 10 branch agency, department, board, commission,
- 11 authority, or institution,".
- 12 5. Page 15, by inserting after line 20 the
- 13 following:
- 14 "1A. Except as otherwise provided in section
- 15 554D.113, subsection 6, on or before July 1, 2003, a
- 16 state executive branch agency, department, board,
- 17 commission, authority, or institution, in consultation
- 18 and cooperation with the information technology
- 19 services division of the department of general
- 20 services, shall send and accept electronic records and
- 21 electronic signatures to and from other persons and
- 22 otherwise create, generate, communicate, store,
- 23 process, use, and rely upon electronic records and
- 24 signatures. The department of management, upon the
- 25 written request of a state executive branch agency,
- 26 department, board, commission, authority, or
- 27 institution and for good cause shown, may grant a
- 28 waiver from the July 1, 2003, deadline established in
- 29 this section to the state executive branch agency,
- 30 department, board, commission, authority, or
- 31 institution."
- 32 6. Page 15, line 23, by inserting after the
- 33 figure "1" the following: "or 1A".
- 34 7. Page 17, by inserting after line 28 the
- 35 following:
- 36 "Sec. \_\_\_\_, NEW SECTION. 75.14 ELECTRONIC
- 37 BIDDING.
- 38 Notwithstanding contrary provisions of this
- 39 chapter, a public body authorized to issue bonds,
- 40 notes, or other obligations may elect to receive bids



41 to purchase such bonds, notes, or other obligations by  
42 means of electronic, internet or wireless  
43 communication, a proprietary bidding procedure or  
44 system, or by facsimile transmission to a location  
45 deemed appropriate by the governing body, in each  
46 instance as may be approved by the governing body and  
47 provided for in the notice of sale. An electronic bid  
48 shall be submitted in substantial conformity with the  
49 requirements of chapter 554D and any rules adopted  
50 pursuant to that chapter with respect to the

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1 acceptance of electronic records by a governmental  
2 agency. Additionally, before approving the use of an  
3 electronic bidding procedure, the public body shall  
4 find and determine that the specific procedure to be  
5 used will provide reasonable security and maintain the  
6 integrity of the competitive bidding process, and  
7 facilitate the delivery of bids by interested parties  
8 under the circumstances of the particular sale."  
9 8. By renumbering as necessary.

COMMITTEE ON COMMERCE  
JOHN W. JENSEN, Chairperson

S-5163

1 Amend Senate File 2355 as follows:  
2 1. Page 1, line 20, by striking the words "one  
3 hundred eighty" and inserting the following: "one  
4 hundred twenty".  
5 2. Page 1, line 21, by striking the word "last".  
6 3. Page 1, by striking lines 25 through 27.  
7 4. By renumbering as necessary.

PATRICK J. DELUHERY  
NEAL SCHUERER

HOUSE AMENDMENT TO  
SENATE FILE 2254

S-5164

1 Amend Senate File 2254, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by striking lines 17 and 18, and  
4 inserting the following:  
5 "Sec. \_\_\_\_ Section 252I.4, subsections 3 and 4,  
6 Code Supplement 1999, are amended to read as follows:"  
7 2. Page 2, by inserting after line 19 the  
8 following:

9 "4. ~~a. The~~ A financial institution is immune from  
10 any liability in any action or proceeding, whether  
11 civil or criminal, ~~which might otherwise be incurred~~  
12 ~~or imposed~~ for any of the following:  
13 ~~a. (1) Any~~ The disclosure of any information  
14 ~~released by the a~~ financial institution to the unit  
15 pursuant to this ~~section~~ chapter or the rules or  
16 procedures adopted by the unit to implement this  
17 chapter, including disclosure of information relating  
18 to an obligor who maintains an account with the  
19 financial institution or disclosure of information  
20 relating to any other person who maintains an account  
21 with the financial institution that is provided for  
22 the purpose of complying with the data match  
23 requirements of this section and with the agreement  
24 entered into between the financial institution and the  
25 unit pursuant to subsection 2.  
26 ~~b. (2)~~ Any encumbrance or surrender of any assets  
27 held by ~~the a~~ financial institution in response to a  
28 notice of lien or levy issued by the unit.  
29 ~~c. (3) Any other action taken in or omission in~~  
30 connection with good faith efforts to comply with this  
31 section or section 2521.7 chapter or any rules or  
32 procedures that are adopted by the unit to implement  
33 this chapter.  
34 (4) The disclosure, use, or misuse by the unit or  
35 by any other person of information provided or assets  
36 delivered to the unit by a financial institution.  
37 b. For the purposes of this section, "financial  
38 institution" includes officers, directors, employees,  
39 contractors, and agents of the financial institution."  
40 3. Title page, line 1, by inserting after the  
41 word "support" the following: ", immunity from  
42 liability for financial institutions relating to data  
43 matching and levies against accounts,".

S-5165

1 Amend House File 2519, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 80D.1, Code 1999, is amended  
6 to read as follows:  
7 80D.1 ESTABLISHMENT OF A FORCE OF RESERVE PEACE  
8 OFFICERS.  
9 The governing body of a city, a county, ~~or~~ the  
10 state of Iowa, or a judicial district department of  
11 correctional services may provide, either separately  
12 or collectively through a chapter 28E agreement, for  
13 the establishment of a force of reserve peace  
14 officers, and may limit the size of the reserve force.

In the case of the state, the department of public safety shall act as the governing body.

This chapter constitutes the only procedure for appointing reserve peace officers.

Sec. 2. Section 80D.4, Code 1999, is amended to read as follows:

80D.4 TRAINING.

Training for individuals appointed as reserve peace officers shall be provided by that law enforcement agency, but may be obtained in a community college or other facility selected by the individual and approved by the law enforcement agency. Upon satisfactory completion of training, the chief of police, sheriff, ~~or~~ commissioner of public safety, or director of the judicial district department of correctional services shall certify the individual as a reserve peace officer.

Sec. 3. Section 80D.6, Code 1999, is amended to read as follows:

80D.6 STATUS OF RESERVE PEACE OFFICERS.

Reserve peace officers shall serve as peace officers on the orders and at the discretion of the chief of police, sheriff, ~~or~~ commissioner of public safety or the commissioner's designee, or director of the judicial district department of correctional services or the director's designee, as the case may be.

While in the actual performance of official duties, reserve peace officers shall be vested with the same rights, privileges, obligations, and duties as any other peace officers.

Sec. 4. Section 80D.7, Code 1999, is amended to read as follows:

80D.7 CARRYING WEAPONS.

A member of a reserve force shall not carry a weapon in the line of duty until the member has been

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approved by the governing body and certified by the Iowa law enforcement academy council to carry weapons. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the chief of police, sheriff, ~~or~~ commissioner of public safety or the commissioner's designee, or director of the judicial district department of correctional services or the director's designee, as the case may be.

Sec. 5. Section 80D.9, Code 1999, is amended to read as follows:

80D.9 SUPERVISION OF RESERVE PEACE OFFICERS.

Reserve peace officers shall be subordinate to

14 regular peace officers, shall not serve as peace  
15 officers unless under the direction of regular peace  
16 officers, and shall wear a uniform prescribed by the  
17 chief of police, sheriff, ~~or~~ commissioner of public  
18 safety, or director of the judicial district  
19 department of correctional services unless that  
20 superior officer designates alternate apparel for use  
21 when engaged in assignments involving special  
22 investigation, civil process, court duties, jail  
23 duties and the handling of mental patients. The  
24 reserve peace officer shall not wear an insignia of  
25 rank. Each department for which a reserve force is  
26 established shall appoint a regular force peace  
27 officer as the reserve force co-ordinating and  
28 supervising officer. That regular peace officer shall  
29 report directly to the chief of police, sheriff, ~~or~~  
30 commissioner of public safety or the commissioner's  
31 designee, or director of the judicial district  
32 department of correctional services or the director's  
33 designee, as the case may be.

34 Sec. 6. Section 80D.11, Code 1999, is amended to  
35 read as follows:

36 80D.11 EMPLOYEE -- PAY.

37 While performing official duties, each reserve  
38 peace officer shall be considered an employee of the  
39 governing body which the officer represents and shall  
40 be paid a minimum of one dollar per year. The  
41 governing body of a city, a county, ~~or~~ the state, or a  
42 judicial district department of correctional services  
43 may provide additional monetary assistance for the  
44 purchase and maintenance of uniforms and equipment  
45 used by reserve peace officers.

46 Sec. 7. Section 222.60, Code 1999, is amended to  
47 read as follows:

48 222.60 COSTS PAID BY COUNTY OR STATE -- DIAGNOSIS  
49 AND EVALUATION.

50 1. All necessary and legal expenses for the cost

### Page 3

1 of admission or commitment, including expenses  
2 incurred pursuant to section 812.5, or for the  
3 treatment, training, instruction, care, habilitation,  
4 support and transportation of persons with mental  
5 retardation, as provided for in the county management  
6 plan provisions implemented pursuant to section  
7 331.439, subsection 1, in a state hospital-school, or  
8 in a special unit, or any public or private facility  
9 within or without the state, approved by the director  
10 of the department of human services, shall be paid by  
11 either a county or by the state as follows:  
12 1. a. The county in which such person has legal

13 settlement as defined in section 252.16.

14 b. The county in which such person has been  
15 charged with a criminal offense if the person is  
16 transferred or referred to a state hospital-school for  
17 any of the following:

18 (1) A diagnosis or recommendation as part of the  
19 pretrial or presentence procedure.

20 (2) A determination of mental competency or,  
21 pursuant to Iowa rule of criminal procedure 21, a  
22 placement of a defendant.

23 (3) A determination of competency to stand trial,  
24 a determination of a defendant's dangerousness, or a  
25 commitment as mentally incompetent to stand trial  
26 pursuant to section 812.4.

27 (4) A diagnosis, evaluation, or treatment for a  
28 prisoner transferred from a county or city jail.

29 2. c. The state when such person has no legal  
30 settlement or when such settlement is unknown.

31 2. Prior to a county of legal settlement approving  
32 the payment of expenses for a person under this  
33 section to which subsection 1, paragraph "a", applies,  
34 the county may require that the person be diagnosed to  
35 determine if the person has mental retardation or that  
36 the person be evaluated to determine the appropriate  
37 level of services required to meet the person's needs  
38 relating to mental retardation. The diagnosis and the  
39 evaluation may be performed concurrently and shall be  
40 performed by an individual or individuals approved by  
41 the county who are qualified to perform the diagnosis  
42 or the evaluation. Following the initial approval for  
43 payment of expenses, the county of legal settlement  
44 may require that an evaluation be performed at  
45 reasonable time periods. The cost of a county-  
46 required diagnosis and an evaluation is at the  
47 county's expense. In the case of a person without  
48 legal settlement or whose legal settlement is unknown,  
49 the state may apply the diagnosis and evaluation  
50 provisions of this paragraph at the state's expense.

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1 A diagnosis or an evaluation under this section of a  
2 person to which subsection 1, paragraph "a", applies,  
3 may be part of a county's single entry point process  
4 under section 331.440, provided that a diagnosis is  
5 performed only by an individual qualified as provided  
6 in this section. However, the single entry point  
7 process is not applicable and a court is not required  
8 to seek authorization through the single entry point  
9 process prior to transferring or referring a person to  
10 a state hospital-school for any reason provided in  
11 subsection 1, paragraph "b".

3. A diagnosis of mental retardation under this section shall be made only when the onset of the person's condition was prior to the age of eighteen years and shall be based on an assessment of the person's intellectual functioning and level of adaptive skills. The diagnosis shall be made by an individual who is a psychologist or psychiatrist who is professionally trained to administer the tests required to assess intellectual functioning and to evaluate a person's adaptive skills.

4. A diagnosis of mental retardation shall be made in accordance with the criteria provided in the diagnostic and statistical manual of mental disorders, fourth edition, published by the American psychiatric association.

Sec. 8. Section 226.30, Code 1999, is amended to read as follows:

226.30 TRANSFER OF DANGEROUS PATIENTS.

When a patient of any hospital for persons with mental illness becomes incorrigible, and unmanageable to such an extent that the patient is dangerous to the safety of others in the hospital, the administrator, following review and approval of the director of the department of corrections, may apply in writing to the district court or to any judge ~~thereof~~ of the county in which the hospital is situated, for an order to transfer the patient to the Iowa medical and classification center and if the order is granted the patient shall be ~~so~~ transferred. The county attorney of the county shall appear in support of the application on behalf of the administrator.

Sec. 9. Section 230.1, Code Supplement 1999, is amended to read as follows:

230.1 LIABILITY OF COUNTY AND STATE.

1. The necessary and legal costs and expenses attending the taking into custody, care, investigation, admission, commitment, including civil commitment pursuant to section 812.5, and support of a person with mental illness admitted or committed to a

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state hospital shall be paid by a county or by the state as follows:

a. By the county in which such person has a legal settlement, if the person is eighteen years of age or older.

b. By the county in which such person has been charged with a criminal offense if the person is transferred or referred to a state hospital for any of the following:

(1) A psychosocial diagnosis or recommendation as

part of the pretrial or presentence procedure,

(2) A determination of mental competency or,  
pursuant to Iowa rule of criminal procedure 21, a  
placement of a defendant.

(3) A determination of competency to stand trial,  
a determination of a defendant's dangerousness, or a  
commitment as mentally incompetent to stand trial  
pursuant to section 812.4.

(4) A diagnosis, evaluation, or treatment for  
mental illness for a prisoner transferred from a  
county or city jail.

~~b. c.~~ By the state when such person has no legal  
settlement in this state, when the person's legal  
settlement is unknown, or if the person is under  
eighteen years of age.

2. The legal settlement of any person found  
mentally ill who is a patient of any state institution  
shall be that existing at the time of admission  
thereto.

3. A county of legal settlement is not liable for  
costs and expenses associated with a person with  
mental illness to which subsection 1, paragraph "a",  
applies, unless the costs and expenses are for  
services and other support authorized for the person  
through the single entry point process. However, the  
single entry point process is not applicable and a  
court is not required to seek authorization through  
the single entry point process prior to ordering an  
evaluation of, transferring, or referring a person to  
a state hospital for any reason provided in subsection  
1, paragraph "b". For the purposes of this chapter,  
"single entry point process" means the same as defined  
in section 331.440.

Sec. 10. Section 704.8, Code 1999, is amended to  
read as follows:

704.8 ESCAPE FROM PLACE OF CONFINEMENT.

A correctional officer or peace officer is  
justified in using reasonable force, including deadly  
force, which is necessary to prevent the escape of any  
person from any jail, penal institution, correctional

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1 facility, or similar place of confinement, or place of  
2 trial or other judicial proceeding, or to prevent the  
3 escape from custody of any person who is being  
4 transported from any such place of confinement, trial  
5 or judicial proceeding to any other such place, except  
6 that deadly force may not be used to prevent the  
7 escape of one who the correctional officer or peace  
8 officer knows ~~or should know~~ is confined on a charge  
9 or conviction of any class of misdemeanor.

Sec. 11. Section 904.201, subsection 8, Code 1999, is amended to read as follows:

8. ~~Chapter 230 governs the determination of~~ The costs and charges for the care and treatment of persons with mental illness admitted to the forensic psychiatric hospital pursuant to subsection 3, shall be paid by the county in which the criminal charges are filed, except that charges for the care and treatment of any person transferred to the forensic psychiatric hospital from an adult correctional institution or from a state training school shall be paid entirely from state funds. The court ordering a person to the forensic psychiatric hospital for care and treatment shall not be subject to the single entry point process under section 331.440. Charges for all other persons at the forensic psychiatric hospital shall be billed to the respective counties at the same ratio as for patients at state mental health institutes under section 230.20. The Iowa medical and classification center shall bill the proper county directly.

Sec. 12. Section 904.202, Code 1999, is amended to read as follows:

904.202 INTAKE AND CLASSIFICATION CENTER.

The director may provide facilities and personnel for a diagnostic intake and classification center. The work of the center shall include a scientific study of each inmate, the inmate's career and life history, the causes of the inmate's criminal acts and recommendations for the inmate's custody, care, training, employment, and counseling with a view to rehabilitation and to the protection of society. To facilitate the work of the center and to aid in the rehabilitation of the inmates, the trial judge, prosecuting attorney, and presentence investigators shall furnish the director ~~upon request~~ with any previously authorized presentence investigation report and a full statement of facts and circumstances attending the commission of the offense so far as known or believed by them. If the department develops and utilizes an inmate classification system, it must,

**Page 7**

1 within a reasonable time, present evidence from  
2 independent experts as to the effectiveness and  
3 validity of the classification system.

Sec. 13. Section 904.405, Code 1999, is amended to read as follows:

904.405 TRANSCRIPT OF TESTIMONY.

The director shall cause the testimony taken at the investigation to be ~~transcribed and~~ recorded. The



recording of the testimony shall not be transcribed unless the testimony is part of a case that is appealed or an interested party requests a transcript. The recording of the testimony, or the transcription thereof, shall be filed and maintained in the director's office at the seat of government within ten days after the testimony is taken, or as soon as practicable, and when filed the testimony shall be open for the inspection of any person for at least five years from the date the testimony is taken or the date of a final decision in a case involving the testimony, whichever is later.

Sec. 14. Section 904.508, subsections 1 and 2, Code 1999, are amended to read as follows:

1. The superintendent of each institution shall receive and care for any property an inmate may possess on the inmate's person upon entering the institution, and on the discharge of the inmate, return the property to the inmate or the inmate's legal representatives, unless the property has been previously disposed of according to the inmate's written designation or policies prescribed by the board. ~~The superintendent may place an inmate's money at interest, keeping an account of the money and returning the remaining money upon discharge.~~

2. The director shall establish and maintain an inmate savings fund in an interest-bearing account for the deposit of all or part of an inmate's allowances, as provided in section 904.702. All or part of an inmate's allowances shall be deposited into the savings fund, until the inmate's deposit is equal to the amount due the inmate upon discharge, parole, or placement on work release, as provided in section 906.9. If an inmate's deposits equal this amount, the inmate may voluntarily withdraw from the savings fund. The director shall notify the inmate of this right to withdraw and shall provide the inmate with a written request form to facilitate the withdrawal. If the inmate withdraws and the inmate's deposits exceed the amount due as provided in section 906.9, the director shall disburse the excess amount as provided for allowances under section 904.702, except the director

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shall not deposit the excess amount in the inmate savings fund. If the inmate chooses to continue to participate in the savings fund, the inmate's deposits shall be returned to the inmate upon discharge, parole, or placement on work release. Otherwise, the inmate's deposits shall be disposed of as provided in subsection 3. An inmate's deposits into the savings

8 fund may be used to provide the money due the inmate  
9 upon discharge, parole, or placement on work release,  
10 as required under section 906.9. ~~Interest earned from~~  
11 ~~the savings fund shall be placed in a separate~~  
12 ~~account, and may be used for purchases approved by the~~  
13 ~~director to directly and collectively benefit inmates.~~

14 Sec. 15. Section 904.602, subsection 1, Code 1999,  
15 is amended by adding the following new paragraph:  
16 NEW PARAGRAPH. m. Family and personal history if  
17 the individual is dead or has not received services  
18 from the department or the judicial district  
19 departments of correctional services for at least ten  
20 years prior to a request for the information.

21 Sec. 16. Section 904.602, subsection 2, paragraph  
22 h, Code 1999, is amended to read as follows:

23 h. Family and personal history if the individual  
24 is alive and has received services from the department  
25 or the judicial district departments of correctional  
26 services within the ten years preceding a request for  
27 the information.

28 Sec. 17. Section 904.809, subsection 2, paragraph  
29 b, Code Supplement 1999, is amended by adding the  
30 following new subparagraph:  
31 NEW SUBPARAGRAPH. (3) The lease agreement shall  
32 establish a cost for the lease which shall take into  
33 consideration compensation for the amount of building  
34 space utilized compared to the cost of similar space  
35 leased outside the institution in the local community,  
36 maintenance costs, and modifications made to a  
37 correctional facility to accommodate the lessee such  
38 as payment of utilities and depreciation costs, and a  
39 pro rata cost of correctional officer supervision of  
40 inmates.

41 Sec. 18. Section 904.809, subsection 2, Code  
42 Supplement 1999, is amended by adding the following  
43 new paragraph:

44 NEW PARAGRAPH. c. Effective July 1, 2001, a  
45 portion of moneys received pursuant to a lease  
46 negotiated pursuant to the requirements of this  
47 section shall be deposited in the general fund of the  
48 state and that portion of the moneys received  
49 representing the cost of building maintenance,  
50 modification, and utilities as it relates to the lease

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1 are deemed repayment receipts as defined in section  
2 8.2.

3 Sec. 19. Section 904A.1, Code 1999, is amended to  
4 read as follows:

5 904A.1 BOARD OF PAROLE.

6 The board of parole is created to consist of five

7 members. Each member, except the chairperson and the  
8 vice chairperson, shall be compensated on a day-to-day  
9 basis. Each member shall serve a term of four years  
10 beginning and ending as provided by section 69.19,  
11 except for members appointed to fill vacancies who  
12 shall serve for the balance of the unexpired term.  
13 The terms shall be staggered. The chairperson and  
14 vice chairperson of the board shall be a full-time,  
15 salaried ~~member~~ members of the board. A majority of  
16 the members of the board constitutes a quorum to  
17 transact business.

18 Sec. 20. NEW SECTION. 904A.4C VICE CHAIRPERSON  
19 OF THE BOARD OF PAROLE.

20 The vice chairperson of the board of parole shall  
21 be appointed from the membership of the board of  
22 parole by the governor. The vice chairperson shall  
23 serve at the pleasure of the governor and shall have  
24 such responsibilities and duties as are determined by  
25 the chairperson. The vice chairperson shall act as  
26 the chairperson in the absence or disability of the  
27 chairperson or in the event of a vacancy in that  
28 office, until such time as a new chairperson is  
29 appointed by the governor.

30 Sec. 21. Section 904A.6, Code 1999, is amended to  
31 read as follows:

32 904A.6 SALARIES AND EXPENSES.

33 Each member, except the chairperson and the vice  
34 chairperson, of the board shall be paid per diem as  
35 determined by the general assembly. The chairperson  
36 and vice chairperson of the board shall be paid a  
37 salary as determined by the general assembly. Each  
38 member of the board and all employees are entitled to  
39 receive, in addition to their per diem or salary,  
40 their necessary maintenance and travel expenses while  
41 engaged in official business.

42 Sec. 22. 1998 Iowa Acts, chapter 1197, section 13,  
43 is amended to read as follows:

44 SEC. 13. EFFECTIVE DATES – REPEALS.

45 1. This division and Division I of this Act, being  
46 deemed of immediate importance, take effect upon  
47 enactment.

48 2. Division I of this Act is repealed June 30,  
49 ~~2000~~ 2002.

50 3. Division II of this Act takes effect July 1,

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1 ~~2000~~ 2002.

2 Sec. 23. EFFECTIVE DATE. Section 22 of this Act,  
3 being deemed of immediate importance, takes effect  
4 upon enactment."

5 2. Title page, by striking lines 1 through 5 and

6 inserting the following: "An Act relating to the  
7 department of corrections and concerning the  
8 establishment of reserve peace officers, the transfer  
9 of patients to the Iowa medical and classification  
10 center, the transcription and recording of testimony  
11 in certain departmental investigations, inmate  
12 accounts and work programs, the receipt and release of  
13 certain records by the department, the use of force by  
14 correctional or peace officers, the establishment of a  
15 vice chairperson for the board of parole, the delayed  
16 repeal of the sixth judicial district pilot project  
17 concerning probation revocation hearings, and  
18 providing an effective date."  
19 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
ANDY McKEAN, Chairperson

S-5166

1 Amend House File 2474, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 256.11, Code 1999, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 9. Unless a waiver has been  
8 obtained under section 256.11A, each accredited  
9 nonpublic school or school district shall have all of  
10 the following:  
11 a. A media center in each attendance center  
12 accessible to students throughout the school day and a  
13 qualified school media services specialist who meets  
14 the licensing standards prescribed by the board of  
15 educational examiners and who is responsible for media  
16 center supervision.  
17 b. An articulated sequential elementary-secondary  
18 guidance program for grades kindergarten through  
19 twelve and a guidance counselor who meets the  
20 licensing standards prescribed by the board of  
21 educational examiners.  
22 In determining the requirements of this subsection  
23 for an accredited nonpublic school, the department  
24 shall evaluate the accredited nonpublic school on an  
25 accredited nonpublic school system basis rather than  
26 on an individual accredited nonpublic school basis.  
27 Sec. 2. Section 256.11, Code 1999, is amended by  
28 adding the following new subsection:  
29 NEW SUBSECTION. 9A. Each accredited nonpublic  
30 school and school district shall adopt a policy for  
31 the implementation of a school health services  
32 program. The program shall be designed to help each

33 student protect, improve, and maintain the student's  
34 physical, emotional, and social well-being, and shall  
35 include a policy on the provision of special health  
36 services as defined and established by rule. Areas to  
37 be considered in the development of a policy may  
38 include, but are not limited to, environmental health  
39 and safety, emergency health procedures and  
40 responsibilities, health promotion, communicable  
41 disease prevention and control, staffing for the  
42 school health program, administering of prescription  
43 medication, acute or chronic health problems, health  
44 assessment and screening, and recordkeeping and  
45 program evaluation.  
46 In determining the requirements of this subsection  
47 for an accredited nonpublic school, the department  
48 shall evaluate the accredited nonpublic school on an  
49 accredited nonpublic school system basis rather than  
50 on an individual accredited nonpublic school basis.

## Page 2

1 Sec. 3. Section 256.11A, subsection 1, Code 1999,  
2 is amended to read as follows:  
3 1. ~~Schools Accredited nonpublic schools~~ and school  
4 districts ~~unable to meet the standard adopted by the~~  
5 ~~state board requiring each school or school district~~  
6 ~~operating a kindergarten through grade twelve program~~  
7 ~~to provide an articulated sequential elementary-~~  
8 ~~secondary guidance program~~ may, not later than August  
9 1, ~~1995~~ 2000, for the school year beginning July 1,  
10 ~~1995~~ 2000, file a written request to the department of  
11 education that the department waive one or more of the  
12 requirement for requirements established in section  
13 256.11, subsection 9, that an accredited nonpublic  
14 school or school district have a media center and a  
15 qualified school media services specialist and that an  
16 accredited nonpublic school or school district  
17 operating a kindergarten through grade twelve program  
18 provide an articulated sequential elementary-secondary  
19 guidance program. The procedures specified in  
20 subsection 3 apply to the request. Not later than  
21 August 1, ~~1996~~ 2001, for the school year beginning  
22 July 1, ~~1996~~ 2001, the board of directors of a school  
23 district or the authorities in charge of a nonpublic  
24 school may request a one-year extension of the waiver.  
25 Sec. 4. Section 256.11A, subsection 2, Code 1999,  
26 is amended by striking the subsection.  
27 Sec. 5. STATE MANDATE FUNDING SPECIFIED. In  
28 accordance with section 25B.2, subsection 3, the state  
29 cost of requiring compliance with any state mandate  
30 included in this Act shall be paid by a school  
31 district from state school foundation aid received by

32 the school district under section 257.16. This  
33 specification of the payment of the state cost shall  
34 be deemed to meet all the state funding-related  
35 requirements of section 25B.2, subsection 3, and no  
36 additional state funding shall be necessary for the  
37 full implementation of this Act by and enforcement of  
38 this Act against all affected school districts."  
39 2. Title page, line 1, by striking the words  
40 "providing for the adoption of administrative rules".

MICHAEL W. CONNOLLY

S-5167

1 Amend House File 2511, as passed by the House, as  
2 follows:  
3 1. Page 1, line 5, by striking the word "and" and  
4 inserting the following: "or".  
5 2. Page 1, line 6, by inserting after the word  
6 and figure "chapter 125," the following: "However, a  
7 community college shall not be required to offer the  
8 course if a substance abuse treatment program licensed  
9 under chapter 125 offers the course within the merged  
10 area served by the community college."  
11 3. Page 1, by striking lines 15 through 17 and  
12 inserting the following: "125. The curriculum of a  
13 course taught by a substance abuse treatment program  
14 licensed under chapter 125 must be submitted to and  
15 approved by the department of education."  
16 4. Page 1, lines 18 and 19 by striking the words  
17 "and substance abuse treatment programs licensed under  
18 chapter 125".  
19 5. Page 1, line 19, by striking the word "each".  
20 6. Page 1, line 33, by striking the word  
21 "jointly".  
22 7. Page 1, line 35, by inserting after the word  
23 "data" the following: "for their respective courses".  
24 8. Page 2, line 2, by inserting after the word  
25 "court" the following: "by both the department of  
26 education and substance abuse treatment programs  
27 licensed under chapter 125".  
28 9. By renumbering as necessary.

RICHARD F. DRAKE  
JOHN P. KIBBIE

S-5168

1 Amend House File 2492, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 9, line 26, by striking the words "and  
4 grounds".  
5 2. Page 9, line 27, by inserting after the word

"university" the following: ", the land upon which the building is located, and parking space associated with the building".

3. Page 9, line 30, by striking the word "grounds" and inserting the following: "parking space".

4. Page 10, line 1, by inserting after the word "safety" the following: "unless such transfer is prohibited or restricted by law or agreement".

5. Page 10, by inserting after line 5, the following:

"The department of public safety and the state board of regents shall enter into a written agreement pursuant to chapter 28E regarding payment of debt obligations incurred by the state board of regents on behalf of the Iowa cooperative extension service for agriculture and home economics for the lease-purchase of a mobile burn unit which is to be used by the department of public safety for fire fighter training. The written agreement shall also provide for storage of any of the equipment covered in this section at a facility owned by Iowa state university for as long as the lease for the building, land, and associated parking is in effect."

COMMITTEE ON LOCAL GOVERNMENT  
JEFF ANGELO, Chairperson

S-5169

Amend House File 2437, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 16 through 25 and inserting the following: "contained in the student's education records."

COMMITTEE ON EDUCATION  
DONALD B. REDFERN, Chairperson

S-5170

Amend House File 2436, as passed by the House, as follows:

1. Page 1, by striking lines 2 through 4 and inserting the following: "repealed effective July 1, 2000.

Sec. 2. Section 257.1, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 4. LEGISLATIVE REVIEW. The provisions of this chapter shall be subject to legislative review every five years. The review shall be based upon a school finance formula status report

12 to be prepared by the department of education, in  
 13 association with the departments of management and  
 14 revenue and finance. The report shall include  
 15 recommendations for school finance formula changes or  
 16 revisions based upon the results of a survey of all  
 17 school districts in the state soliciting input  
 18 regarding perceived problem areas; demographic  
 19 changes, enrollment trends, and property tax valuation  
 20 fluctuations observed by the departments during the  
 21 preceding five-year interval; an analysis of the  
 22 operation of the school finance formula during the  
 23 preceding five-year interval conducted by the  
 24 departments; recommendations of legislative interim  
 25 committees impacting the school finance formula  
 26 conducted during the preceding five-year period; and a  
 27 summary of issues that have arisen since the previous  
 28 review and potential approaches for their resolution.  
 29 The first such report shall be submitted to the  
 30 general assembly by January 1, 2005, with subsequent  
 31 reports developed and submitted by January 1 of every  
 32 fifth year thereafter."  
 33 2. Title page, line 1, by striking the words  
 34 "delaying the repeal of the school finance formula"  
 35 and inserting the following: "eliminating the future  
 36 repeal of the school finance formula and providing for  
 37 periodic legislative review".

COMMITTEE ON EDUCATION  
 DONALD B. REDFERN, Chairperson

S-5171

1 Amend House File 2496 as follows:  
 2 1. Page 7, by inserting after line 9 the  
 3 following:  
 4 "For the purposes of this paragraph "b", the amount  
 5 received for the budget year beginning July 1, 1999,  
 6 shall be adjusted according to the provisions of  
 7 section 257.6 based upon reports filed under section  
 8 11.6. The adjusted amount shall be used as the basis  
 9 for any guarantees or reductions."

BILL FINK  
 MICHAEL W. CONNOLLY

S-5172

1 Amend House File 2502, 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. INTERIM STUDY ON FUNDING OF THE OFFICE



6 OF COUNTY SHERIFF. The legislative council is  
7 requested to establish an interim study committee to  
8 study all aspects of the funding of law enforcement  
9 and related services of the office of county sheriff.  
10 The study shall include an analysis of the fiscal  
11 impacts of services provided by the office of county  
12 sheriff on incorporated areas and the unincorporated  
13 areas of the county. The findings and recommendations  
14 of the study committee shall be reported to the  
15 legislative council and the general assembly not later  
16 than January 15, 2001."  
17 2. Title page, by striking lines 1 through 3 and  
18 inserting the following: "An Act requesting an  
19 interim study of the funding of the office of county  
20 sheriff."

MATT McCOY

S-5173

1 Amend House File 2463, as passed by the House, as  
2 follows:  
3 1. Page 2, line 1, by inserting after the word  
4 "system" the following: ", except as otherwise  
5 required for those employees governed by chapter 262".  
6 2. Page 5, line 2, by inserting after the word  
7 "data." the following: "For employees governed by  
8 chapter 262, the director shall work collaboratively  
9 with the state board of regents to collect such  
10 information."

COMMITTEE ON STATE GOVERNMENT  
SHELDON RITTMER, Chairperson

S-5174

1 Amend House File 2378, as passed by the House, as  
2 follows:  
3 1. Page 3, line 11, by inserting after the word  
4 "fund" the following: "or physical plant and  
5 equipment levy fund".

MICHAEL W. CONNOLLY

S-5175

1 Amend House File 2376 as follows:  
2 1. Page 1, by striking lines 16 through 20 and  
3 inserting the following: "appointed or refused to  
4 appoint the person. ~~Within ten days after an~~  
5 ~~appointment is refused, the appointing officer, board,~~  
6 ~~or person shall notify the unsuccessful applicant in~~

7 ~~writing of the~~ At the time of application or at an  
8 ~~interview for the position, an applicant may request~~  
9 ~~notification of refusal only or notification of~~  
10 ~~refusal and the~~".  
11 2. Page 1, line 21, by inserting after the word  
12 "refusal." the following: "The notification shall be  
13 sent within ten days after the successful applicant is  
14 selected."

JOHN P. KIBBIE  
RICHARD F. DRAKE

S-5176

1 Amend House File 2477, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 21 through 23.  
4 2. Page 2, by striking lines 16 and 17, and  
5 inserting the following: "and to receive evidence,  
6 and shall deliberate in open session. After  
7 deliberations commence, the".  
8 3. Page 3, line 32, by striking the figure  
9 "6B.4,".  
10 4. By renumbering as necessary.

JEFF ANGELO

S-5177

1 Amend House File 2317, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 20, by inserting after the word  
4 "who" the following: "owns a life insurance policy or  
5 certificate which covers the life of an individual  
6 who".

MICHAEL E. GRONSTAL

S-5178

1 Amend House File 2317, 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 MOTOR VEHICLE SERVICE CONTRACTS  
7 Section 1. Section 321I.1, subsection 1, Code  
8 1999, is amended to read as follows:  
9 1. "Commissioner" means the commissioner of  
10 insurance as provided in section 505.1 or the deputy  
11 administrator appointed under section 502.601.  
12 Sec. 2. Section 321I.1, Code 1999, is amended by

13 adding the following new subsection:

14 NEW SUBSECTION. 6A. "Record" means information  
15 stored or preserved in any medium, including in an  
16 electronic or paper format. A record includes but is  
17 not limited to documents, books, publications,  
18 accounts, correspondence, memoranda, agreements,  
19 computer files, film, microfilm, photographs, and  
20 audio or visual tapes.

21 Sec. 3. Section 321I.2, subsection 2, Code 1999,  
22 is amended to read as follows:.

23 2. The issuer of a reimbursement insurance policy  
24 shall not cancel a reimbursement insurance policy  
25 unless a written notice has been received by the  
26 ~~insurance division commissioner~~ and by each applicable  
27 provider, including automobile dealers and third-party  
28 administrators, ~~which. The notice shall fix the date~~  
29 ~~of cancellation at a date no earlier than ten days~~  
30 ~~after receipt of the notice by the insurance division~~  
31 ~~commissioner~~ and by the applicable provider. The  
32 notice may be made in person or by mail and a post  
33 office department receipt of certified or registered  
34 mailing shall be deemed proof of receipt of the  
35 notice.

36 Sec. 4. Section 321I.3, subsection 2, Code 1999,  
37 is amended to read as follows:

38 2. In addition to any other required filings, ~~a~~  
39 ~~true and correct~~ an accurate copy of the service  
40 contract and the provider's reimbursement insurance  
41 policy, the consent to service of process on the  
42 commissioner, and such other information as the  
43 commissioner requires, shall be filed annually with  
44 the commissioner no later than the first day of  
45 August. If the first day of August falls on a weekend  
46 or a holiday, the date for filing shall be the next  
47 business day. In addition to the annual filing, the  
48 provider shall promptly file copies of any amended  
49 documents if material amendments have been made in the  
50 materials on file with the ~~division~~ commissioner. If

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1 an annual filing is made after the first of August and  
2 sales have occurred during the period when the  
3 provider was in noncompliance with this section, the  
4 ~~division commissioner~~ shall assess an additional  
5 filing fee that is two times the amount normally  
6 required for an annual filing. A fee shall not be  
7 charged for interim filings made to keep the materials  
8 filed with the division current and accurate. The  
9 annual filing shall be accompanied by a filing fee  
10 determined by the commissioner which shall be  
11 sufficient to defray the costs of administering this

12 chapter.

13 Sec. 5. Section 321I.3, Code 1999, is amended by  
14 adding the following new subsection:

15 NEW SUBSECTION. 3. a. A motor vehicle service  
16 contract provider shall promptly file the following  
17 information with the insurance commissioner:

18 (1) A change in the name or ownership of the  
19 provider.

20 (2) The termination of the provider's business.

21 b. The provider is not required to submit a fee as  
22 part of this filing.

23 Sec. 6. Section 321I.10, Code 1999, is amended to  
24 read as follows:

25 321I.10 MISREPRESENTATIONS OF STATE APPROVAL.

26 ~~It is unlawful for a~~ A motor vehicle service  
27 contract provider ~~to~~ shall not represent or imply in  
28 any manner that the provider has been sponsored,  
29 recommended, or approved or that the provider's  
30 abilities or qualifications have in any respect been  
31 passed upon by the ~~securities bureau, the insurance~~  
32 ~~division, or the state of Iowa, including the~~  
33 commissioner, the insurance division, or the  
34 division's securities bureau.

35 Sec. 7. Section 321I.11, Code 1999, is amended by  
36 adding the following new subsection:

37 NEW SUBSECTION. 5A. A motor vehicle service  
38 contract provider shall not repair a motor vehicle  
39 covered by a motor vehicle service contract with any  
40 of the following:

41 a. Used parts, unless the provider receives prior  
42 written authorization by the vehicle owner.

43 b. Rebuilt parts, unless the parts are rebuilt  
44 according to national standards recognized by the  
45 insurance division.

46 Sec. 8. Section 321I.12, subsection 1, unnumbered  
47 paragraph 1, Code 1999, is amended to read as follows:

48 A motor vehicle service contract provider shall  
49 keep accurate ~~accounts, books, and~~ records concerning  
50 transactions regulated under this chapter.

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1 Sec. 9. Section 321I.12, subsection 1, paragraph  
2 a, unnumbered paragraph 1, Code 1999, is amended to  
3 read as follows:

4 A motor vehicle service contract provider's  
5 ~~accounts, books, and~~ records shall include all of the  
6 following:

7 Sec. 10. Section 321I.12, subsection 1, paragraphs  
8 b and c, Code 1999, are amended to read as follows:

9 b. A motor vehicle service contract provider shall  
10 retain all required ~~accounts, books, and~~ records

pertaining to a service contract holder for at least two years after the specified period of coverage has expired. A provider discontinuing business in this state shall maintain its records until the provider furnishes the commissioner satisfactory proof that the provider has discharged all obligations to contract holders in this state.

c. Motor vehicle service contract providers shall make all ~~accounts, books, and~~ records concerning transactions regulated under the chapter available to the commissioner for the purpose of examination.

Sec. 11. Section 321I.14, subsections 1, 2, and 4, Code 1999, are amended to read as follows:

1. ~~The administrator of this chapter~~ commissioner may take actions which are necessary or appropriate for the protection of service contract holders or ~~to administer for the effective administration of this~~ chapter. The ~~administrator~~ commissioner may make private and public investigations and examinations as the ~~administrator~~ commissioner deems necessary to determine whether any person has violated or is about to violate this chapter or a rule or order adopted or issued pursuant to this chapter.

2. ~~For the purpose of~~ In an investigation or proceeding under this chapter, the ~~administrator~~ commissioner or any officer designated by the ~~administrator~~ commissioner may administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of ~~books, papers, correspondence, memoranda, agreements, or other documents or~~ records which the ~~administrator~~ commissioner deems relevant or material to an inquiry, all of which may be enforced in accordance with chapter 17A.

4. ~~If an investigation provides reasonable evidence~~ Upon the commissioner's determination that a person violated provider has engaged, is engaging, or is about to engage in any act or practice constituting a violation of this chapter or a rule adopted pursuant to this chapter, the commissioner may issue an a

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1 summary order directed at directing the person to  
2 cease and desist from engaging in the act or practice  
3 resulting in the violation or to take other  
4 affirmative action as in the judgment of the  
5 commissioner is necessary to comply with the  
6 requirements of this chapter.  
7 a. If a hearing is not timely requested, the  
8 summary order becomes final by operation of law. The  
9 order shall remain effective from the date of issuance

until the date the order becomes final by operation of law or is overturned by a presiding officer or court following a request for hearing. A person who has been issued a summary order under this subsection may contest the order by filing a request for a contested case proceeding as provided in chapter 17A and in accordance with rules adopted by the commissioner. However, the person shall have at least thirty days from the date that the order is issued in order to file the request. Section 17A.18A is inapplicable to a summary order issued under this subsection.

b. A person violating a summary order issued under this subsection shall be deemed in contempt of that order. The commissioner may petition the district court to enforce the order as certified by the commissioner. The district court shall adjudge the person in contempt of the order if the court finds after hearing that the person is not in compliance with the order. The court shall assess a civil penalty against the person in an amount not less than three thousand dollars but not greater than ten thousand dollars per violation, and may issue further orders as it deems appropriate.

Sec. 12. Section 321I.15, Code 1999, is amended to read as follows:

321I.15 AUDITS.

The commissioner may examine or cause to be examined the ~~books, papers, records, memoranda, or documents~~ of a motor vehicle service contract provider for the purpose of verifying compliance with this chapter. The commissioner may require, by a subpoena, the attendance of the provider, or the provider's representative, and any other witness whom the commissioner deems necessary or expedient, and the production of ~~books, papers, records, memoranda, or documents~~ relating in any manner to compliance with this chapter if a provider or witness fails or refuses to produce the documents for examination when requested by the commissioner.

Sec. 13. Section 321I.16, Code 1999, is amended to read as follows:

**Page 5**

321I.16 VIOLATIONS -- PENALTIES.

1. a. Except as provided in paragraph "b", all of the following shall apply:

(1) A violation of this chapter or a rule adopted pursuant to this chapter is a violation of section 714.16, subsection 2, paragraph "a". The remedies and penalties provided by section 714.16, including but not limited to injunctive relief and civil penalties,

9 apply to violations of this chapter.

10 (2) A person who willfully and knowingly violates  
11 this chapter or a rule adopted pursuant to this  
12 chapter is, upon conviction, guilty of a class "D"  
13 felony.

14 b. A motor vehicle service contract provider who  
15 fails to file documents and information with the  
16 commissioner as required pursuant to section 321I.3  
17 may be subject to a civil penalty. The amount of the  
18 civil penalty shall not be more than four hundred  
19 dollars plus two dollars for each motor vehicle  
20 service contract that the person executed prior to  
21 satisfying the filing requirement. However, a person  
22 who fails to file information regarding a change in  
23 the provider's name or the termination of the  
24 provider's business as required pursuant to section  
25 321I.3 is subject to a civil penalty of not more than  
26 five hundred dollars.

27 2. If the commissioner believes that grounds exist  
28 for the criminal prosecution of ~~persons subject to~~  
29 ~~this chapter~~ a motor vehicle service contract provider  
30 for ~~violations of~~ violating this chapter or any other  
31 law of this state, the commissioner may forward to the  
32 attorney general or the county attorney the grounds  
33 for the belief, including all evidence in the  
34 commissioner's possession, ~~in order that the attorney~~  
35 ~~general or the county attorney may proceed with the~~  
36 ~~matter as for action~~ deemed appropriate by the  
37 ~~attorney general or county attorney.~~ At the request  
38 of the attorney general, the county attorney shall  
39 appear and prosecute the action when brought in the  
40 county served by the county attorney.

41 ~~3. A person who willfully and knowingly violates~~  
42 ~~this chapter or a rule adopted pursuant to this~~  
43 ~~chapter is, upon conviction, guilty of a class "D"~~  
44 ~~felony.~~

45 Sec. 14. Section 321I.9, Code 1999, is repealed.

46 Sec. 15. DIRECTIONS TO THE CODE EDITOR. The Code  
47 editor is directed to transfer chapter 321I to or near  
48 chapter 523J, and correct internal references as  
49 necessary.

## DIVISION II

### Page 6

#### IOWA UNIFORM SECURITIES ACT

2 Sec. 16. Section 502.304, subsection 1, unnumbered  
3 paragraph 1, Code Supplement 1999, is amended to read  
4 as follows:

5 The administrator may by order deny, suspend, or  
6 revoke a registration or may censure, impose a civil  
7 penalty upon, or bar an applicant, registrant, branch

8 manager, assistant branch manager, supervisor, or any  
9 officer, director, partner, or person occupying a  
10 similar status or performing similar functions for a  
11 registrant. A person barred under this subsection may  
12 be prohibited by the administrator from employment  
13 with a registered broker-dealer or investment adviser.  
14 The administrator may restrict the person barred from  
15 engaging in any activity for which registration is  
16 required. Any action by the administrator under this  
17 subsection may be taken if the order is found to be in  
18 the public interest and it is found that the applicant  
19 or registrant or, in the case of a broker-dealer or  
20 investment adviser, a partner, an officer, or a  
21 director, a person occupying a similar status or  
22 performing similar functions, or a person directly or  
23 indirectly controlling the broker-dealer or investment  
24 adviser, or a branch manager, assistant branch  
25 manager, or supervisor:

26 Sec. 17. Section 502.604, subsection 1, Code  
27 Supplement 1999, is amended to read as follows:

28 1. Issue ~~an~~ a summary order directed at the person  
29 requiring the person to cease and desist from engaging  
30 in such act or practice or to take other affirmative  
31 action as in the judgment of the administrator is  
32 necessary to comply with the requirements of this  
33 chapter.

34 a. If a hearing is not timely requested, the  
35 summary order becomes final by operation of law. The  
36 order shall remain effective from the date of issuance  
37 until the date the order becomes final by operation of  
38 law or is overturned by a presiding officer or court  
39 following a request for hearing. A person who has  
40 been issued a summary order under this subsection may  
41 contest the order by filing a request for a contested  
42 case proceeding as provided in chapter 17A and in  
43 accordance with rules adopted by the administrator.  
44 However, the person shall have at least thirty days  
45 from the date that the order is issued in order to  
46 file the request. Section 17A.18A is inapplicable to  
47 a summary order issued under this subsection.

48 b. A person violating a summary order issued under  
49 this subsection shall be deemed in contempt of that  
50 order. The administrator may petition the district

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1 court to enforce the order as certified by the  
2 administrator. The district court shall adjudge the  
3 person in contempt of the order, if the court finds  
4 after hearing that the person is not in compliance  
5 with the order. The court shall assess a civil  
6 penalty against the person in an amount not less than



three thousand dollars but not greater than ten thousand dollars per violation, and may issue further orders as it deems appropriate.

Sec. 18. Section 502.605, subsection 1, Code 1999, is amended to read as follows:

1. ~~a. Any~~ Except as provided in paragraph "b", a person who willfully and knowingly violates any provision of this chapter, or any rule or order under this chapter, ~~shall be~~ is guilty of a class "D" felony.

b. A person who willfully and knowingly violates section 502.401, 502.402, or 502.403, or section 502.408, subsection 1 or 2, resulting in a loss of more than ten thousand dollars is guilty of a class "C" felony.

Sec. 19. Section 502.609, subsection 1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Every applicant for registration under this chapter, and every issuer which proposes to offer a security in this state, unless exempt under section 502.202 or 502.203 and the administrator by rule or order waives the filing, shall file with the administrator, in such form as the administrator by rule prescribes, an irrevocable consent appointing the administrator or the administrator's successor in office to be such person's attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against such person or the successor, executor or administrator of such person which arises under this chapter or any rule or order hereunder after the consent has been filed, with the same validity as if served personally on the person filing the consent. The consent need not be filed by a person who has filed a consent in connection with a previous registration or notice filing which is then in effect. Service may be made by leaving a copy of the process in the office of the administrator, but it is not effective unless the plaintiff, including the administrator when acting as such, does the following:

#### DIVISION III

#### BUSINESS OPPORTUNITY PROMOTIONS

Sec. 20. Section 523B.1, Code Supplement 1999, is amended by adding the following new subsection:  
NEW SUBSECTION. 10A. "Record" means the same as

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defined in section 321I.1.

Sec. 21. Section 523B.2, subsection 2, paragraph b, subparagraph (2), Code Supplement 1999, is amended to read as follows:

(2) A disclosure document prepared pursuant to the

6 federal trade commission rule entitled "Disclosure  
7 relating to disclosure requirements and prohibitions  
8 concerning franchising and business opportunity  
9 ventures"; as adopted by rule of the administrator in  
10 accordance with 16 C.F.R. } 436 (1979). The  
11 administrator may by rule adopt any amendment to the  
12 disclosure document prepared pursuant to 16 C.F.R. }  
13 436 (1979) that has been adopted by the federal trade  
14 commission.

15 Sec. 22. Section 523B.2, subsection 2, Code  
16 Supplement 1999, is amended by adding the following  
17 new paragraph:

18 NEW PARAGRAPH. c. The seller shall disclose to  
19 the administrator in the disclosure document or  
20 otherwise any sales or offers made in this state prior  
21 to registration.

22 Sec. 23. Section 523B.2, subsection 4, Code

23 Supplement 1999, is amended to read as follows:

24 4. EFFECTIVE DATE. A registration automatically  
25 becomes effective upon the expiration of the ~~fifteenth~~  
26 ~~thirtieth~~ full business day after the complete filing  
27 is received by the administrator, provided that ~~no~~ an  
28 order has not been issued or a proceeding is not  
29 pending under subsection 10. The administrator may by  
30 order waive or reduce the time period prior to  
31 effectiveness, provided that a complete filing has  
32 been made. The administrator may by order defer the  
33 effective date until the expiration of the ~~fifteenth~~  
34 ~~thirtieth~~ full business day after the filing of an  
35 amendment with the administrator.

36 Sec. 24. Section 523B.2, subsection 9, paragraph  
37 c, Code Supplement 1999, is amended by adding the  
38 following new subparagraph:

39 NEW SUBPARAGRAPH. (8) The rights and  
40 responsibilities of the parties regarding the  
41 marketing of a business opportunity, including but not  
42 limited to all of the following:

43 (a) Whether the seller assigns the purchaser a  
44 territory in which to sell a business opportunity.

45 (b) Whether the seller assists the purchaser in  
46 finding locations in which to sell a business  
47 opportunity.

48 (c) Whether the purchaser is solely responsible  
49 for marketing a business opportunity.

50 Sec. 25. Section 523B.8, subsection 1, Code 1999,

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1 is amended to read as follows:

2 1. a. If it appears to the administrator ' Upon the  
3 ~~administrator's determination~~ that a person has  
4 engaged, is engaging, or is about to engage in any act

5 or practice constituting a violation of this chapter  
6 or a rule or order adopted or issued under this  
7 chapter, the administrator may issue ~~an~~ a summary  
8 order ~~directed at~~ directing the person requiring the  
9 person to cease and desist from engaging in the act or  
10 practice or to take other affirmative action as in the  
11 judgment of the administrator is necessary to comply  
12 with the requirements of this chapter.

13 ~~b. The~~ If a hearing is not timely requested, the  
14 summary order becomes final by operation of law. The  
15 order shall remain effective from the date of issuance  
16 until the date the order becomes final by operation of  
17 law or is overturned by a presiding officer or court  
18 following a request for hearing. A person ~~named in~~  
19 the order may, within fourteen days of the date of the  
20 order, file a written who has been issued a summary  
21 order under this subsection may contest it by filing a  
22 request for a hearing. ~~The hearing shall be held in~~  
23 ~~accordance with~~ contested case proceeding as provided  
24 in chapter 17A and in accordance with the rules  
25 adopted by the administrator. However, the person  
26 shall have at least thirty days from the date that the  
27 order is issued in order to file the request. Section  
28 17A.18A is inapplicable to a summary order issued  
29 under this subsection.

30 c. A person violating a summary order issued under  
31 this subsection shall be deemed in contempt of that  
32 order. The administrator may petition the district  
33 court to enforce the order as certified by the  
34 administrator. The district court shall adjudge the  
35 person in contempt of the order if the court finds  
36 after hearing that the person is not in compliance  
37 with the order. The court shall assess a civil  
38 penalty against the person in an amount not less than  
39 three thousand dollars but not greater than ten  
40 thousand dollars per violation, and may issue further  
41 orders as it deems appropriate.

42 ~~Any~~ A consent agreement between the administrator  
43 and the seller may be filed in the miscellaneous  
44 docket of the clerk of the district court.

45 Sec. 26. Section 523B.8, subsection 2, paragraph  
46 b, Code 1999, is amended to read as follows:

47 b. For the purpose of an investigation or  
48 proceeding under this chapter, the administrator or an  
49 officer designated by the administrator may administer  
50 oaths and affirmations, subpoena witnesses, compel the

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1 attendance of witnesses, take evidence and require the  
2 production of books, papers, correspondence,  
3 memoranda, agreements, or other documents or records

4 which the administrator deems relevant or material to  
5 the inquiry.

6 DIVISION IV

7 RESIDENTIAL SERVICE CONTRACTS

8 Sec. 27. Section 22.7, Code Supplement 1999, is  
9 amended by adding the following new subsection:

10 NEW SUBSECTION. 39. Information obtained by the  
11 commissioner of insurance in the course of an  
12 investigation as provided in section 502.603, 523B.8,  
13 or 523C.23.

14 Sec. 28. Section 523C.1, Code 1999, is amended by  
15 adding the following new subsection:

16 NEW SUBSECTION. 6A. "Record" means the same as  
17 defined in section 321I.1.

18 Sec. 29. Section 523C.7, subsection 4, Code 1999,  
19 is amended to read as follows:

20 4. To the extent necessary to administer the  
21 provisions of this chapter, the commissioner may,  
22 after notice and hearing, institute a residential  
23 service contract form approval or form review fee ~~as~~  
24 ~~the commissioner shall by. If the commissioner~~  
25 establishes a fee, the amount of the fee shall be set  
26 by rule set adopted pursuant to chapter 17A. The fee,  
27 ~~if imposed,~~ may be by dollar amount or based upon a  
28 percentage of the sale value of the contract.  
29 However, the fee shall not exceed fifty thousand  
30 dollars.

31 Sec. 30. Section 523C.19, Code 1999, is amended to  
32 read as follows:

33 523C.19 CEASE AND DESIST ORDERS.

34 ~~1. If an investigation provides reasonable~~  
35 ~~evidence~~ Upon the commissioner's determination that a  
36 person violated any provision has engaged, is  
37 engaging, or is about to engage in any act or practice  
38 constituting a violation of this chapter or any rule  
39 adopted pursuant to this chapter, the commissioner may  
40 issue an order ~~directed at~~ directing the person to  
41 cease and desist from engaging in the act or practice  
42 resulting in the violation or to take other  
43 affirmative action as in the judgment of the  
44 commissioner is necessary to comply with the  
45 requirements of this chapter.

46 2. If a hearing is not timely requested, the  
47 summary order becomes final by operation of law. The  
48 order shall remain effective from the date of issuance  
49 until the date the order becomes final by operation of  
50 law or is overturned by a presiding officer or court

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1 following a request for hearing. A person who has  
2 been issued a summary order under this section may

3 contest it by filing a request for a contested case  
4 proceeding as provided in chapter 17A and in  
5 accordance with rules adopted by the commissioner.  
6 However, the person shall have at least thirty days  
7 from the date that the order is issued in order to  
8 file the request. Section 17A.18A is inapplicable to  
9 a summary order issued under this subsection.

10 3. A person violating a summary order issued under  
11 this subsection shall be deemed in contempt of that  
12 order. The commissioner may petition the district  
13 court to enforce the order as certified by the  
14 commissioner. The district court shall adjudge the  
15 person in contempt of the order if the court finds  
16 after hearing that the person is not in compliance  
17 with the order. The court shall assess a civil  
18 penalty against the person in an amount not less than  
19 three thousand dollars but not greater than ten  
20 thousand dollars per violation, and may issue further  
21 orders as it deems appropriate.

22 Sec. 31. NEW SECTION. 523C.23 INVESTIGATIONS AND  
23 SUBPOENAS.

24 1. a. In enforcing this chapter, the commissioner  
25 may conduct a public or private investigation in order  
26 to do any of the following:

27 (1) Determine whether a person has violated or is  
28 about to violate a provision of this chapter or a rule  
29 or order under this chapter.

30 (2) Aid in the enforcement of this chapter or in  
31 the prescribing of rules and forms under this chapter.

32 b. In carrying out this subsection, the  
33 commissioner may do all of the following:

34 (1) Conduct the investigation within or outside of  
35 this state.

36 (2) Require or allow a person to file a statement  
37 in writing regarding the facts or circumstances  
38 concerning a matter to be investigated. The  
39 commissioner may require that the statement be made  
40 under oath.

41 (3) Apply to the district court for the issuance  
42 of an order requiring a person's appearance before the  
43 commissioner or the attorney general. The person may  
44 also be required to produce documentary evidence  
45 germane to the subject of the investigation. The  
46 failure to obey an order under this subsection  
47 constitutes contempt of court.

48 c. Information obtained in the course of an  
49 investigation is confidential as provided in section  
50 22.7. However, upon a determination that disclosure

**Page 12**

1 of the information is necessary or appropriate in the  
2 public interest or for the protection of consumers,  
3 the commissioner may do any of the following:

4 (1) Share information obtained during the course  
5 of the investigation with another regulatory authority  
6 or government agency.

7 (2) Publish information obtained during the course  
8 of the investigation which concerns a violation of  
9 this chapter or a rule or order under this chapter.

10 2. Except as provided in section 523C.19, a  
11 proceeding instituted under this chapter shall be  
12 conducted pursuant to chapter 17A and rules adopted by  
13 the commissioner pursuant to chapter 17A.

14 3. In an investigation or proceeding conducted  
15 under this chapter, the commissioner or any designee  
16 of the commissioner may administer oaths and  
17 affirmations, subpoena witnesses, compel their  
18 attendance, take evidence, and require the production  
19 of any records which the commissioner deems relevant  
20 or material to the inquiry.

21 4. A person is not excused from attending and  
22 testifying or from producing a document or record  
23 before the commissioner or in obedience to a subpoena  
24 of the commissioner or an officer designated by the  
25 commissioner, or in a proceeding instituted by the  
26 commissioner, on the grounds that the testimony or  
27 evidence, documentary or otherwise, required of the  
28 person may tend to incriminate or subject the person  
29 to a penalty or forfeiture. However, a person shall  
30 not be prosecuted or subjected to any penalty or  
31 forfeiture due to a transaction or matter about which  
32 the person is compelled, after claiming privilege  
33 against self-incrimination, to testify or produce  
34 evidence, documentary or otherwise. The person  
35 testifying, however, is not exempt from prosecution  
36 and punishment for perjury or contempt committed while  
37 testifying.

38 DIVISION V

39 RETIREMENT CARE CONTRACTS

40 Sec. 32. Section 523D.13, Code 1999, is amended to  
41 read as follows:

42 523D.13 COMPLIANCE ORDERS.

43 1. Upon the commissioner's determination that a  
44 provider ~~has violated a provision~~ has engaged, is  
45 engaging, or is about to engage in any act or practice  
46 constituting a violation of this chapter or a rule  
47 adopted pursuant to this chapter, the commissioner may  
48 issue ~~an a summary~~ order requiring a directing the  
49 provider to cease and desist from ~~an unlawful engaging~~  
50 in the act or practice resulting in the violation or

**Page 13**

1 to take other affirmative action as in the judgment of  
2 the commissioner is necessary to comply with the  
3 requirements of this chapter.

4 ~~2. The person named in the order may, within~~  
5 ~~fourteen days after receipt of the order, file a~~  
6 ~~written request for a hearing. The hearing shall be~~  
7 ~~held in accordance with chapter 17A. If a hearing is~~  
8 ~~not requested, the order shall become permanent. If a~~  
9 ~~hearing is not timely requested, the summary order~~  
10 ~~becomes final by operation of law. The order shall~~  
11 ~~remain effective from the date of issuance until the~~  
12 ~~date the order becomes final by operation of law or is~~  
13 ~~overturned by a presiding officer or court following a~~  
14 ~~request for hearing. A person who has been issued a~~  
15 ~~summary order under this section may contest it by~~  
16 ~~filing a request for a contested case proceeding as~~  
17 ~~provided in chapter 17A and in accordance with rules~~  
18 ~~adopted by the commissioner. However, the person~~  
19 ~~shall have at least thirty days from the date that the~~  
20 ~~order is issued in order to file the request. Section~~  
21 ~~17A.18A is inapplicable to a summary order issued~~  
22 ~~under this section.~~

23 3. A person violating a summary order issued under  
24 this section shall be deemed in contempt of that  
25 order. The commissioner may petition the district  
26 court to enforce the order as certified by the  
27 commissioner. The district court shall adjudge the  
28 person in contempt of the order if the court finds  
29 after hearing that the person is not in compliance  
30 with the order. The court shall assess a civil  
31 penalty against the person in an amount not less than  
32 three thousand dollars but not greater than ten  
33 thousand dollars per violation, and may issue further  
34 orders as it deems appropriate.

**DIVISION VI****PROBATE TRANSFER ON DEATH**

37 Sec. 33. Section 633.801, subsection 6, Code 1999,  
38 is amended to read as follows:

39 6. "Security" means a security as defined in  
40 section 502.102. For purposes of this chapter,  
41 "security" includes, but is not limited to, a  
42 certificated security, an uncertificated security, and  
43 a security account.

**DIVISION VII****VIATICAL SETTLEMENT CONTRACTS".**

46 2. Title page, by striking lines 1 and 2 and  
47 inserting the following:

48 "An Act relating to entities and subject matter  
49 under the regulatory authority of the insurance  
50 division, including motor vehicle service contracts,

**Page 14**

- 1 securities, business opportunities, residential
- 2 service contracts, retirement care contracts, transfer
- 3 on death probate provisions, viatical settlement
- 4 contracts; and establishing penalties and making
- 5 penalties applicable."
- 6 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5179

- 1 Amend House File 2513, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 89, lines 30 and 31, by striking the
- 4 words "or any office duly authorized by the office of
- 5 secretary of state,".
- 6 2. Page 108, by striking lines 25 through 27, and
- 7 inserting the following: "2. The forms shall be
- 8 consistent with those set forth in the final official
- 9 text of the 1999 revisions to Article 9 of the Uniform
- 10 Commercial Code promulgated by the American law
- 11 institute and the national conference of commissioners
- 12 on uniform state laws."
- 13 3. Page 108, by striking lines 32 through 35, and
- 14 inserting the following: "section 554.9516,
- 15 subsection 2. The forms shall be consistent with
- 16 those set forth in the final official text of the 1999
- 17 revisions to Article 9 of the Uniform Commercial Code
- 18 promulgated by the American law institute and the
- 19 national conference of commissioners on uniform state
- 20 laws."
- 21 4. Page 112, line 1, by striking the word
- 22 "record" and inserting the following: "fee".

COMMITTEE ON JUDICIARY  
ANDY McKEAN, Chairperson

HOUSE AMENDMENT TO  
SENATE FILE 2089

S-5180

- 1 Amend Senate File 2089, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. Section 298.3, Code 1999, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 12. Payments to a municipality or
- 8 other entity as required under section 403.19,



- 9 subsection 2."
- 10 2. Page 1, line 18, by inserting after the word  
11 "However," the following: "all or a portion of the".
- 12 3. Page 1, line 19, by inserting after the word  
13 "paid" the following: "by the school district".
- 14 4. Page 1, by striking line 20 and inserting the  
15 following: "municipality certifies to the school  
16 district by July 1 the amount of such levy that is".
- 17 5. Page 1, line 23, by inserting after the figure  
18 "2000," the following: "Such school district shall  
19 pay over the amount certified by November 1 following  
20 certification to the school district."
- 21 6. By renumbering as necessary.

S-5181

- 1 Amend the House amendment, S-5164 to Senate File  
2 2254 as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 39, the  
4 following:  
5 "Sec. \_\_\_\_ RETROACTIVE APPLICABILITY. Section  
6 252I.4, subsection 3, as amended in this Act, is  
7 retroactively applicable to January 1, 2000."  
8 2. Page 1, by inserting after line 43, the  
9 following:  
10 "\_\_\_\_. Title page, line 3, by inserting after the  
11 word "development" the following: "and providing for  
12 retroactive applicability"."

KEN VEENSTRA

S-5182

- 1 Amend House File 2525, as passed by the house, as  
2 follows:
- 3 1. Page 1, line 15, by striking the words "a  
4 violation of a felony", and inserting the following:  
5 "the violation of the felony referred to in subsection  
6 1".

JEFF LAMBERTI

S-5183

- 1 Amend House File 2113 as follows:
- 2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. NEW SECTION. 1C.12 BILL OF RIGHTS  
5 DAY.  
6 The governor of this state is hereby authorized and  
7 requested to issue annually a proclamation designating  
8 the fifteenth day of December as "Bill of Rights Day"

- 9 and to encourage all governmental bodies in the state  
10 to observe the day in a manner that emphasizes the  
11 meaning and importance of the first ten amendments to  
12 the United States Constitution, and encourage a formal  
13 recitation of the Bill of Rights in its entirety in  
14 all public schools, government meetings, and  
15 courtrooms on that date."  
16 2. Title page, line 1, by inserting after the  
17 words "relating to" the following: "the recognition  
18 of federal rights and service, including".  
19 3. Title page, line 2, by inserting after the  
20 word "plates" the following: "and designation of a  
21 "Bill of Rights Day".  
22 4. By renumbering as necessary.

RICHARD F. DRAKE  
JOHN W. JENSEN  
GENE FRAISE  
JOHN P. KIBBIE

S-5184

- 1 Amend House File 2321, as passed by the House, as  
2 follows:  
3 1. Page 1, by striking lines 1 through 7.  
4 2. By renumbering as necessary.

MAGGIE TINSMAN

HOUSE AMENDMENT TO  
SENATE FILE 324

S-5185

- 1 Amend Senate File 324, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 6, by inserting after line 32 the  
4 following:  
5 " \_\_\_\_\_. A franchisor shall not discriminate against  
6 a proposed transferee of a franchise on the basis of  
7 race, color, national origin, religion, sex, or  
8 disability."  
9 2. Page 13, line 32, by inserting after the word  
10 "franchisee," the following: "A determination of  
11 whether the duty of good faith with respect to a new  
12 outlet or location has been met shall be made pursuant  
13 to the provisions, standards, and procedures in  
14 subsection 6.  
15 11A. EXCLUSION. For purposes of this section,  
16 "franchise" does not include a contract under which a  
17 franchise relationship is established with respect to  
18 retreaded tires and related equipment used for

19 commercial vehicles."

20 3. Page 14, line 23, by striking the figure  
21 "1999" and inserting the following: "2000".

22 4. Page 14, line 24, by striking the figure  
23 "1999" and inserting the following: "2000".

24 5. Page 14, line 27, by striking the figure  
25 "1999" and inserting the following: "2000".

26 6. By renumbering, relettering, or redesignating  
27 and correcting internal references as necessary.

S-5186

1 Amend House File 2377, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking line 30 and inserting the  
4 following: "each report and allegation of child abuse  
5 involving the child who died."

6 2. Page 2, line 16, by inserting before the words  
7 ", the committee" the following: "and the appeal  
8 period for the granting of a new trial".

9 3. Page 2, line 22, by inserting after the word  
10 "report" the following: "and any supplemental  
11 report".

12 4. Page 5, by striking lines 28 and 29 and  
13 inserting the following:

14 "i. Information, the release of which is a  
15 violation of federal law or regulation."

DAVID MILLER

S-5187

1 Amend House File 2316, 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. 514L.1 LIABILITY OF A  
6 MANAGED CARE HEALTH PLAN OR HEALTH MAINTENANCE  
7 ORGANIZATION.

8 1. For purposes of this section, unless the  
9 context otherwise requires:

10 a. "Managed care health plan" means a health  
11 benefit plan that selects and contracts with health  
12 care providers; manages and coordinates health care  
13 delivery; monitors necessity, appropriateness, and  
14 quality of health care delivered by health care  
15 providers; and performs utilization review and cost  
16 control.

17 b. "Health maintenance organization" means a  
18 health maintenance organization as defined in section  
19 514B.1, subsection 6.

20 2. a. A managed care health plan or health

21 maintenance organization shall exercise ordinary care  
22 when making health care treatment decisions and is  
23 liable for damages for harm to an insured or enrollee  
24 proximately caused by its failure to exercise ordinary  
25 care. An insured or enrollee may bring an action  
26 against a managed care health plan or health  
27 maintenance organization for a breach of the duty to  
28 exercise ordinary care.

29 For purposes of this section, a managed care health  
30 plan or health maintenance organization includes an  
31 employee, agent, or other person acting on behalf of  
32 the managed care health plan or health maintenance  
33 organization.

34 b. In any action brought under this section  
35 against a managed care health plan or health  
36 maintenance organization, the managed care health plan  
37 or health maintenance organization may assert as a  
38 defense either of the following:

39 (1) The managed care health plan or health  
40 maintenance organization did not control, influence,  
41 or participate in the health care treatment decision.

42 (2) The managed care health plan or health  
43 maintenance organization did not deny or delay payment  
44 for any treatment prescribed or recommended by a  
45 health care provider.

46 c. This section does not create a duty on the part  
47 of the managed care health plan or health maintenance  
48 organization to provide treatment which is not covered  
49 by the health care plan of the managed care health  
50 plan or health maintenance organization.

## Page 2

1 d. In an action against a managed care health plan  
2 or health maintenance organization, a finding that a  
3 physician or other health care provider is an  
4 employee, agent, or representative of such managed  
5 care health plan or health maintenance organization  
6 shall not be based solely on proof that such person's  
7 name appears in a listing of approved health care  
8 providers made available to insureds or enrollees."

9 2. By renumbering as necessary.

JOHNIE HAMMOND

HOUSE AMENDMENT TO  
SENATE FILE 2308

S-5188

1 Amend Senate File 2308, as passed by the Senate, as  
2 follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 236.10, Code 1999, is amended to read as follows:

236.10 CONFIDENTIALITY OF RECORDS.

1. The entire file or a portion of the file in a domestic abuse case shall be sealed by the clerk of court when it is complete and after the time for appeal has expired as ordered by the court to protect the privacy interest or safety of any person. However, the clerk shall open the file upon application to and order of the court for good cause shown or upon request of the child support recovery unit. Support payment records, whether maintained by the clerk of the district court or the department of human services, are public records and may be released upon request. However, a payment record shall not include address or location information.

2. Notwithstanding subsection 1, court orders and support payment records shall remain public records, although the court may order that certain information be redacted from the public records, such as address or location information.

Sec. \_\_\_\_ Section 236.19, Code Supplement 1999, is amended to read as follows:

236.19 FOREIGN PROTECTIVE ORDERS – REGISTRATION -- ENFORCEMENT.

1. As used in this section, "foreign protective order" means a protective order entered ~~in a state other than Iowa which~~ by a court of another state, Indian tribe, or United States territory that would be an order or court-approved consent agreement entered under this chapter, a temporary or permanent protective order or order to vacate the homestead under chapter 598, or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault if it had been entered in Iowa.

2. A certified or authenticated copy of a permanent foreign protective order ~~authenticated in accordance with the statutes of this state~~ may be filed with the clerk of the district court in any county that would have venue if the original action was being commenced in this state or in which the person in whose favor the order was entered may be present.

a. The clerk shall file foreign protective orders

**Page 2**

1 that are not certified or authenticated, if supported  
2 by an affidavit of a person with personal knowledge,  
3 subject to the penalties for perjury. The person  
4 protected by the order may provide this affidavit.

5 b. The clerk shall provide copies of the order as  
6 required by section 236.5, except that notice shall  
7 not be provided to the respondent without the express  
8 written direction of the person in whose favor the  
9 order was entered.

10 3. a. A valid foreign protective order ~~so file~~  
11 has the same effect and shall be enforced in the same  
12 manner as a protective order issued in this state  
13 whether or not filed with a clerk of court or  
14 otherwise placed in a registry of protective orders.

15 b. A foreign protective order is valid if it meets  
16 all of the following:

17 (1) The order states the name of the protected  
18 individual and the individual against whom enforcement  
19 is sought.

20 (2) The order has not expired.

21 (3) The order was issued by a court or tribunal  
22 that had jurisdiction over the parties and subject  
23 matter under the law of the foreign jurisdiction.

24 (4) The order was issued in accordance with  
25 respondent's due process rights, either after the  
26 respondent was provided with reasonable notice and an  
27 opportunity to be heard before the court or tribunal  
28 that issued the order, or in the case of an ex parte  
29 order, the respondent was granted notice and  
30 opportunity to be heard within a reasonable time after  
31 the order was issued.

32 c. Proof that a foreign protective order failed to  
33 meet all of the factors listed in paragraph "b" shall  
34 be an affirmative defense in any action seeking  
35 enforcement of the order.

36 4. A peace officer shall treat a foreign  
37 protective order as a valid legal document and shall  
38 make an arrest for a violation of the foreign  
39 protective order in the same manner that a peace  
40 officer would make an arrest for a violation of a  
41 protective order issued within this state.

42 a. The fact that a foreign protective order has  
43 not been filed with the clerk of court or otherwise  
44 placed in a registry shall not be grounds to refuse to  
45 enforce the terms of the order unless it is apparent  
46 to the officer that the order is invalid on its face.

47 b. A peace officer acting in good faith in  
48 connection with the enforcement of a foreign  
49 protective order shall be immune from civil and  
50 criminal liability in any action arising in connection

**Page 3**

- 1 with such enforcement.
- 2 5. Filing and service costs in connection with
- 3 foreign protective orders may be waived or deferred as
- 4 provided in section 236.3."
- 5 2. Title page, line 1, by inserting after the
- 6 word "to" the following: "domestic violence
- 7 protective orders and".
- 8 3. By renumbering as necessary.

S-5189

- 1 Amend Senate File 2428 as follows:
- 2 1. Page 18, by striking lines 1 through 19.
- 3 2. Page 20, by striking lines 26 through 28.
- 4 3. Title page, by striking lines 4 and 5 and
- 5 inserting the following: "relations board, and making
- 6 related statutory changes."
- 7 4. By renumbering as necessary.

NEAL SCHUERER  
JOE BOLKCOM  
DERRYL McLAREN  
MICHAEL E. GRONSTAL

S-5190

- 1 Amend House File 2362, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 34, by inserting after the word
- 4 "acted" the following: "reasonably and".
- 5 2. Page 4, line 2, by inserting before the word
- 6 "lack" the following: "unreasonableness or".

DAVID MILLER

S-5191

- 1 Amend the amendment, S-5013, to House File 723, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 1, line 5, through page 2,
- 5 line 8, and inserting the following:
- 6 ""Sec. \_\_\_\_ NEW SECTION. 717.3 LIVESTOCK
- 7 TORTURE.
- 8 1. a. A person is guilty of livestock torture,
- 9 regardless of whether the person is the owner of the
- 10 livestock, if the person inflicts an injury on the
- 11 livestock which causes extreme physical pain to the
- 12 livestock, or subjects the livestock to a condition
- 13 which causes extreme physical pain, with the purpose

14 of increasing or prolonging the extreme physical pain.  
15 b. As used in this subsection, "extreme physical  
16 pain" includes severe suffering or agony.  
17 2. This section shall not apply to any of the  
18 following:  
19 a. A person acting to carry out an order issued by  
20 a court.  
21 b. A licensed veterinarian while practicing  
22 veterinary medicine as provided in chapter 169.  
23 c. A person while carrying out a practice that is  
24 consistent with customary animal husbandry practices.  
25 d. A person acting reasonably to protect a person  
26 from injury or death caused by unconfined livestock.  
27 e. A local authority acting reasonably to destroy  
28 livestock, if at the time of the destruction, the  
29 owner of the livestock is absent or unable to care for  
30 the livestock, and the livestock is permanently  
31 distressed by disease or injury to a degree that would  
32 result in severe and prolonged suffering.  
33 f. An institution, as defined in section 145B.1,  
34 or a research facility, as defined in section 162.2,  
35 provided that the institution or research facility  
36 performs functions within the scope of accepted  
37 practices and disciplines associated with the  
38 institution or research facility.  
39 3. A person guilty of livestock torture is guilty  
40 of a class "D" felony. If a person is guilty of  
41 livestock torture, the sentencing order shall require  
42 that the person participate in counseling according to  
43 terms ordered by the court.  
44 Sec. \_\_\_\_ NEW SECTION. 717B.5A ANIMAL TORTURE.  
45 1. a. A person is guilty of animal torture,  
46 regardless of whether the person is the owner of the  
47 animal, if the person inflicts an injury to the animal  
48 which causes extreme physical pain to the animal, or  
49 subjects the animal to a condition which causes  
50 extreme physical pain, with the purpose of increasing

## Page 2

1 or prolonging the extreme physical pain.  
2 b. As used in this subsection, "extreme physical  
3 pain" includes severe suffering or agony.  
4 2. This section shall not apply to any of the  
5 following:  
6 a. A person acting to carry out an order issued by  
7 a court.  
8 b. A licensed veterinarian while practicing  
9 veterinary medicine as provided in chapter 169.  
10 c. A person while carrying out a practice that is  
11 consistent with customary animal husbandry practices.  
12 d. A person taking, hunting, trapping, or fishing



13 for a wild animal as provided in chapter 481A.  
 14 e. A person acting reasonably to protect the  
 15 person's property from a wild animal as defined in  
 16 section 481A.1.  
 17 f. A person acting reasonably to protect a person  
 18 from injury or death caused by a wild animal as  
 19 defined in section 481A.1.  
 20 g. A person acting reasonably to protect a person  
 21 from injury or death caused by an unconfined animal.  
 22 h. A local authority acting reasonably to destroy  
 23 an animal, if at the time of the destruction, the  
 24 owner of the animal is absent or unable to care for  
 25 the animal, and the animal is permanently distressed  
 26 by disease or injury to a degree that would result in  
 27 severe and prolonged suffering.  
 28 i. An institution, as defined in section 145B.1,  
 29 or a research facility, as defined in section 162.2,  
 30 provided that the institution or research facility  
 31 performs functions within the scope of accepted  
 32 practices and disciplines associated with the  
 33 institution or research facility.  
 34 3. A person guilty of animal torture is guilty of  
 35 a class "D" felony. If a person is guilty of animal  
 36 torture, the sentencing order shall require that the  
 37 person participate in counseling according to terms  
 38 ordered by the court."  
 39 \_\_\_\_\_. Title page, line 1, by striking the words  
 40 "persons and" and inserting the following: "livestock  
 41 and other"."

MARY A. LUNDBY  
 MATT McCOY

S-5192

1 Amend Senate File 2428 as follows:  
 2 1. Page 1, by striking line 22 and inserting the  
 3 following:  
 4 ".....\$ 268,359"  
 5 2. Page 5, by striking lines 31 and 32 and  
 6 inserting the following:  
 7 ".....\$ 2,395,384  
 8 .....FTEs 14.25"  
 9 3. Page 6, by striking line 13 and inserting the  
 10 following:  
 11 ".....\$ 425,000"  
 12 4. Page 6, by striking line 25 and inserting the  
 13 following:  
 14 ".....\$ 125,000"  
 15 5. Page 8, by striking line 26 and inserting the  
 16 following:  
 17 ".....\$ 392,822"

18 6. Page 8, by striking line 32 and inserting the  
 19 following:  
 20 " .....\$ 4,590,620"  
 21 7. Page 9, by striking line 35 and inserting the  
 22 following:  
 23 " .....\$ 350,697"  
 24 8. Page 10, by striking line 5 and inserting the  
 25 following:  
 26 " .....\$ 283,094"  
 27 9. Page 10, by striking line 22 and inserting the  
 28 following:  
 29 " .....\$ 179,537"  
 30 10. Page 10, by striking lines 28 and 29 and  
 31 inserting the following:  
 32 " .....\$ 772,332  
 33 .....FTEs 9.00"  
 34 11. Page 11, by striking lines 16 and 17 and  
 35 inserting the following:  
 36 " .....\$ 3,429,686  
 37 .....FTEs 89.50"  
 38 12. Page 11, by striking lines 26 and 27 and  
 39 inserting the following:  
 40 " .....\$ 2,530,163  
 41 .....FTEs 35.00"  
 42 13. Page 12, by striking line 4 and inserting the  
 43 following:  
 44 " .....\$ 110,033"  
 45 14. Page 12, by striking line 10 and inserting  
 46 the following:  
 47 " .....\$ 68,911"  
 48 15. Page 12, by striking line 27 and inserting  
 49 the following:  
 50 " .....\$ 888,633"

**Page 2**

1 16. Page 15, by striking line 33 and inserting  
 2 the following:  
 3 " .....\$ 923,939"

BETTY A. SOUKUP

S-5193

1 Amend Senate File 2428 as follows:  
 2 1. Page 6, by striking line 31 and inserting the  
 3 following:  
 4 " .....\$ 4,963,711"

BETTY A. SOUKUP  
 PATRICK J. DELUHERY  
 JOE BOLKCOM

PATRICIA HARPER  
 JOHNIE HAMMOND  
 ROBERT E. DVORSKY  
 ELAINE SZYMONIAK  
 GENE FRAISE  
 MICHAEL E. GRONSTAL  
 WALLY E. HORN  
 DENNIS H. BLACK

S-5194

1 Amend Senate File 2428 as follows:  
 2 1. Page 12, by inserting after line 33 the  
 3 following:  
 4 "6. LABOR MANAGEMENT COORDINATOR  
 5 For salaries, support, maintenance, and  
 6 miscellaneous purposes for a labor management  
 7 coordinator:  
 8 .....\$ 68,999"

TOM FLYNN  
 PATRICK J. DELUHERY  
 JOE BOLKCOM  
 PATRICIA HARPER  
 JOHNIE HAMMOND  
 DICK DEARDEN  
 STEVE HANSEN  
 ROBERT E. DVORSKY  
 GENE FRAISE  
 MICHAEL E. GRONSTAL  
 DENNIS H. BLACK  
 BETTY A. SOUKUP  
 WALLY E. HORN

S-5195

1 Amend Senate File 2428 as follows:  
 2 1. Page 12, by inserting after line 33 the  
 3 following:  
 4 "6. WORKFORCE DEVELOPMENT AREAS.  
 5 For salaries, support, maintenance, and  
 6 miscellaneous purposes for the development and  
 7 maintenance of a workforce sufficient in size and  
 8 skill to meet the occupational demands of each  
 9 workforce development area, and for workforce  
 10 development programs, including those provided for in  
 11 sections 84A.7, 84A.8, 84A.9, and 84A.10, and for not  
 12 more than the following full-time equivalent  
 13 positions:  
 14 .....\$ 1,831,500  
 15 .....FTEs 1.79  
 16 Each region shall be required to provide an equal

17 amount of matching funds from local sources."

18 2. Page 13, by striking lines 13 through 25.

BETTY A. SOUKUP  
 PATRICK J. DELUHERY  
 TOM FLYNN  
 MICHAEL W. CONNOLLY  
 JOHN JUDGE  
 STEVEN HANSEN  
 DICK DEARDEN  
 WALLY E. HORN  
 DENNIS H. BLACK

S-5196

1 Amend Senate File 2428 as follows:

2 1. Page 12, by inserting after line 33 the  
 3 following:

4 "6. IMMIGRATION SERVICE CENTERS

5 For salaries, support, maintenance, and  
 6 miscellaneous purposes for the establishment of pilot  
 7 immigration service centers:

8 .....\$ 200,000

9 The department of workforce development shall  
 10 establish pilot immigration service centers that shall  
 11 offer one-step services to deal with the multiple  
 12 issues related to immigration and employment. Centers  
 13 shall be designed to support workers, businesses, and  
 14 communities with information and technical assistance  
 15 on such issues as forms and documentation,  
 16 translation, language training, job placement  
 17 assistance, and resettlement. Through coordination of  
 18 local, state, and federal service providers, these  
 19 centers shall seek to provide a seamless service  
 20 delivery system for new Iowans."

21 2. Page 14, by striking lines 1 through 32.

22 3. By renumbering as necessary.

BETTY A. SOUKUP  
 MARK SHEARER  
 JOHN JUDGE  
 MICHAEL W. CONNOLLY  
 TOM FLYNN  
 PATRICK J. DELUHERY  
 JOE BOLKCOM  
 PATRICIA HARPER

S-5197

1 Amend Senate File 2428 as follows:

2 1. Page 3, by striking line 34 and inserting the  
 3 following:

4 " .....\$ 890,657"

5 2. Page 4, by striking line 4 and inserting the  
 6 following:  
 7 ".....\$ 445,519"  
 8 3. Page 4, by striking line 17 and inserting the  
 9 following:  
 10 ".....\$ 998,375"  
 11 4. Page 5, by striking line 7 and inserting the  
 12 following:  
 13 ".....\$ 442,719"

JOHN JUDGE  
 PATRICK J. DELUHERY  
 MICHAEL W. CONNOLLY  
 TOM FLYNN  
 STEVE HANSEN  
 DICK DEARDEN  
 MARK SHEARER  
 BETTY A. SOUKUP  
 JOHNIE HAMMOND  
 PATRICIA HARPER  
 JOE BOLKCOM

S-5198

1 Amend Senate File 2428 as follows:  
 2 1. By striking page 1, line 35, through page 2,  
 3 line 1, and inserting the following:  
 4 ".....\$ 5,156,824  
 5 .....FTEs 25.75"  
 6 2. Page 2, by striking lines 6 through 12 and  
 7 inserting the following:  
 8 "b. Small business programs  
 9 For salaries, support, maintenance, and  
 10 miscellaneous purposes for the small business program,  
 11 the small business advisory council, and targeted  
 12 small business program:  
 13 .....\$ 457,894  
 14 c. Federal procurement office  
 15 For salaries, support, maintenance, and  
 16 miscellaneous purposes:  
 17 .....\$ 106,932  
 18 Notwithstanding section 8.33, moneys appropriated  
 19 in this paragraph "c" that remain unencumbered or  
 20 unobligated at the close of the fiscal year shall not  
 21 revert but shall remain available for expenditure for  
 22 the purposes designated until the close of the  
 23 succeeding fiscal year."

MARK SHEARER  
 PATRICK J. DELUHERY  
 TOM FLYNN  
 MICHAEL W. CONNOLLY

JOHN JUDGE  
STEVE HANSEN  
DICK DEARDEN  
BETTY A. SOUKUP  
ROBERT E. DVORSKY  
JOHNIE HAMMOND  
PATRICIA HARPER  
JOE BOLKCOM

S-5199

- 1 Amend the amendment, S-5165, to House File 2519, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 19 through 31.
- 5 2. By renumbering as necessary.

JEFF ANGELO

S-5200

- 1 Amend Senate File 2239 as follows:
- 2 1. Page 2, by striking line 9 and inserting the
- 3 following: "reason of another person's violation of
- 4 any of the standards adopted pursuant to".
- 5 2. Page 2, line 11, by inserting after the word
- 6 "for" the following: "actual".

LARRY McKIBBEN

S-5201

- 1 Amend the amendment, S-5013, to House File 723, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking lines 3 through 6 and
- 5 inserting the following: "by the court.""

MARY A. LUNDBY

HOUSE AMENDMENT TO  
SENATE FILE 2111

S-5202

- 1 Amend Senate File 2111, as passed by the Senate, as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 257.13, Code Supplement 1999,
- 6 is amended by striking the section and inserting in
- 7 lieu thereof the following:

## 8 257.13 ON-TIME FUNDING BUDGET ADJUSTMENT.

9 1. For the school budget years beginning July 1,  
10 2000, and July 1, 2001, if a district's actual  
11 enrollment for the budget year, determined under  
12 section 257.6, is greater than its budget enrollment  
13 for the budget year, the district shall be eligible to  
14 receive an on-time funding budget adjustment. The  
15 adjustment shall be in an amount equal to fifty  
16 percent of the difference between the actual  
17 enrollment for the budget year and the budget  
18 enrollment for the budget year, multiplied by district  
19 cost per pupil.

20 2. The board of directors of a school district  
21 that wishes to receive an on-time funding budget  
22 adjustment shall adopt a resolution to receive the  
23 adjustment and notify the school budget review  
24 committee by November 1, 2000. The school budget  
25 review committee shall establish a modified allowable  
26 growth in an amount determined pursuant to subsection  
27 1.

28 3. If the board of directors of a school district  
29 determines that a need exists for additional funds  
30 exceeding the authorized budget adjustment for on-time  
31 funding pursuant to this section, a request for  
32 modified allowable growth based upon increased  
33 enrollment may be submitted to the school budget  
34 review committee as provided in section 257.31.

35 Sec. 2. Section 257.14, subsection 1, Code  
36 Supplement 1999, is amended to read as follows:

37 1. For the budget years year commencing July 1,  
38 ~~1997, July 1, 1998, and July 1, 1999~~ 2000, if the  
39 department of management determines that the regular  
40 program district cost of a school district for a  
41 budget year is less than the total of the regular  
42 program district cost plus any adjustment added under  
43 this section for the base year for that school  
44 district, the department of management shall provide  
45 school district shall be eligible to receive a budget  
46 adjustment for that district for that budget year that  
47 is up to an amount equal to the difference. The board  
48 of directors of a school district that wishes to  
49 receive a budget adjustment pursuant to this  
50 subsection shall, notwithstanding the public notice

**Page 2**

1 and hearing provisions of chapter 24 or any other  
2 provision to the contrary, within thirty days  
3 following the enactment of this Act adopt a resolution  
4 to receive the budget adjustment and immediately  
5 notify the department of management of the adoption of  
6 the resolution and the amount of the budget adjustment

7 to be received.

8 Sec. 3. Section 257.14, subsection 2, Code

9 Supplement 1999, is amended by striking the subsection  
10 and inserting in lieu thereof the following:

11 2. For the budget year commencing July 1, 2001, if

12 the department of management determines that the

13 regular program district cost of a school district for

14 a budget year is less than the regular program

15 district cost for the base year for that school

16 district, the school district shall be eligible to

17 receive a budget adjustment for that district for that

18 budget year up to an amount equal to the difference.

19 The board of directors of a school district that

20 wishes to receive a budget adjustment pursuant to this

21 subsection shall adopt a resolution to receive the

22 budget adjustment and notify the department of

23 management of the adoption of the resolution and the

24 amount of the budget adjustment to be received by

25 March 1, 2001.

26 Sec. 4. EFFECTIVE DATE. This Act, being deemed of

27 immediate importance, takes effect upon enactment."

28 2. Title page, lines 1 and 2, by striking the

29 words "providing for a one hundred percent budget

30 guarantee for school districts," and inserting the

31 following: "relating to certain school finance

32 formula provisions".

33 3. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2314

S-5203

1 Amend Senate File 2314, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 4, line 17, by inserting after the word  
4 "who," the following: "acting reasonably and".

5 2. Page 6, by striking lines 16 through 23, and  
6 inserting the following:

7 "4. Immunization is not required for a person's  
8 enrollment in any elementary or secondary school or  
9 licensed child care center if either of the following  
10 applies:

11 a. The applicant, or if the applicant is a minor,  
12 the applicant's parent or legal guardian, submits to  
13 the admitting official a statement signed by a  
14 physician, who is licensed by the state board of  
15 medical examiners, that, in the physician's opinion,  
16 the immunizations required would be injurious to the  
17 health and well-being of the applicant or any member  
18 of the applicant's family.

19 b. The applicant, or if the applicant is a minor,



the applicant's parent or legal guardian, submits an affidavit signed by the applicant, or if the applicant is a minor, the applicant's parent or legal guardian, stating that the immunization conflicts with the tenets and practices of a recognized religious denomination of which the applicant is an adherent or member.

The exemptions under this subsection do not apply in times of emergency or epidemic as determined by the state board of health and as declared by the director of public health."

3. Page 7, by striking lines 24 through 26 and inserting the following:

"If the person under isolation or quarantine or the person liable for the support of the person, in the opinion of the local board, is financially unable to secure proper care,".

4. Page 10, line 23, by striking the word "may" and inserting the following: "shall".

5. Page 11, line 4, by striking the word "participating" and inserting the following: "acting reasonably and".

6. Page 15, line 20, by inserting after the word "for" the following: "reasonable actions taken in".

7. Page 15, line 24, by inserting after the word "for" the following: "reasonable actions taken in".

8. Page 17, line 33, by inserting after the word "infection" the following: "who is acting reasonably and".

9. Page 20, line 2, by inserting after the word "department." the following: "This section shall not

## Page 2

1 be construed to require treatment of the infant's eyes with a prophylactic solution if the infant's parent or legal guardian states that such treatment conflicts with the tenets and practices of a recognized religious denomination of which the parent or legal guardian is an adherent or member."

10. Page 20, by striking line 7 and inserting the following: "if the person is an adherent or member of a church or religious".

11. Page 20, by striking lines 14 through 16.

12. Page 20, by inserting after line 34 the following:

"Sec. \_\_\_\_ Section 135G.14, subsection 2, Code 1999, is amended to read as follows:

2. A prophylactic shall be instilled in the eyes of each newborn in accordance with section ~~140.13~~ 139A.39."

13. Page 27, by inserting after line 30, the

19 following:

20 "Sec. \_\_\_\_ POSTSECONDARY EDUCATION STUDENTS --  
21 IMMUNIZATION REQUIREMENTS – TASK FORCE. The director  
22 of public health shall establish a task force to  
23 review and recommend appropriate immunization  
24 requirements for postsecondary education students.  
25 The task force shall include representatives of the  
26 Iowa department of public health and the department of  
27 education, postsecondary education students, and  
28 others with interest and expertise in the areas of  
29 public health and education. The task force shall  
30 submit a report of its findings and recommendations to  
31 the governor and the general assembly on or before  
32 December 1, 2000."  
33 14. By renumbering, relettering, or redesignating  
34 and correcting internal references as necessary.

S-5204

1 Amend House File 2327, as passed by the House, as  
2 follows:

3 1. Page 1, by striking lines 10 through 16 and  
4 inserting the following:  
5 "b. An appropriation from the services fund shall  
6 not be made for a purchase, lease -purchase,  
7 installment acquisition arrangement, or other  
8 arrangement for acquisition or improvement of a  
9 capital asset."  
10 2. Page 1, line 19, by striking the words "in  
11 part".  
12 3. Page 1, line 23, by striking the figure "2000"  
13 and inserting the following: "2001".  
14 4. Page 1, line 27, by striking the figure "2000"  
15 and inserting the following: "2001".  
16 5. Page 1, line 35, by striking the words "in  
17 part".  
18 6. Page 3, line 5, by striking the words "the  
19 effective date of this Act" and inserting the  
20 following: "July 1, 2000".  
21 7. Page 3, lines 7 and 8, by striking the words  
22 "to be charged to the county's general fund in  
23 accordance with" and inserting the following:  
24 "prohibited under".  
25 8. Page 3, line 10, by striking the word and  
26 figures "April 30, 2000" and inserting the following:  
27 "December 1, 2000".  
28 9. Page 3, by striking lines 15 through 24.  
29 10. Page 3, by striking line 25 and inserting the  
30 following:  
31 "4. If, as of July 1, 2000, the".  
32 11. Page 3, lines 27 and 28, by striking the  
33 words "used in part for a purpose payable from the

34 county's services fund".

35 12. Page 3, line 28, by striking the word "were"  
36 and inserting the following: "have".

37 13. Page 3, line 29, by striking the words "with  
38 the effective date of this Act" and inserting the  
39 following: "July 1, 2001".

40 14. Page 4, by striking line 7 and inserting the  
41 following: "fiscal year beginning July 1, 2001, and  
42 ending June 30, 2002."

43 15. Title page, by striking lines 4 and 5 and  
44 inserting the following: "prohibiting appropriations  
45 from the fund for capital assets,".

46 16. By renumbering as necessary.

JOE BOLKCOM

S-5205

1 Amend House File 2135, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 252B.22, Code 1999, is amended  
6 to read as follows:

7 252B.22 ~~STATEWIDE SUPPORT LIEN INDEX LIENS --~~  
8 ~~MOTOR VEHICLE REGISTRATION – TASK FORCE.~~

9 1. The child support recovery unit created in this  
10 chapter shall establish a task force to assist in the  
11 development and implementation of a plan for a  
12 statewide support lien index. all of the following:  
13 ~~The unit, in consultation with the task force, may~~  
14 ~~recommend additional statutory changes to the general~~  
15 ~~assembly by January 1, 1999, to facilitate~~  
16 ~~implementation of a statewide index.~~

17 2. ~~The plan shall provide for an index pertaining~~  
18 ~~to any person against whom a support judgment is~~  
19 ~~entered, registered, or otherwise filed with a court~~  
20 ~~in this state, against whom the unit is enforcing a~~  
21 ~~support judgment, or against whom an interstate lien~~  
22 ~~form promulgated by the United States secretary of~~  
23 ~~health and human services is filed. The plan shall~~  
24 ~~also provide for implementation and administration of~~  
25 ~~an automated statewide support lien index, access to~~  
26 ~~at least one location in every county, and the~~  
27 ~~development of procedures to periodically update the~~  
28 ~~lien information.~~

29 a. The filing of notices of liens and actions to  
30 release liens.

31 b. The process for delaying the renewal of a motor  
32 vehicle registration due to a support delinquency and  
33 recommendations for additional statutory changes to  
34 the general assembly.

35    ~~3. 2.~~ Members of the task force may include, but  
36 shall not be limited to, representatives, appointed by  
37 the respective entity, of the Iowa land title  
38 association, the Iowa realtors' association, the Iowa  
39 state bar association, the Iowa county recorders'  
40 association, the Iowa clerks of court association, the  
41 Iowa county treasurers' association, the Iowa  
42 automobile dealers' association, the Iowa bankers  
43 association, the Iowa recreational vehicle dealers'  
44 association, the independent automobile dealers'  
45 association of Iowa, the Iowa mortgage bankers'  
46 association, the Iowa motorcycle association.  
47 department of revenue and finance, state department of  
48 transportation, the office of the secretary of state,  
49 the office of the state court administrator, and other  
50 constituency groups and agencies which have an

## Page 2

- 1 interest in a statewide support lien index to the
- 2 record liens. Appointments are not subject to
- 3 sections 69.16 and 69.16A. Vacancies shall be filled
- 4 by the original appointment authority and in the
- 5 manner of the original appointments."
- 6    2. Title page, by striking lines 1 and 2 and
- 7 inserting the following: "An Act relating to support
- 8 obligations and providing an effective date."
- 9    3. By renumbering as necessary.

DAVID MILLER

S-5206

- 1 Amend House File 2511, 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 321J.22, subsections 2, 4, and
- 6 5, Code 1999, are amended to read as follows:
- 7    2. a. The course provided according to this
- 8 section shall be offered on a regular basis at each
- 9 community college as defined in section 260C.2, or by
- 10 substance abuse treatment programs licensed under
- 11 chapter 125. However, a community college shall not
- 12 be required to offer the course if a substance abuse
- 13 treatment program licensed under chapter 125 offers
- 14 the course within the merged area served by the
- 15 community college.
- 16    b. Enrollment in the courses is not limited to
- 17 persons ordered to enroll, attend, and successfully
- 18 complete the course required under sections 321J.2 and
- 19 321J.17, subsection 2. However, any person under age

eighteen who is required to attend the courses for violation of section 321J.2 or 321J.17 must attend a course offered by a substance abuse treatment program licensed under chapter 125.

c. The course required by this section shall be:

~~taught~~

(1) Taught by the a community colleges coll ege under the supervision of the department of education and approved or by a substance abuse treatment program licensed under chapter 125.

(2) Approved by the department of education, in consultation with the community colleges and substance abuse treatment programs licensed under chapter 125.

d. The department of education and substance abuse treatment programs licensed under chapter 125 shall each establish reasonable fees to defray the expense of obtaining classroom space, instructor salaries, and class materials.

e. A person shall not be denied enrollment in a course by reason of the person's indigency.

4. The department of education and substance abuse treatment programs licensed under chapter 125 shall prepare for their respective courses a list of the locations of the courses taught under this section, the dates and times taught, the procedure for enrollment, and the schedule of course fees. The list shall be kept current and a copy of the list shall be sent to each court having jurisdiction over offenses provided in this chapter.

5. The department of education and substance abuse treatment programs licensed under chapter 125 shall

## Page 2

maintain enrollment, attendance, successful and nonsuccessful completion data for their respective courses on the persons ordered to enroll, attend, and successfully complete a course for drinking drivers. This data shall be forwarded to the court by both the department of education and substance abuse treatment programs licensed under chapter 125."

2. Title page, line 2, by striking the word "and" and inserting the following: "or".

3. Title page, by striking lines 3 through 6 and inserting the following: "programs."

RICHARD F. DRAKE  
JOHN P. KIBBIE

HOUSE AMENDMENT TO  
SENATE FILE 428

S-5207

1 Amend Senate File 428, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 1, by inserting after the word  
4 "Code" the following: "Supplement".

5 2. Page 1, line 9, by inserting after the word  
6 "Code" the following: "Supplement".

7 3. Page 1, line 11, by striking the figure "7.",  
8 and inserting the following: "9."

S-5208

1 Amend House File 2491, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 6 and 7, and  
4 inserting the following: "commercial sale of life  
5 science products and products other than life science  
6 products which are produced from the agricultural land  
7 held by the life science enterprise."

8 2. Page 2, by striking lines 16 through 19, and  
9 inserting the following: "more than three hundred  
10 twenty acres of agricultural land. The life science  
11 enterprise shall hold the land only for purposes of  
12 producing life science products according to the life  
13 science enterprise plan. The life science enterprise  
14 may hold the interest in the agricultural land for as  
15 long as commercial sales of".

16 3. Page 2, line 22, by inserting after the word  
17 "products" the following: "which must equal at least  
18 seventy-five percent of commercial sales of all  
19 products produced from the agricultural land during  
20 any year that the life science enterprise is required  
21 to report under section 10B.4".

22 4. Page 2, by striking lines 23 and 24, and  
23 inserting the following:

24 " \_\_\_\_\_. The sale of products other than life science  
25 products which must equal not more than twenty-five  
26 percent of commercial sales of all products produced  
27 from the agricultural land during any year that the  
28 life science enterprise is required to report under  
29 section 10B.4."

30 5. Page 2, by striking lines 29 through 31, and  
31 inserting the following: "be assessed a civil penalty  
32 of not more than twenty-five thousand dollars. Each  
33 day that a violation exists shall constitute a  
34 separate offense. In addition, the life science  
35 enterprise shall divest itself of any land held in  
36 violation of this chapter within one year after

37 judgment. The".

38 6. Page 4, line 24, by inserting after the word  
39 "board," the following: "The board shall consult with  
40 the department of agriculture and land stewardship  
41 during its review of a life science plan or amendments  
42 to that plan."

KEN VEENSTRA

S-5209

1 Amend House File 2331, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 20, by inserting after line 3, the  
4 following:

5 "100. The court shall rescind any revocation and  
6 civil penalty ordered under this section under any of  
7 the following circumstances:

8 a. When the court holds, on the charge of a  
9 violation of section 462A.14 which arises out of the  
10 same facts and circumstances, that the peace officer  
11 did not have reasonable grounds to believe that a  
12 violation of section 462A.14 had occurred to support a  
13 request for or to administer a chemical test.

14 b. When the court holds, on the charge of a  
15 violation of section 462A.14 which arises out of the  
16 same facts and circumstances, that the chemical test  
17 was otherwise inadmissible or invalid.

18 c. When the person is acquitted on the charge of a  
19 violation of section 462A.14 which arises out of the  
20 same facts and circumstances.

21 d. When the criminal action under section 462A.14,  
22 which arises out of the same facts and circumstances,  
23 is otherwise dismissed by the court.

24 e. When the rulings by the court in the criminal  
25 action under section 462A.14, which arises out of the  
26 same facts and circumstances, otherwise support  
27 rescission of the revocation and civil penalty."

28 2. Page 24, by inserting after line 19, the  
29 following:

30 "Sec. 101. Section 321J.13, subsection 6,  
31 paragraph b, Code Supplement 1999, is amended to read  
32 as follows:

33 b. The person shall prevail at the hearing if, in  
34 the criminal action on the charge of violation of  
35 section 321J.2 or 321J.2A resulting from the same  
36 circumstances that resulted in the administrative  
37 revocation being challenged, ~~the court held~~ if one of  
38 the following occurs:

39 (1) ~~That~~ The court held that the peace officer did  
40 not have reasonable grounds to believe that a  
41 violation of section 321J.2 or 321J.2A had occurred to

42 support a request for or to administer a chemical  
43 test.  
44 (2) ~~That~~ The court held that the chemical test was  
45 otherwise inadmissible or invalid.  
46 (3) The defendant is acquitted on the charge.  
47 (4) The case is otherwise dismissed by the court.  
48 (5) The rulings of the court in the criminal  
49 action on the charge that resulted in the  
50 administrative revocation otherwise support recision

## Page 2

1 of the revocation.  
2 Sec. \_\_\_\_ Section 321J.17, Code 1999, is amended  
3 by adding the following new subsection:  
4 NEW SUBSECTION. 3. This section shall not apply  
5 and any civil penalty ordered or other order imposed  
6 under this section shall be rescinded under any of the  
7 following circumstances:  
8 a. When the court holds, on the charge of a  
9 violation of section 321J.2 or 321J.2A which arises  
10 out of the same facts and circumstances, that the  
11 peace officer did not have reasonable grounds to  
12 believe that a violation of section 321J.2 or 321J.2A  
13 had occurred to support a request for or to administer  
14 a chemical test.  
15 b. When the court holds, on the charge of a  
16 violation of section 321J.2 or 321J.2A which arises  
17 out of the same facts and circumstances, that the  
18 chemical test was otherwise inadmissible or invalid.  
19 c. When the person is acquitted on the charge of a  
20 violation of section 321J.2 or 321J.2A arising out of  
21 the same facts and circumstances.  
22 d. When the criminal action arising out of the  
23 same facts and circumstances in which the person is  
24 charged with a violation of section 321J.2 or 321J.2A  
25 is otherwise dismissed by the court.  
26 e. When the rulings by the court in the criminal  
27 action arising out of the same facts and circumstances  
28 in which the person is charged with a violation of  
29 section 321J.2 or 321J.2A otherwise support recision  
30 of the revocation and civil penalty."  
31 3. Page 25, by inserting after line 23, the  
32 following:  
33 "Sec. \_\_\_\_ RETROACTIVE APPLICABILITY. Section 101  
34 of this Act shall apply retroactively to July 1,  
35 1997."  
36 4. Title page, line 2, by striking the words  
37 "providing penalties" and inserting the following:



38 "operator penalties and providing for retroactive  
39 applicability".  
40 5. By numbering and renumbering as necessary.

JEFF LAMBERTI

HOUSE AMENDMENT TO  
SENATE FILE 2344

S-5210

1 Amend Senate File 2344, as passed by the Senate, as  
2 follows:  
3 1. Page 2, line 4, by inserting after the word  
4 "PLANS" the following: "AND OTHER CHILD WELFARE  
5 REQUIREMENTS".  
6 2. Page 2, by striking line 9 and inserting the  
7 following: "622(b)(10), 671(a)(16), ~~627(a)(2)(B)~~, and  
8 675(1), (5), which is designed to".  
9 3. Page 2, line 11, by inserting after the words  
10 "family-like" the following: ", and most  
11 appropriate".  
12 4. Page 2, by inserting after line 18 the  
13 following:  
14 "Sec. \_\_\_\_ Section 232.2, subsection 4, Code  
15 Supplement 1999, is amended by adding the following  
16 new paragraphs:  
17 NEW PARAGRAPH. i. A provision that a designee of  
18 the department or other person responsible for  
19 placement of a child out of state shall visit the  
20 child at least once every twelve months.  
21 NEW PARAGRAPH. j. If it has been determined that  
22 the child cannot return to the child's home,  
23 documentation of the steps taken to make and finalize  
24 an adoption or other permanent placement.  
25 Sec. \_\_\_\_ Section 232.78, subsection 3, Code  
26 Supplement 1999, is amended to read as follows:  
27 3. ~~The order shall specify the facility to which~~  
28 ~~the child is to be brought.~~ Except for good cause  
29 shown or unless the child is sooner returned to the  
30 place where the child was residing or permitted to  
31 return to the child care facility, a petition shall be  
32 filed under this chapter within three days of the  
33 issuance of the order.  
34 Sec. \_\_\_\_ Section 232.78, subsection 6, Code  
35 Supplement 1999, is amended to read as follows:  
36 6. Any person who may file a petition under this  
37 chapter may apply for, or the court on its own motion  
38 may issue, an order for temporary removal under this  
39 section. An appropriate person designated by the  
40 court shall confer with a person seeking the removal  
41 order, shall make every reasonable effort to inform

42 the parent or other person legally responsible for the  
43 child's care of the application, and shall make such  
44 inquiries as will aid the court in disposing of such  
45 application. The person designated by the court shall  
46 file with the court a complete written report  
47 providing all details of the designee's conference  
48 with the person seeking the removal order, the  
49 designee's efforts to inform the parents or other  
50 person legally responsible for the child's care of the

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1 application, any inquiries made by the designee to aid  
2 the court in disposing of the application, and all  
3 information the designee communicated to the court.  
4 The report shall be filed within five days of the date  
5 of the removal order. If the court does not designate  
6 an appropriate person who performs the required  
7 duties, notwithstanding section 234.39 or any other  
8 provision of law, the child's parent shall not be  
9 responsible for paying the cost of care and services  
10 for the duration of the removal order.

11 7. Any order entered under this section  
12 authorizing temporary removal of a child shall include  
13 a both of the following:

14 a. A statement that the temporary removal is the  
15 result of a determination that the child remaining in  
16 the child's home would be contrary to the welfare of  
17 the child, and that reasonable efforts have been made  
18 to prevent or eliminate the need for removal of the  
19 child from the child's home.

20 b. A statement informing the child's parent that  
21 the consequences of a permanent removal may include  
22 termination of the parent's rights with respect to the  
23 child.

24 Sec. \_\_\_\_ Section 232.95, subsection 1, Code 1999,  
25 is amended to read as follows:

26 1. At any time after the petition is filed any  
27 person who may file a petition under section 232.87  
28 may apply for, or the court on its own motion may  
29 order, a hearing to determine whether the child should  
30 be temporarily removed from home. ~~Where~~ If the child  
31 is in the custody of a person other than the child's  
32 parent, guardian, or custodian as the result of action  
33 taken pursuant to section 232.78 or 232.79, the court  
34 shall hold a hearing within ten days of the date of  
35 temporary removal to determine whether the temporary  
36 removal should be continued.

37 Sec. \_\_\_\_ Section 232.96, subsection 10, Code  
38 1999, is amended to read as follows:

39 10. If the court enters an order adjudicating the  
40 child to be a child in need of assistance, the court,

41 if it has not previously done so, may issue an order  
42 authorizing temporary removal of the child from the  
43 child's home as set forth in section 232.95,  
44 subsection 2, paragraph "a", pending a final order of  
45 disposition. The order shall include a both of the  
46 following:  
47 a. A statement that the temporary removal is the  
48 result of a determination that the child remaining in  
49 the child's home would be contrary to the welfare of  
50 the child, and that reasonable efforts have been made

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1 to prevent or eliminate the need for removal of the  
2 child from the child's home.  
3 b. A statement informing the child's parent that  
4 the consequences of a permanent removal may include  
5 termination of the parent's rights with respect to the  
6 child.  
7 Sec. \_\_\_\_ Section 232.102, subsection 10,  
8 paragraph a, unnumbered paragraph 1, Code 1999, is  
9 amended to read as follows:  
10 As used in this section, "reasonable efforts" means  
11 the efforts made to preserve and unify a family prior  
12 to the out-of-home placement of a child in foster care  
13 or to eliminate the need for removal of the child or  
14 make it possible for the child to safely return to the  
15 family's home. If returning the child to the family's  
16 home is not appropriate or not possible, reasonable  
17 efforts shall include the efforts made in a timely  
18 manner to finalize a permanency plan for the child. A  
19 child's health and safety shall be the paramount  
20 concern in making reasonable efforts. Reasonable  
21 efforts may include intensive family preservation  
22 services or family-centered services, if the child's  
23 safety in the home can be maintained during the time  
24 the services are provided. In determining whether  
25 reasonable efforts have been made, the court shall  
26 consider both of the following:  
27 Sec. \_\_\_\_ Section 232.104, subsection 1, paragraph  
28 a, subparagraph (2), Code 1999, is amended to read as  
29 follows:  
30 (2) For an order entered under section 232.102,  
31 for which the court has waived reasonable efforts  
32 requirements under section 232.102, subsection ~~44~~ 12,  
33 the permanency hearing shall be held within thirty  
34 days of the date the requirements were waived.  
35 Sec. \_\_\_\_ Section 232.104, subsection 1, paragraph  
36 c, Code 1999, is amended to read as follows:  
37 c. Reasonable notice of a permanency hearing in a  
38 case of juvenile delinquency shall be provided  
39 pursuant to section 232.37. A permanency hearing

40 shall be conducted in substantial conformance with the  
41 provisions of section 232.99. During the hearing the  
42 court shall consider the child's need for a secure and  
43 permanent placement in light of any permanency plan or  
44 evidence submitted to the court. Upon completion of  
45 the hearing the court shall enter written findings and  
46 make a determination ~~based upon the permanency plan~~  
47 ~~which will best serve the child's individual interests~~  
48 at that time identifying a primary permanency goal for  
49 the child. If a permanency plan is in effect at the  
50 time of the hearing, the court shall also make a

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1 determination as to whether reasonable progress is  
2 being made in achieving the permanency goal and other  
3 provisions of that permanency plan."  
4 5. Page 2, by inserting after line 30 the  
5 following:  
6 "DIVISION \_\_\_\_  
7 STATE CHILD CARE ASSISTANCE  
8 Sec. \_\_\_\_ Section 237A.1, Code Supplement 1999, is  
9 amended by adding the following new subsection:  
10 NEW SUBSECTION. 12A. "Poverty level" means the  
11 poverty level defined by the most recently revised  
12 poverty income guidelines published by the United  
13 States department of health and human services.  
14 Sec. \_\_\_\_ NEW SECTION. 237A.13 STATE CHILD CARE  
15 ASSISTANCE.  
16 1. A state child care assistance program is  
17 established in the department to assist children in  
18 families who meet eligibility guidelines and are  
19 described by any of the following circumstances:  
20 a. The child's parent, guardian, or custodian is  
21 participating in approved academic or vocational  
22 training.  
23 b. The child's parent, guardian, or custodian is  
24 seeking employment. Eligibility for assistance while  
25 seeking employment shall be limited to thirty days  
26 during a twelve-month period.  
27 c. The child's parent, guardian, or custodian is  
28 employed and the family income meets income  
29 requirements.  
30 d. The child's parent, guardian, or custodian is  
31 absent for a limited period of time due to  
32 hospitalization, physical illness, or mental illness.  
33 e. The child needs protective services to prevent  
34 or alleviate child abuse or neglect.  
35 2. Services under the program may be provided in a  
36 licensed child care center, a registered group child  
37 care home, a registered family child care home, the  
38 home of a relative, the child's own home, an

39 unregistered family child care home, or in a facility  
40 exempt from licensing or registration.  
41 3. The department shall set reimbursement rates as  
42 authorized by appropriations enacted for payment of  
43 the reimbursements. The department shall conduct a  
44 statewide reimbursement rate survey to compile  
45 information on each county and the survey shall be  
46 conducted at least every two years. The department  
47 shall set rates in a manner so as to provide  
48 incentives for an unregistered provider to become  
49 registered.  
50 4. The department shall not apply waiting list

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1 requirements to any of the following persons:  
2 a. Persons deemed to be eligible for benefits  
3 under the state child care assistance program in  
4 accordance with section 239B.24.  
5 b. A family that is receiving state child care  
6 assistance at the time a child is born into the  
7 family. The newborn child shall be approved for  
8 services when the family reports the birth of the  
9 child.  
10 c. Children who need protective services to  
11 prevent or alleviate child abuse or neglect.  
12 5. Based upon the availability of the funding  
13 appropriated for state child care assistance for a  
14 fiscal year, the department shall establish waiting  
15 lists for state child care assistance in descending  
16 order of prioritization as follows:  
17 a. Families with an income at or below one hundred  
18 percent of the federal poverty level whose members are  
19 employed at least twenty-eight hours per week, and  
20 parents with a family income at or below one hundred  
21 percent of the federal poverty level who are under the  
22 age of twenty-one years and are participating in an  
23 educational program leading to a high school diploma  
24 or the equivalent.  
25 b. Parents with a family income at or below one  
26 hundred percent of the federal poverty level who are  
27 under the age of twenty-one years and are  
28 participating, at a satisfactory level, in an approved  
29 training program or in an educational program.  
30 c. Families with an income of more than one  
31 hundred percent but not more than one hundred forty  
32 percent of the federal poverty level whose members are  
33 employed at least twenty-eight hours per week.  
34 d. Families with an income at or below one hundred  
35 seventy-five percent of the federal poverty level  
36 whose members are employed at least twenty-eight hours  
37 per week with a special needs child as a member of the

38 family.

39 6. Nothing in this section shall be construed as  
40 or is intended as, or shall imply, a grant of  
41 entitlement for services to persons who are eligible  
42 for assistance due to an income level or other  
43 eligibility circumstance addressed in this section.  
44 Any state obligation to provide services pursuant to  
45 this section is limited to the extent of the funds  
46 appropriated for the purposes of state child care  
47 assistance.

48 Sec. \_\_\_\_\_. Section 239B.24, subsection 1, Code  
49 Supplement 1999, is amended to read as follows:  
50 1. The following persons are deemed to be eligible

**Page 6**

1 for benefits under the state child care assistance  
2 program administered by the department in accordance  
3 with section 237A.13, notwithstanding the program's  
4 eligibility requirements or any waiting list:  
5 Sec. \_\_\_\_\_. CHILD CARE REIMBURSEMENT ALTERNATIVES.  
6 The department of human services shall review  
7 alternatives for applying child care reimbursement  
8 rates on a county, cluster, and regional basis. The  
9 department shall prepare a report concerning the  
10 review, including findings and recommendations. The  
11 report shall be submitted to the members of the joint  
12 appropriations subcommittee on human services,  
13 legislative fiscal bureau, and legislative service  
14 bureau on or before December 15, 2000."  
15 6. By renumbering, relettering, or redesignating  
16 and correcting internal references as necessary.

S-5211

1 Amend Senate File 2430 as follows:  
2 1. Page 2, line 32, by striking the figure  
3 "4,254,450" and inserting the following: "4,454,450".  
4 2. Page 2, line 33, by striking the figure  
5 "122.00" and inserting the following: "126.00".  
6 3. Page 3, line 4, by inserting before the word  
7 "enacted" the following: "not".  
8 4. Page 3, line 7, by striking the word  
9 "increased" and inserting the following: "decreased".  
10 5. Page 3, line 9, by striking the word  
11 "increased" and inserting the following: "decreased".  
12 6. Page 18, line 19, by striking the words "The  
13 fund shall be used" and inserting the following:  
14 "Moneys in the fund are appropriated".  
15 7. Page 19, by inserting after line 6, the  
16 following:  
17 "\_\_\_\_. Section 19, relating to a study conducted by

18 the department of natural resources relating to water  
19 contamination in this state."  
20 8. By renumbering as necessary.

JERRY BEHN  
DERRYL McLAREN  
JOHN P. KIBBIE  
H. KAY HEDGE

HOUSE AMENDMENT TO  
SENATE FILE 2253

S-5212

1 Amend Senate File 2253, 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 321.45, subsection 4, Code  
6 Supplement 1999, is amended to read as follows:  
7 4. A After acquiring a used mobile home or  
8 manufactured housing to be titled in Iowa, a mobile  
9 home dealer, as defined in section 322B.2, shall  
10 within thirty days of acquiring a used mobile home or  
11 manufactured housing, titled in Iowa, apply for and  
12 obtain from the county treasurer of the dealer's  
13 county of residence a new certificate of title for the  
14 mobile home or manufactured housing. In the event  
15 that there is a prior lien or encumbrance to be  
16 released, as required by section 321.50, subsection 4,  
17 the thirty-day time period in this subsection does not  
18 begin to run until the lien or encumbrance is  
19 released.  
20 2. By renumbering as necessary.

S-5213

1 Amend Senate File 2430 as follows:  
2 1. Page 16, by inserting after line 6 the  
3 following:  
4 "Sec. 100. HORSE ASSOCIATIONS -- FUNDING.  
5 1. Notwithstanding 1999 Iowa Acts, chapter 201,  
6 section 15, the moneys appropriated in that section  
7 that are unencumbered or unobligated on the effective  
8 date of this section are appropriated to the  
9 department of agriculture and land stewardship.  
10 Amounts appropriated pursuant to this subsection shall  
11 be allocated to the Iowa quarter horse racing  
12 association, the Iowa thoroughbred breeders and owners  
13 association, and the Iowa harness horse association in  
14 an amount based upon each association's percentage of  
15 total foals delivered during 1999.

16 2. For the fiscal year beginning July 1, 2000, and  
17 ending June 30, 2001, an amount of the tax revenue  
18 received by the state racing and gaming commission  
19 pursuant to section 99D.15, subsections 1, 3, and 4,  
20 equal to three-tenths of one percent of the gross sum  
21 wagered by the pari-mutuel method is appropriated to  
22 the department of agriculture and land stewardship.  
23 Amounts appropriated pursuant to this subsection shall  
24 be allocated to the Iowa quarter horse racing  
25 association, the Iowa thoroughbred breeders and owners  
26 association, and the Iowa harness horse association in  
27 an amount based upon each association's percentage of  
28 total foals delivered during 2000. Moneys  
29 appropriated in this section that remain unencumbered  
30 or unobligated at the close of the fiscal year shall  
31 not revert but shall remain available for expenditure  
32 for the purpose designated in the succeeding fiscal  
33 year."

34 2. Page 19, by inserting after line 6 the  
35 following:  
36 " \_\_\_\_\_. Section 100, subsection 1, relating to a  
37 transfer to the department of agriculture and land  
38 stewardship, of unencumbered or unobligated moneys  
39 appropriated in 1999 Iowa Acts, chapter 201, section  
40 15, for allocation to the Iowa quarter horse racing  
41 association, the Iowa thoroughbred breeders and owners  
42 association, and the Iowa harness horse association."

JACK RIFE

S-5214

1 Amend Senate File 2429 as follows:

2 1. Page 1, by inserting after line 11 the  
3 following:

4 "Of the funds appropriated in this section, \$25,000  
5 shall be used to enable blind individuals to  
6 independently access newspapers through the operations  
7 of the Iowa reading information service."

ELAINE SZYMONIAK

S-5215

1 Amend the amendment, S-5205, to House File 2135, as  
2 passed by the House, as follows:

3 1. Page 1, line 46, by inserting after the words  
4 "motorcycle association," the following: "the Iowa  
5 credit union league".

MARY A. LUNDBY



S-5216

- 1 Amend Senate File 2430 as follows:
- 2 1. Page 6, by striking lines 24 through 30.
- 3 2. Page 10, line 7, by striking the figure
- 4 "24,054,883" and inserting the following:
- 5 "24,129,883".
- 6 3. Page 13, by striking lines 3 and 4 and
- 7 inserting the following:
- 8 "2. a. Moneys deposited in the solid waste
- 9 account as provided in section 455E.11, subsection 2,
- 10 paragraph "a", are appropriated to the department for
- 11 use as provided in subsection 1 after the
- 12 appropriation or allocation from that account to the
- 13 university of northern Iowa as provided in section
- 14 455E.11, subsection 2, paragraph "a", subparagraph
- 15 (2), subparagraph subdivision (b). Otherwise, moneys
- 16 deposited in the account are appropriated to the
- 17 department for use as provided in subsection 1 and
- 18 prior to an appropriation or allocation from that
- 19 account for any use or purpose provided for in section
- 20 455E.11, subsection 2, paragraph "a".
- 21 b. Moneys deposited in the household hazardous
- 22 waste account and the storage tank management account
- 23 as provided in subsection 2, paragraphs "c" and "d",
- 24 are".
- 25 4. Page 13, lines 5 and 6, by striking the words
- 26 "this section" and inserting the following:
- 27 "subsection 1".
- 28 5. Page 13, line 8, by inserting after the figure
- 29 "455E.11" the following: ", subsection 2, paragraphs
- 30 "c" and "d".
- 31 6. By renumbering as necessary.

JERRY BEHN

S-5217

- 1 Amend Senate File 2430 as follows:
- 2 1. Page 16, by inserting after line 6, the
- 3 following:
- 4 "Sec. 101. DAIRY TRADE PRACTICES RECEIPTS -
- 5 APPROPRIATION FOR JOHNE'S DISEASE.
- 6 1. There is appropriated from any moneys credited
- 7 to or deposited in the general fund of the state and
- 8 tracked by the department of management pursuant to
- 9 section 8.60 as moneys which under law were deposited
- 10 into the dairy trade practices trust fund pursuant to
- 11 section 192A.30, Code Supplement 1993, to the
- 12 department of agriculture and land stewardship for the
- 13 fiscal year beginning July 1, 2000, and ending June
- 14 30, 2001, to be used for the following purposes:

- 15 a. Supporting on-farm site testing as required to  
16 evaluate procedures and tests to accurately diagnose  
17 Johnne's disease.  
18 b. Providing education to cattle producers  
19 regarding practices and procedures to control or  
20 eradicate Johnne's disease."  
21 2. Page 19, by striking lines 7 through 10 and  
22 inserting the following:  
23 "Sec. \_\_\_\_ CONTINGENT EFFECTIVE DATE. Sections 21  
24 and 101 of this Act take effect contingent upon the  
25 repeal of chapter 192A as provided in Senate File 2296  
26 or House File 2328, if enacted by the Seventy-eighth  
27 General Assembly during its 2000 regular session."  
28 3. By renumbering as necessary.

LYLE E. ZIEMAN  
GENE FRAISE

S-5218

- 1 Amend House File 2391, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 7, by striking the word  
4 "intentionally".  
5 2. Page 1, line 8, by inserting after the word  
6 "device" the following: "with the intent of  
7 committing a theft and".

JEFF ANGELO

S-5219

- 1 Amend Senate File 2430 as follows:  
2 1. Page 16, by inserting after line 6 the  
3 following:  
4 "Sec. 100. HORSE ASSOCIATIONS -- FUNDING.  
5 1. Notwithstanding 1999 Iowa Acts, chapter 201,  
6 section 15, the moneys appropriated in that section  
7 that are unencumbered or unobligated on the effective  
8 date of this section are appropriated to the  
9 department of agriculture and land stewardship.  
10 Amounts appropriated pursuant to this subsection shall  
11 be allocated to the Iowa quarter horse racing  
12 association, the Iowa thoroughbred breeders and owners  
13 association, and the Iowa harness horse association in  
14 an amount based upon each association's percentage of  
15 total foals delivered during 1999.  
16 2. For the fiscal year beginning July 1, 2000, and  
17 ending June 30, 2001, an amount of the tax revenue  
18 received by the state racing and gaming commission  
19 pursuant to section 99D.15, subsections 1, 3, and 4,  
20 equal to three-tenths of one percent of the gross sum

21 wagered by the pari-mutuel method is appropriated to  
22 the department of agriculture and land stewardship.  
23 Amounts appropriated pursuant to this subsection shall  
24 be allocated to the Iowa quarter horse racing  
25 association, the Iowa thoroughbred breeders and owners  
26 association, and the Iowa harness horse association in  
27 an amount based upon each association's percentage of  
28 total foals delivered during 2000. Moneys  
29 appropriated in this section that remain unencumbered  
30 or unobligated at the close of the fiscal year shall  
31 not revert but shall remain available for expenditure  
32 for the purpose designated in the succeeding fiscal  
33 year."

34 2. Page 19, by inserting after line 6 the  
35 following:

36 "\_\_\_\_. Section 100, subsection 1, relating to a  
37 transfer to the department of agriculture and land  
38 stewardship, of unencumbered or unobligated moneys  
39 appropriated in 1999 Iowa Acts, chapter 201, section  
40 15, for allocation to the Iowa quarter horse racing  
41 association, the Iowa thoroughbred breeders and owners  
42 association, and the Iowa harness horse association."

STEWART E. IVERSON, Jr.

S-5220

1 Amend Senate File 2430 as follows:

2 1. Page 16, by inserting after line 6, the  
3 following:

4 "Sec. 101. DAIRY TRADE PRACTICES RECEIPTS –  
5 APPROPRIATION FOR JOHNE'S DISEASE.

6 1. There is appropriated from any moneys credited  
7 to or deposited in the general fund of the state and  
8 tracked by the department of management pursuant to  
9 section 8.60 as moneys which under law were deposited  
10 into the dairy trade practices trust fund pursuant to  
11 section 192A.30, Code Supplement 1993, to the  
12 department of agriculture and land stewardship for the  
13 fiscal year beginning July 1, 2000, and ending June  
14 30, 2001, to be used for the following purposes:  
15 a. Supporting on-farm site testing as required to  
16 evaluate procedures and tests to accurately diagnose  
17 Johne's disease.

18 b. Providing education to cattle producers  
19 regarding practices and procedures to control or  
20 eradicate Johne's disease."

21 2. Page 19, by striking lines 7 through 10 and  
22 inserting the following:

23 "Sec. \_\_\_\_\_. CONTINGENT EFFECTIVE DATE. Sections 21  
24 and 101 of this Act take effect contingent upon the  
25 repeal of chapter 192A as provided in Senate File 2296

- 26 or House File 2328, if enacted by the Seventy-eighth  
27 General Assembly during its 2000 regular session."  
28 3. By renumbering as necessary.

GENE FRAISE

S-5221

- 1 Amend Senate File 2430 as follows:  
2 1. Page 1, line 14, by striking the figure  
3 "2,251,660" and inserting the following: "2,360,049".

DENNIS H. BLACK  
MICHAEL W. CONNOLLY  
TOM FLYNN  
JOE BOLKCOM  
PATRICIA HARPER

S-5222

- 1 Amend Senate File 2430 as follows:  
2 1. Page 6, line 19, by striking the figure  
3 "2,040,458" and inserting the following: "2,140,458".  
4 2. Page 7, line 34, by striking the figure  
5 "3,897,600" and inserting the following: "4,987,600".  
6 3. Page 9, by striking lines 19 through 23.  
7 4. By striking page 12, line 19, through page 14,  
8 line 10.  
9 5. By renumbering as necessary.

DENNIS H. BLACK  
MARK SHEARER  
JOHN JUDGE  
BETTY A. SOUKUP  
PATRICK J. DELUHERY  
MICHAEL W. CONNOLLY  
TOM FLYNN  
JOE BOLKCOM  
PATRICIA HARPER  
JOHNIE HAMMOND  
ROBERT E. DVORSKY  
ELAINE SZYMONIAK  
GENE FRAISE  
MICHAEL E. GRONSTAL  
JOHN P. KIBBIE  
DICK DEARDEN

S-5223

- 1 Amend Senate File 2430 as follows:  
2 1. Page 16, by inserting after line 6, the  
3 following:

"Sec. 101. DAIRY TRADE PRACTICES RECEIPTS –  
APPROPRIATION FOR JOHNE'S DISEASE.

1. There is appropriated from any moneys credited to or deposited in the general fund of the state and tracked by the department of management pursuant to section 8.60 as moneys which under law were deposited into the dairy trade practices trust fund pursuant to section 192A.30, Code Supplement 1993, to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2000, and ending June 30, 2001, to be used for the following purposes:

a. Supporting on-farm site testing as required to evaluate procedures and tests to accurately diagnose Johne's disease.

b. Providing education to cattle producers regarding practices and procedures to control or eradicate Johne's disease.

2. Moneys appropriated under subsection 1 shall not revert as provided in section 8.33 but shall be used by the department as provided in subsection 1 in subsequent fiscal years until expended."

2. Page 19, by striking lines 7 through 10 and inserting the following:

"Sec. \_\_\_\_\_. CONTINGENT EFFECTIVE DATE. Sections 21 and 101 of this Act take effect contingent upon the repeal of chapter 192A as provided in Senate File 2296 or House File 2328, if enacted by the Seventy-eighth General Assembly during its 2000 regular session."

3. By renumbering as necessary.

BETTY A. SOUKUP  
GENE FRAISE  
JOHNIE HAMMOND  
PATRICIA HARPER  
JOE BOLKCOM  
MICHAEL W. CONNOLLY  
TOM FLYNN  
MARK SHEARER  
JOHN JUDGE

S-5224

Amend the amendment, S-5013, to House File 723, as amended, passed, and reprinted by the House, as follows:

1. By striking page 1, line 5, through page 2, line 8, and inserting the following:

"Sec. \_\_\_\_\_. NEW SECTION. 717.3 LIVESTOCK TORTURE.

1. A person is guilty of livestock torture, regardless of whether the person is the owner of the livestock, if the person acts with willful and wanton

11 intent to inflict on the livestock severe physical  
12 pain in order to cause suffering or death.  
13 2. This section shall not apply to any of the  
14 following:  
15 a. A person acting to carry out an order issued by  
16 a court.  
17 b. A licensed veterinarian while practicing  
18 veterinary medicine as provided in chapter 169.  
19 c. A person while carrying out a practice that is  
20 consistent with customary animal husbandry practices.  
21 d. A person acting reasonably to protect a person  
22 from injury or death caused by unconfined livestock.  
23 e. A local authority acting reasonably to destroy  
24 livestock, if at the time of the destruction, the  
25 owner of the livestock is absent or unable to care for  
26 the livestock, and the livestock is permanently  
27 distressed by disease or injury to a degree that would  
28 result in severe and prolonged suffering.  
29 f. An institution, as defined in section 145B.1,  
30 or a research facility, as defined in section 162.2,  
31 provided that the institution or research facility  
32 performs functions within the scope of accepted  
33 practices and disciplines associated with the  
34 institution or research facility.  
35 3. A person guilty of livestock torture is guilty  
36 of a class "D" felony. If a person is guilty of  
37 livestock torture, the sentencing order shall require  
38 that the person participate in counseling according to  
39 terms ordered by the court.  
40 Sec. \_\_. NEW SECTION. 717B.5A ANIMAL TORTURE.  
41 1. A person is guilty of animal torture,  
42 regardless of whether the person is the owner of the  
43 animal, if the person acts with willful and wanton  
44 intent to inflict on the animal severe physical pain  
45 in order to cause suffering or death.  
46 2. This section shall not apply to any of the  
47 following:  
48 a. A person acting to carry out an order issued by  
49 a court.  
50 b. A licensed veterinarian while practicing

**Page 2**

1 veterinary medicine as provided in chapter 169.  
2 c. A person while carrying out a practice that is  
3 consistent with customary animal husbandry practices.  
4 d. A person taking, hunting, trapping, or fishing  
5 for a wild animal as provided in chapter 481A.  
6 e. A person acting reasonably to protect the  
7 person's property from a wild animal as defined in  
8 section 481A.1.  
9 f. A person acting reasonably to protect a person

10 from injury or death caused by a wild animal as  
11 defined in section 481A.1.  
12 g. A person acting reasonably to protect a person  
13 from injury or death caused by an unconfined animal.  
14 h. A local authority acting reasonably to destroy  
15 an animal, if at the time of the destruction, the  
16 owner of the animal is absent or unable to care for  
17 the animal, and the animal is permanently distressed  
18 by disease or injury to a degree that would result in  
19 severe and prolonged suffering.  
20 i. An institution, as defined in section 145B.1,  
21 or a research facility, as defined in section 162.2,  
22 provided that the institution or research facility  
23 performs functions within the scope of accepted  
24 practices and disciplines associated with the  
25 institution or research facility.  
26 3. A person guilty of animal torture is guilty of  
27 a class "D" felony. If a person is guilty of animal  
28 torture, the sentencing order shall require that the  
29 person participate in counseling according to terms  
30 ordered by the court."  
31 "\_\_\_\_. Title page, line 1, by striking the words  
32 "persons and" and inserting the following: "livestock  
33 and other"."

MARY A. LUNDBY  
MATT McCOY

S-5225

1 Amend House File 2477, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 21 through 23.  
4 2. Page 2, by striking lines 16 and 17 and  
5 inserting the following: "and to receive evidence,  
6 but may deliberate in closed session without complying  
7 with section 21.5. After deliberations commence,  
8 the".  
9 3. Page 3, line 32, by striking the figure  
10 "6B.4,".  
11 4. By renumbering as necessary.

JEFF ANGELO

S-5226

1 Amend House File 2528, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 7, by striking lines 32 through 34.  
4 2. By striking page 10, line 29, through page 11,  
5 line 3.  
6 3. Page 11, by striking lines 12 and 13, and

7 inserting the following: "and to receive evidence,  
8 but may deliberate in closed session without complying  
9 with section 21.5. After deliberations commence,  
10 the".  
11 4. By renumbering as necessary.

JEFF ANGELO

S-5227

1 Amend House File 2511, 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 321J.22, subsections 2, 4, and  
6 5, Code 1999, are amended to read as follows:  
7 2. a. The course provided according to this  
8 section shall be offered on a regular basis at each  
9 community college as defined in section 260C.2, or by  
10 substance abuse treatment programs licensed under  
11 chapter 125. However, a community college shall not  
12 be required to offer the course if a substance abuse  
13 treatment program licensed under chapter 125 offers  
14 the course within the merged area served by the  
15 community college.  
16 b. Enrollment in the courses is not limited to  
17 persons ordered to enroll, attend, and successfully  
18 complete the course required under sections 321J.2 and  
19 321J.17, subsection 2. However, any person under age  
20 eighteen who is required to attend the courses for  
21 violation of section 321J.2 or 321J.17 must attend a  
22 course offered by a substance abuse treatment program  
23 licensed under chapter 125.  
24 c. The course required by this section shall be:  
25 taught  
26 (1) Taught by the a community colleges coll ege  
27 under the supervision of the department of education  
28 and approved or by a substance abuse treatment program  
29 licensed under chapter 125.  
30 (2) Approved by the department of education, in  
31 consultation with the community colleges and substance  
32 abuse treatment programs licensed under chapter 125.  
33 d. The department of education shall establish  
34 reasonable fees to defray the expense of obtaining  
35 classroom space, instructor salaries, and class  
36 materials for courses offered both by community  
37 colleges and by substance abuse treatment programs  
38 licensed under chapter 125.  
39 e. A person shall not be denied enrollment in a  
40 course by reason of the person's indigency.  
41 4. The department of education and substance abuse  
42 treatment programs licensed under chapter 125 shall



43 prepare for their respective courses a list of the  
44 locations of the courses taught under this section,  
45 the dates and times taught, the procedure for  
46 enrollment, and the schedule of course fees. The list  
47 shall be kept current and a copy of the list shall be  
48 sent to each court having jurisdiction over offenses  
49 provided in this chapter.  
50 5. The department of education and substance abuse

**Page 2**

1 treatment programs licensed under chapter 125 shall  
2 maintain enrollment, attendance, successful and  
3 nonsuccessful completion data for their respective  
4 courses on the persons ordered to enroll, attend, and  
5 successfully complete a course for drinking drivers.  
6 This data shall be forwarded to the court by both the  
7 department of education and substance abuse treatment  
8 programs licensed under chapter 125."  
9 2. Title page, line 2, by striking the word "and"  
10 and inserting the following: "or".  
11 3. Title page, by striking lines 3 through 6 and  
12 inserting the following: "programs."

RICHARD F. DRAKE  
JOHN P. KIBBIE

S-5228

1 Amend House File 2538, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 5, by inserting before line 28 the  
4 following:  
5 "Sec. \_\_\_\_ Section 312.2, Code Supplement 1999, is  
6 amended by adding the following new subsection:  
7 NEW SUBSECTION. 19. The treasurer of state,  
8 before making the allotments provided for in this  
9 section, shall credit annually from the road use tax  
10 fund to the living roadway trust fund created under  
11 section 314.21, to be allocated to the university of  
12 northern Iowa for its integrated roadside vegetation  
13 management program, one hundred thousand dollars for  
14 the fiscal year beginning July 1, 2000, and three  
15 hundred thousand dollars for the fiscal year beginning  
16 July 1, 2001, and for each succeeding fiscal year."  
17 2. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5229

- 1 Amend Senate File 2429 as follows:
- 2 1. Page 15, line 6, by striking the figure
- 3 "45,358,598" and inserting the following:
- 4 "46,732,758".
- 5 2. Page 16, by striking lines 6 through 13.

JOHN JUDGE  
MICHAEL E. GRONSTAL  
DENNIS H. BLACK  
ROBERT E. DVORSKY  
MARK SHEARER  
JOHN JUDGE  
MICHAEL W. CONNOLLY  
TOM FLYNN  
PATRICK J. DELUHERY  
DICK DEARDEN  
WALLY E. HORN  
JOHN P. KIBBIE  
JOE BOLKCOM  
PATRICIA HARPER  
BETTY A. SOUKUP  
ELAINE SZYMONIAK  
GENE FRAISE  
JOHNIE HAMMOND

S-5230

- 1 Amend Senate File 2429 as follows:
- 2 1. Page 4, line 10, by striking the figure
- 3 "1,360,907" and inserting the following: "9,775,998".

JOE BOLKCOM  
MICHAEL E. GRONSTAL  
DENNIS H. BLACK  
ROBERT E. DVORSKY  
MARK SHEARER  
JOHN JUDGE  
MICHAEL W. CONNOLLY  
TOM FLYNN  
PATRICK J. DELUHERY  
JOHN P. KIBBIE  
DICK DEARDEN  
WALLY E. HORN  
PATRICIA HARPER  
BETTY A. SOUKUP  
ELAINE SZYMONIAK  
GENE FRAISE  
JOHNIE HAMMOND

S-5231

1 Amend Senate File 2429 as follows:  
2 1. Page 3, by inserting after line 19 the  
3 following:  
4 "3. The department shall begin the process of  
5 establishing a pharmaceutical assistance program for  
6 the elderly during the fiscal year beginning July 1,  
7 2000, and ending June 30, 2001. The program shall be  
8 implemented only in the event that a federal  
9 pharmaceutical assistance program for the elderly is  
10 not established during the United States Congress that  
11 is in session during 2000. If the program is  
12 implemented, the program shall commence no sooner than  
13 July 1, 2001, and shall apply to single individuals  
14 with an adjusted gross income not exceeding \$16,000,  
15 or married individuals with an adjusted gross income  
16 not exceeding \$25,000."

MICHAEL E. GRONSTAL  
DENNIS H. BLACK  
ROBERT E. DVORSKY  
MARK SHEARER  
JOHN JUDGE  
MICHAEL W. CONNOLLY  
TOM FLYNN  
PATRICK J. DELUHERY  
JOHN P. KIBBIE  
DICK DEARDEN  
WALLY E. HORN  
JOE BOLKCOM  
PATRICIA HARPER  
BETTY A. SOUKUP  
ELAINE SZYMONIAK  
GENE FRAISE  
JOHNIE HAMMOND

S-5232

1 Amend Senate File 2429 as follows:  
2 1. Page 18, by inserting after line 6 the  
3 following:  
4 "Sec. \_\_\_\_ NEW SECTION. 514C.19 MENTAL HEALTH  
5 AND SUBSTANCE ABUSE COVERAGE.  
6 1. Notwithstanding the uniformity of treatment  
7 requirements of section 514C.6, a group policy or  
8 contract providing for third-party payment or  
9 prepayment of health or medical expenses shall provide  
10 mental health and substance abuse treatment coverage  
11 benefits and shall not impose limitations on financial  
12 terms for coverage of services for serious mental  
13 illnesses or substance abuse if similar limitations

14 are not imposed on the coverage benefits for services  
15 for medical or surgical conditions.

16 2. For purposes of this section, unless the  
17 context otherwise requires:

18 a. "Serious mental illness" means the following  
19 disorders, as defined by the American psychiatric  
20 association's diagnostic and statistical manual of  
21 mental disorders:

- 22 (1) Schizophrenia.
- 23 (2) Schizo -affective disorder.
- 24 (3) Bipolar disorder.
- 25 (4) Major depressive disorder.
- 26 (5) Obsessive-compulsive disorder.
- 27 (6) Autism.
- 28 (7) Pervasive developmental disorders.
- 29 (8) Panic disorder.

30 (9) Paranoia and other psychotic disorders.  
31 (10) Eating disorders, including but not limited  
32 to bulimia nervosa and anorexia nervosa.

33 b. "Substance abuse" means a pattern of  
34 pathological use of alcohol or a drug that causes  
35 impairment in social or occupational functioning, or  
36 that produces physiological dependency evidenced by  
37 physical tolerance or by physical symptoms when the  
38 alcohol or drug is withdrawn.

39 2. This section shall not apply to accident-only,  
40 specific disease, short-term hospital or medical,  
41 hospital confinement indemnity, credit, dental,  
42 vision, Medicare supplement, long-term care, basic  
43 hospital and medical-surgical expense coverage as  
44 defined by the commissioner, disability income  
45 insurance coverage, coverage issued as a supplement to  
46 liability insurance, workers' compensation or similar  
47 insurance, automobile medical payment insurance, or  
48 individual accident or sickness policies issued  
49 pursuant to chapter 513C.

50 3. A third-party payor may manage the benefits

## Page 2

1 provided through common methods including, but not  
2 limited to, providing payment of benefits or providing  
3 care and treatment under a capitated payment system,  
4 prospective reimbursement rate system, utilization  
5 control system, incentive system for the use of least  
6 restrictive and least costly levels of care, a  
7 preferred provider contract limiting choice of  
8 specific provider, or any other system, method, or  
9 organization designed to ensure services are medically  
10 necessary and clinically appropriate.

11 4. A group policy or contract covered under this  
12 section, at a minimum, shall provide for thirty

13 inpatient and sixty outpatient days annually. The  
14 policy or contract may also include deductibles,  
15 coinsurance, or copayments if such deductibles,  
16 coinsurance, or copayments are applicable to other  
17 medical or surgical services coverage under the policy  
18 or contract. It is not a violation of this section if  
19 the policy or contract excludes entirely from coverage  
20 benefits the cost of providing the following:  
21 a. Marital, family, educational, developmental, or  
22 training services.  
23 b. Care that is substantially custodial in nature.  
24 c. Services and supplies that are not medically  
25 necessary or clinically appropriate.  
26 d. Experimental treatments.  
27 5. The commissioner, by rule, shall increase the  
28 mental health and substance abuse lifetime limit in  
29 the individual market guaranteed standard product to  
30 one hundred thousand dollars.  
31 6. A group policy is exempt from this section upon  
32 submitting to the commissioner evidence demonstrating  
33 a premium increase for the policy term in excess of  
34 three percent as a result of the requirements of this  
35 section.  
36 7. This section applies to third-party payment  
37 provider contracts or policies delivered, issued for  
38 delivery, continued, or renewed in this state on or  
39 after January 1, 2001.  
40 8. This section is repealed effective July 1,  
41 2003."  
42 2. By renumbering as necessary.

PATRICK J. DELUHERY  
MICHAEL E. GRONSTAL  
DENNIS H. BLACK  
ROBERT E. DVORSKY  
TOM FLYNN  
MARK SHEARER  
JOHN JUDGE  
MICHAEL W. CONNOLLY  
JOHNIE HAMMOND  
JOHN P. KIBBIE  
DICK DEARDEN  
WALLY E. HORN  
JOE BOLKCOM  
PATRICIA HARPER  
BETTY A. SOUKUP  
ELAINE SZYMONIAK  
GENE FRAISE

S-5233

- 1 Amend House File 2331, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 16, line 33, by inserting after the word
- 4 "operating" the following: "a motorboat or sailboat".
- 5 2. Page 20, line 11, by inserting after the word
- 6 "operating" the following: "a motorboat or sailboat".

LARRY McKIBBEN

S-5234

- 1 Amend the House amendment, S-5202, to Senate File
- 2 2111, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 9 and 10 and
- 4 inserting the following:
- 5 "1. For the school budget year beginning July 1,
- 6 2000, if a district's actual".
- 7 2. Page 2, by striking lines 8 through 25.
- 8 3. By renumbering as necessary.

JEFF ANGELO

S-5235

- 1 Amend House File 2511, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 123.46, Code 1999, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 3A. a. A peace officer shall
- 8 make a reasonable effort to identify a person under
- 9 the age of eighteen who violates this section, and if
- 10 the person is not referred to juvenile court, the law
- 11 enforcement agency of which the peace officer is an
- 12 employee shall make a reasonable attempt to notify the
- 13 person's custodial parent or legal guardian of the
- 14 violation, whether or not the person is taken into
- 15 custody, unless the officer has reasonable grounds to
- 16 believe that notification is not in the best interests
- 17 of the person or will endanger that person.
- 18 b. The peace officer shall also make a reasonable
- 19 effort to identify the elementary or secondary school
- 20 which the person attends if the person is enrolled in
- 21 elementary or secondary school and to notify the
- 22 superintendent or the superintendent's designee of the
- 23 school which the person attends, or the authorities in
- 24 charge of the nonpublic school which the person
- 25 attends, of the violation. If the person is taken
- 26 into custody, the peace officer shall notify a

juvenile court officer who shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school, of the violation. A reasonable attempt to notify the person includes, but is not limited to, a telephone call or notice by first-class mail.

Sec. 2. NEW SECTION. 321J.2B PARENTAL AND SCHOOL NOTIFICATION -- PERSONS UNDER EIGHTEEN YEARS OF AGE.

1. A peace officer shall make a reasonable effort to identify a person under the age of eighteen who violates section 321J.2 or 321J.2A, and if the person is not referred to juvenile court, the law enforcement agency of which the peace officer is an employee shall make a reasonable attempt to notify the person's custodial parent or legal guardian of the violation, whether or not the person is taken into custody, unless the officer has reasonable grounds to believe that notification is not in the best interests of the person or will endanger that person.

2. The peace officer shall also make a reasonable effort to identify the elementary or secondary school

**Page 2**

which the person attends if the person is enrolled in elementary or secondary school and to notify the superintendent or the superintendent's designee of the school which the person attends, or the authorities in charge of the nonpublic school which the person attends, of the violation. If the person is taken into custody, the peace officer shall notify a juvenile court officer who shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school, of the violation. A reasonable attempt to notify the person includes, but is not limited to, a telephone call or notice by first-class mail."

TOM FLYNN

HOUSE AMENDMENT TO  
SENATE FILE 2411

S-5236

1 Amend Senate File 2411, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 15, by striking the word "and".

4 2. Page 1, line 16, by inserting after the word  
5 "system" the following: ", and a person appointed by  
6 the governor".

7 3. Page 1, line 16, by striking the word "Both"  
8 and inserting the following: "The person appointed by  
9 the governor shall be an executive of a domestic life  
10 insurance company, an executive of a state or national  
11 bank operating within the state of Iowa, or an  
12 executive in the financial services industry, and  
13 shall be subject to confirmation by the senate. The".

14 4. Page 1, line 17, by inserting after the word  
15 "system" the following: "and the person appointed by  
16 the governor".

17 5. Page 3, by striking lines 6 through 15.

18 6. Page 4, line 28, by inserting after the word  
19 "pension" the following: "of a retired member".

20 7. Page 4, line 30, by striking the words "or  
21 death".

22 8. Page 8, by striking lines 8 through 18.

23 9. Page 12, line 21, by inserting after the word  
24 "Code," the following: "In addition, wages includes  
25 amounts that can be received in cash in lieu of  
26 employer-paid contributions to such plans, if the  
27 election is uniformly available and is not limited to  
28 highly compensated employees, as defined in section  
29 414(q) of the Internal Revenue Code."

30 10. Page 13, line 22, by inserting after the word  
31 "contributions" the following: "that cannot be  
32 received by the employee in cash and that are made".

33 11. Page 14, by striking lines 13 through 15.

34 12. Page 19, by inserting after line 19 the  
35 following:

36 "Sec. \_\_\_\_ Section 97B.48, subsection 3, Code  
37 1999, is amended to read as follows:

38 3. As of the first of the month in which a member  
39 attains the age of seventy years, the department shall  
40 provide written notification to the member that the  
41 member may commence receiving a retirement allowance  
42 regardless of the member's employment status. Prior  
43 to receiving a retirement allowance pursuant to this  
44 subsection, a member shall acknowledge in writing that  
45 the member was informed by the department of the  
46 consequences of electing to receive a retirement  
47 allowance pursuant to this subsection and that receipt



48 of a retirement allowance under this subsection is  
49 optional. Upon termination from employment of a  
50 member receiving a retirement allowance pursuant to

**Page 2**

1 this subsection, the member is entitled to have the  
2 member's monthly retirement allowance recalculated  
3 using the applicable formula for determining a  
4 retirement allowance pursuant to sections 97B.49A  
5 through 97B.49G, as applicable, in place at the time  
6 of the member's first month of entitlement."

7 13. Page 27, line 35, by striking the word  
8 "twelve" and inserting the following: "thirty-six".

9 14. Page 28, line 20, by striking the word  
10 "twelve" and inserting the following: "thirty-six".

11 15. Page 28, by inserting after line 22 the  
12 following:

13 "Sec. \_\_\_\_ Section 97B.50, subsection 2, Code  
14 1999, is amended by adding the following new  
15 paragraph:

16 NEW PARAGRAPH. c. A vested member who terminated  
17 service due to a disability, who has been issued  
18 payment for a refund pursuant to section 97B.53, and  
19 who subsequently commences receiving disability  
20 benefits as a result of that disability pursuant to  
21 the federal Social Security Act, 42 U.S.C. } 423 et  
22 seq. or the federal Railroad Retirement Act, 45 U.S.C.  
23 } 231 et seq., may receive credit for membership  
24 service for the period covered by the refund payment,  
25 upon repayment to the department of the actuarial cost  
26 of receiving service credit for the period covered by  
27 the refund payment, as determined by the department.  
28 For purposes of this paragraph, the actuarial cost of  
29 the service purchase shall be determined as provided  
30 in section 97B.74. The payment to the department as  
31 provided in this paragraph shall be made within ninety  
32 days after July 1, 2000, or the date federal  
33 disability payments commenced, whichever occurs later.  
34 For purposes of this paragraph, the date federal  
35 disability payments commence shall be the date that  
36 the member actually receives the first such payment,  
37 regardless of any retroactive payments included in  
38 that payment. A member who repurchases service credit  
39 under this paragraph and applies for retirement  
40 benefits shall have the member's monthly allowance,  
41 including retroactive adjustment payments, determined  
42 in the same manner as provided in paragraph "a" or  
43 "b", as applicable. This paragraph shall not be  
44 implemented until the system has received a  
45 determination letter from the federal internal revenue  
46 service approving the system's plan's qualified status

47 under Internal Revenue Code section 401(a)."  
48 16. Page 43, line 3, by striking the words "An  
49 individual" and inserting the following: "A  
50 beneficiary".

### Page 3

1 17. Page 43, line 4, by striking the word  
2 "individual's" and inserting the following:  
3 "beneficiary's".

4 18. Page 44, line 26, by striking the words  
5 "three calendar months" and inserting the following:  
6 "one calendar month".

7 19. Page 51, by inserting after line 23 the  
8 following:  
9 "Sec. Section 97B.73, subsection 1, Code 1999,  
10 is amended to read as follows:

11 1. a. A vested or retired member who has one or  
12 more full calendar years of covered wages who was in  
13 public employment comparable to employment covered  
14 under this chapter in another state or in the federal  
15 government, or who was a member of another public  
16 retirement system in this state, including but not  
17 limited to the teachers insurance annuity association-  
18 college retirement equities fund, but who was not  
19 retired under that system, upon submitting  
20 verification of membership and service in the other  
21 public system to the department, including proof that  
22 the member has no further claim upon a retirement  
23 benefit from that other public system, may make  
24 contributions as provided by this section to the  
25 system either for the entire period of service in the  
26 other public system, or for partial service in the  
27 other public system in increments of one or more  
28 calendar quarters. If the member wishes to transfer  
29 only a portion of the service value of another public  
30 system to this system and the other public system  
31 allows a partial withdrawal of a member's system  
32 credits, the member shall receive credit for  
33 membership service in this system equivalent to the  
34 period of service transferred from the other public  
35 system.  
36 b. A vested or retired member who has five or more  
37 full calendar years of covered wages who was in public  
38 employment comparable to employment covered under this  
39 chapter in a qualified Canadian governmental entity  
40 may make contributions as provided by this section to  
41 the system and receive service credit, in increments  
42 of one or more calendar quarters, for up to the lesser  
43 of twenty quarters of service credit for such  
44 employment or the entire period of service in the  
45 other public system. Prior to receiving service

46 credit, the member shall submit verification of  
47 membership and service in the other public system to  
48 the department, including proof that the member has no  
49 further claim upon a retirement benefit from that  
50 other public system. If the member wishes to transfer

**Page 4**

1 only a portion of the service value of another public  
2 system to this system and the other public system  
3 allows a partial withdrawal of a member's system  
4 credits, the member shall receive credit for  
5 membership service in this system equivalent to the  
6 period of service transferred from the other public  
7 system. For purposes of this paragraph, "qualified  
8 Canadian governmental entity" means an elementary  
9 school, secondary school, college, or university that  
10 is organized, administered, and primarily supported by  
11 the provincial, territorial, or federal governments of  
12 Canada, or any combination of the same."

13 20. Page 52, line 17, by inserting after the word  
14 "but" the following: "at the time of the employment".

15 21. Page 55, by inserting after line 16 the  
16 following:

17 "Sec. 101. IOWA PUBLIC EMPLOYEES' RETIREMENT  
18 SYSTEM -- PAYMENT OF ALLOWANCES -- ACTIVE MEMBER  
19 RETIREMENT. Notwithstanding any provision of chapter  
20 97B to the contrary, an eligible member who terminates  
21 employment covered by chapter 97B on or after January  
22 1, 2000, shall have the member's monthly retirement  
23 allowance recalculated using the applicable formula  
24 for determining a retirement allowance pursuant to  
25 sections 97B.49A through 97B.49G, as applicable, in  
26 place at the time of the member's termination from  
27 employment. For purposes of this section, an  
28 "eligible member" is a member who commenced receiving  
29 a retirement allowance pursuant to section 97B.48,  
30 subsection 3, prior to July 1, 2000."

31 22. Page 55, by inserting after line 16 the  
32 following:

33 "Sec. \_\_\_\_\_. IOWA PUBLIC EMPLOYEES' RETIREMENT  
34 SYSTEM -- DEATH BENEFIT ELECTION.

35 1. Notwithstanding any provision of chapter 97B to  
36 the contrary, an eligible beneficiary may elect to  
37 receive a death benefit as provided by this section in  
38 an amount as authorized pursuant to section 52 of this  
39 Act. For purposes of this section, an "eligible  
40 beneficiary" means a person who is eligible to  
41 receive, or has received, a death benefit pursuant to  
42 Iowa Code section 97B.52, subsection 1, Code 1999, as  
43 a beneficiary of a member of the Iowa public  
44 employees' retirement system who died on or after

45 January 1, 1999, but before the date section 52 of  
46 this Act is implemented pursuant to section 74 of this  
47 Act.  
48 2. An eligible beneficiary may elect to receive a  
49 death benefit in an amount as provided in section 52  
50 of this Act in lieu of a benefit as provided pursuant

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1 to section 97B.52, subsection 1, Code 1999, by filing  
2 a valid election with the Iowa public employees'  
3 retirement system in a manner prescribed by the system  
4 no later than one year following the date section 52  
5 of this Act is implemented pursuant to section 74 of  
6 this Act.

7 3. An eligible beneficiary who has received a  
8 death benefit pursuant to section 97B.52, subsection  
9 1, Code 1999, but who files an election to receive a  
10 death benefit as provided in this section shall make  
11 arrangements with the Iowa public employees'  
12 retirement system to repay any death benefits paid by  
13 the system to the eligible beneficiary prior to  
14 receipt of a death benefit as provided in this  
15 section.

16 4. The Iowa public employees' retirement system  
17 shall make all reasonable efforts to notify, in  
18 writing, each eligible beneficiary of the ability to  
19 elect to receive a death benefit as provided in this  
20 section in lieu of a death benefit provided pursuant  
21 to section 97B.52, subsection 1, Code 1999."

22 23. Page 55, by inserting after line 21 the  
23 following:

24 "Sec. \_\_\_\_ EFFECTIVE DATE. Section 44 of this  
25 Act, amending section 97B.49F, subsection 2, paragraph  
26 "c", being deemed of immediate importance, takes  
27 effect upon enactment."

28 24. Page 55, by inserting after line 21 the  
29 following:

30 "Sec. \_\_\_\_ APPLICABILITY. Section 97B.51,  
31 subsection 1, paragraph "d", subparagraph (2), as  
32 enacted in section 51 of this Act, shall be applicable  
33 on or after July 1, 2001."

34 25. Page 55, by inserting after line 21 the  
35 following:

36 "Sec. \_\_\_\_ EFFECTIVE DATE -- RETROACTIVE  
37 APPLICABILITY. Section 101 of this Act, being deemed  
38 of immediate importance, takes effect upon enactment  
39 and is retroactively applicable to January 1, 2000,  
40 and is applicable on and after that date."

41 26. Page 56, lines 5 and 6, by striking the words  
42 "until the amendment to section 97B.50, subsection 1,  
43 is implemented,".

44 27. Page 56, line 8, by inserting after the  
45 figure "97B.49H" the following: "for the calendar  
46 year beginning January 1, 2001, and each subsequent  
47 calendar year, until the amendment to section 97B.50,  
48 subsection 1, is implemented".  
49 28. Page 56, lines 17 and 18, by striking the  
50 words "until the amendment to section 97B.52,

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1 subsection 1, is implemented,".  
2 29. Page 56, line 20, by inserting after the  
3 figure "97B.49H" the following: "for the calendar  
4 year beginning January 1, 2001, and each subsequent  
5 calendar year, until the amendment to section 97B.52,  
6 subsection 1, is implemented".  
7 30. Page 81, by striking lines 5 through 15.  
8 31. Page 85, line 17, by striking the words  
9 "judicial branch" and inserting the following: "state  
10 court administrator".  
11 32. Page 85, by inserting after line 35 the  
12 following:  
13 "Sec. \_\_\_. FIRE FIGHTER AND EMERGENCY MEDICAL  
14 SERVICES PROVIDER BENEFITS – REPORT. The department  
15 of management shall conduct a study concerning the  
16 possible implementation of a system to provide  
17 retirement benefits to volunteer fire fighters and  
18 emergency medical service personnel and to provide  
19 death and survivor benefits, including but not limited  
20 to providing for payment of postsecondary education  
21 expenses of dependent children, when a volunteer fire  
22 fighter or emergency medical service provider dies in  
23 the line of duty. The study shall examine what  
24 benefits should be provided, if any, as well as  
25 possible funding mechanisms to provide any such  
26 proposed benefits, including the use of excess  
27 insurance premium tax receipts, but excluding the fire  
28 and police retirement fund created in section 411.8.  
29 In conducting the study, the department shall consult  
30 with the department of public safety; the department  
31 of personnel; and representatives from the Iowa  
32 firemen's association; the Iowa fire chief's  
33 association; the Iowa association of professional  
34 firefighters; the Iowa association of professional  
35 fire chiefs; the Iowa firefighters group; the state  
36 fire service and emergency response council, if  
37 established by law, or the fire service institute  
38 advisory committee established by section 266.46; the  
39 Iowa emergency medical services association; and the  
40 Iowa league of cities. The department shall submit a  
41 report concerning the results of its study, including  
42 any findings and recommendations, to the general

43 assembly by January 8, 2001."  
44 33. By renumbering, relettering, or redesignating  
45 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 683

S-5237

1 Amend the Senate amendment, H-8415, to House File  
2 683, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, line 29, by inserting after the figure  
5 "679C." the following: "The provisions of this  
6 section shall not apply if the action involves a child  
7 support or medical support obligation enforced by the  
8 child support recovery unit."

S-5238

1 Amend the amendment, S-5165, to House File 2519, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by striking lines 19 through 31.  
5 2. Page 3, line 2, by striking the word "section"  
6 and inserting the following: "sections 812.4 and".  
7 3. Page 3, by striking lines 14 through 28.  
8 4. Page 3, line 29, by striking the letter "c."  
9 and inserting the following: "b."  
10 5. Page 4, by striking lines 6 through 11 and  
11 inserting the following: "in this section."  
12 6. Page 4, line 48, by inserting after the word  
13 "including" the following: "commitment pursuant to  
14 section 812.4 and".  
15 7. Page 5, by striking lines 6 through 21.  
16 8. Page 5, line 22, by striking the letters "b."  
17 c." and inserting the following: "b."  
18 9. Page 5, by striking lines 35 through 41 and  
19 inserting the following: "through the single entry  
20 point process. For the purposes of this chapter,".

JEFF ANGELO

HOUSE AMENDMENT TO  
SENATE FILE 2371

S-5239

1 Amend Senate File 2371, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 23, by inserting after the word

- 4 "governor" the following: "and the general assembly".  
5 2. Page 1, line 26, by inserting after the word  
6 "resources" the following: "and the department of  
7 agriculture and land stewardship".  
8 3. Page 2, line 8, by striking the word "pilot".  
9 4. Page 2, line 10, by striking the word "pilot".  
10 5. Page 2, by striking lines 12 through 14 and  
11 inserting the following: "who maintain quality  
12 conservation practices."  
13 6. Page 2, by striking lines 29 through 32.  
14 7. Page 2, line 33, by striking the word  
15 "ENHANCED" and inserting the following:  
16 "ENHANCEMENT".  
17 8. Page 2, line 35, by striking the word  
18 "enhanced" and inserting the following:  
19 "enhancement".  
20 9. Page 3, line 11, by striking the word  
21 "enhanced" and inserting the following:  
22 "enhancement".  
23 10. Page 3, line 16, by striking the word  
24 "enhanced" and inserting the following:  
25 "enhancement".  
26 11. Page 3, line 22, by striking the word  
27 "enhanced" and inserting the following:  
28 "enhancement".  
29 12. Page 3, line 25, by striking the word  
30 "enhanced" and inserting the following:  
31 "enhancement".  
32 13. Page 4, by striking lines 7 through 9.  
33 14. Page 4, by striking line 17 and inserting the  
34 following:  
35 "1. The".  
36 15. Page 4, by striking line 23 and inserting the  
37 following:  
38 "2. The".  
39 16. Page 4, line 28, by inserting after the word  
40 "benefits." the following: "A demonstration program  
41 under this subsection may complement, but shall not  
42 duplicate, projects conducted by Iowa state university  
43 extension service."  
44 17. Page 5, by striking lines 5 and 6 and  
45 inserting the following:  
46 "3. The department of agriculture and land".  
47 18. Page 5, by striking lines 10 and 11 and  
48 inserting the following:  
49 "4. The department of natural resources".  
50 19. Page 5, by striking line 27 and inserting the

**Page 2**

- 1 following;  
2 "5. The".

- 3 20. Page 5, by striking line 34 and inserting the  
4 following:  
5 "6. The".
- 6 21. Page 6, by striking line 7 and inserting the  
7 following:  
8 "7. The".
- 9 22. Page 6, line 10, by striking the words ",  
10 eco-region based biological standards,".
- 11 23. Page 6, by striking line 12 and inserting the  
12 following:  
13 "8. The".
- 14 24. Page 6, by striking line 16 and inserting the  
15 following:  
16 "9. The".
- 17 25. Page 6, by striking lines 26 and 27 and  
18 inserting the following:  
19 "11. The department of natural resources shall  
20 continue the".
- 21 26. Page 6, by inserting after line 32 the  
22 following:  
23 "\_\_\_\_. This section shall not apply to sites or  
24 locations where a stormwater permit has been issued  
25 pursuant to section 455B.103A."
- 26 27. Page 6, by inserting after line 32 the  
27 following:  
28 "\_\_\_\_. Any work project or improvement with an  
29 estimated cost of twenty-five thousand dollars or more  
30 shall be undertaken as a public contract as provided  
31 in section 18.6, subsection 9. Notwithstanding any  
32 contrary section of the Code, the contract letting  
33 authority shall designate a contracting officer and  
34 shall establish procedures to manage the contract,  
35 approve bills for payment, and review proposed charge  
36 orders or amendments to the contract."
- 37 28. Page 8, by inserting after line 10 the  
38 following:  
39 "\_\_\_\_. The department shall retain all information  
40 submitted by a qualified volunteer submitting the  
41 information for a period of not less than ten years  
42 from the date of receipt by the department. All  
43 information submitted shall be a public record."
- 44 29. Page 8, by striking lines 21 and 22 and  
45 inserting the following: "other water assessment  
46 report."
- 47 30. Page 8, by striking line 23.
- 48 31. Page 8, line 25, by inserting after the word  
49 "on" the following: "or removed from".
- 50 32. Page 8, by striking lines 26 and 27.



**Page 3**

1 33. Page 9, by striking lines 3 through 5 and  
2 inserting the following:  
3 "3. This section shall not be construed to require  
4 credible data as defined in section 455B.171,  
5 subsection 10A, in order for the department to bring  
6 an enforcement action for an illegal discharge."

7 34. Page 9, by striking lines 6 through 11.

8 35. Page 9, by inserting after line 16 the  
9 following:

10 " \_\_\_\_\_. The use of credible data shall be consistent  
11 with the requirements of the federal Water Pollution  
12 Control Act, 33 U.S.C. } 1251 et seq."

13 36. Page 9, by striking lines 20 through 24 and  
14 inserting the following: "that list."

15 37. Page 9, by striking lines 25 through 28.

16 38. Page 9, line 35, by inserting after the word  
17 "but" the following: "existing".

18 39. Page 10, by striking line 14 and inserting  
19 the following: "section 303(d) list, a section 305(b)  
20 report, and a listing for".

21 40. Page 10, line 16, by striking the word "list"  
22 and inserting the following: "report".

23 41. Page 10, line 16, by striking the words  
24 "cumulative listing" and inserting the following:  
25 "summary".

26 42. Page 10, line 18, by striking the word "list"  
27 and inserting the following: "report".

28 43. Page 10, line 19, by striking the word "list"  
29 and inserting the following: "report".

30 44. Page 10, by striking lines 26 through 35.

31 45. Page 11, line 2, by inserting after the word  
32 "when" the following: "placing or removing any water  
33 of the state on any section 303(d) list, and".

34 46. Page 11, by striking lines 5 through 10 and  
35 inserting the following: "narrative standards. A  
36 narrative standard shall not constitute the basis for  
37 determining an impairment unless the department  
38 identifies specific factors as to why a numeric  
39 standard is not sufficient to assure adequate water  
40 quality."

41 47. By renumbering, relettering, or redesignating  
42 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 228

S-5240

1 Amend Senate File 228, as amended, passed, and  
2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 2, by inserting after the word
- 4 "Code" the following: "Supplement".
- 5 2. Page 1, by striking lines 4 through 6 and
- 6 inserting the following:
- 7 "NEW SUBPARAGRAPH. (16) To the superintendent, or
- 8 the superintendent's designee, of a school district or
- 9 to the authorities in charge of an accredited
- 10 nonpublic school for purposes of a volunteer or
- 11 employment record check."
- 12 3. Page 1, line 7, by inserting after the word
- 13 "Code" the following: "Supplement".
- 14 4. Page 1, by striking lines 9 through 11 and
- 15 inserting the following:
- 16 "NEW SUBPARAGRAPH. (8) To the superintendent, or
- 17 the superintendent's designee, of a school district or
- 18 to the authorities in charge of an accredited
- 19 nonpublic school for purposes of a volunteer or
- 20 employment record check."
- 21 5. Page 1, by striking lines 12 through 30.
- 22 6. Title page, line 2, by striking the words
- 23 "criminal and".
- 24 7. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2303

S-5241

- 1 Amend Senate File 2303, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 1, line 1, through page 3,
- 4 line 30.
- 5 2. Page 10, by inserting after line 21 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. LEGISLATIVE STUDY -- MENTAL HEALTH
- 8 ADVOCATES. The legislative council of the Iowa
- 9 general assembly is requested to establish a
- 10 legislative interim study committee during the 2000
- 11 interim to review issues related to the statutory
- 12 requirements for appointing, and compensating, mental
- 13 health advocates appointed pursuant to Code section
- 14 229.19. The legislative interim study committee
- 15 should issue a report to the general assembly by
- 16 January 1, 2001, concerning its findings and any
- 17 recommendations."
- 18 3. Title page, line 4, by inserting after the
- 19 word "appointments" the following: ", and requesting
- 20 a legislative study".
- 21 4. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2079

S-5242

1 Amend Senate File 2079, 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 421B.4, Code 1999, is amended  
6 to read as follows:

7 421B.4 COMBINATION SALES.

8 In all offers for sale or sales involving  
9 cigarettes and any other item at a combined price, ~~and~~  
10 ~~in all offers for sale, or sales, involving the giving~~  
11 ~~of any gift or concession of any kind whatsoever~~  
12 ~~(whether it be coupons or otherwise), the wholesaler's~~  
13 ~~or retailer's combined selling price shall not be~~  
14 ~~below the cost to the wholesaler or the cost to the~~  
15 ~~retailer, respectively, of the total of all articles,~~  
16 ~~products, commodities, gifts and concessions included~~  
17 ~~in such transactions. If any such articles, products,~~  
18 ~~commodities, gifts or concessions, shall not be~~  
19 ~~cigarettes, the basic cost thereof shall be determined~~  
20 ~~in like manner as provided in section 421B.2,~~  
21 ~~subsection 8."~~

22 2. Page 1, by striking lines 5 through 7, and  
23 inserting the following: "transport, or possess more  
24 than forty cigarettes within this state, previously  
25 sold for export from the United States or manufactured  
26 for use outside the United States."

27 3. Page 1, by inserting after line 7 the  
28 following:

29 "Sec. \_\_\_\_ Section 453A.39, Code 1999, is amended  
30 by striking the section and inserting in lieu thereof  
31 the following:

32 453A.39 TOBACCO PRODUCTS, CIGARETTES, GIFTS, AND  
33 PAYMENTS FOR DISPLAYING CIGARETTES -- PROHIBITIONS.

34 1. Unless authorized under subsection 3, a  
35 manufacturer, distributor, wholesaler, retailer, or  
36 distributing agent or agent thereof shall not give  
37 away cigarettes or tobacco products at any time in  
38 connection with the manufacturer's, distributor's,  
39 wholesaler's, retailer's, or distributing agent's  
40 business or for promotion of the business or product.

41 2. Unless authorized by subsection 3, a  
42 manufacturer, distributor, wholesaler, retailer, or  
43 distributing agent shall not provide free articles,  
44 products, commodities, gifts, or concessions in an  
45 offer for sale or sale involving cigarettes or tobacco  
46 products.

47 3. The prohibitions in this section do not apply

48 to transactions between manufacturers, distributors,  
49 or wholesalers."  
50 4. Title page, line 1 by inserting after the word

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1 "of" the following: "certain practices including  
2 the".  
3 5. Title page, by striking lines 3 and 4 and  
4 inserting the following: "distributing, or possessing  
5 more than forty cigarettes within the state, which  
6 were previously sold for export from or".  
7 6. Title page, line 5, by inserting after the  
8 word "states," the following: "and including the  
9 prohibition of the giving away of certain cigarettes  
10 and tobacco products,".

S-5243

1 Amend the amendment, S-5227, to House File 2511, as  
2 passed by the House, as follows:  
3 1. Page 1, by inserting before line 5 the  
4 following:  
5 "Section 1. Section 123.46, Code 1999, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 3A. a. A peace officer shall  
8 make a reasonable effort to identify a person under  
9 the age of eighteen who violates this section, and if  
10 the person is not referred to juvenile court, the law  
11 enforcement agency of which the peace officer is an  
12 employee shall make a reasonable attempt to notify the  
13 person's custodial parent or legal guardian of the  
14 violation, whether or not the person is taken into  
15 custody, unless the officer has reasonable grounds to  
16 believe that notification is not in the best interests  
17 of the person or will endanger that person.  
18 b. The peace officer shall also make a reasonable  
19 effort to identify the elementary or secondary school  
20 which the person attends if the person is enrolled in  
21 elementary or secondary school and to notify the  
22 superintendent or the superintendent's designee of the  
23 school which the person attends, or the authorities in  
24 charge of the nonpublic school which the person  
25 attends, of the violation. If the person is taken  
26 into custody, the peace officer shall notify a  
27 juvenile court officer who shall make a reasonable  
28 effort to identify the elementary or secondary school  
29 the person attends, if any, and to notify the  
30 superintendent of the school district or the  
31 superintendent's designee, or the authorities in  
32 charge of the nonpublic school, of the violation. A  
33 reasonable attempt to notify the person includes, but

34 is not limited to, a telephone call or notice by  
35 first-class mail.  
36 Sec. 2. **NEW SECTION.** 321J.2B PARENTAL AND SCHOOL  
37 NOTIFICATION -- PERSONS UNDER EIGHTEEN YEARS OF AGE.  
38 1. A peace officer shall make a reasonable effort  
39 to identify a person under the age of eighteen who  
40 violates section 321J.2 or 321J.2A, and if the person  
41 is not referred to juvenile court, the law enforcement  
42 agency of which the peace officer is an employee shall  
43 make a reasonable attempt to notify the person's  
44 custodial parent or legal guardian of the violation,  
45 whether or not the person is taken into custody,  
46 unless the officer has reasonable grounds to believe  
47 that notification is not in the best interests of the  
48 person or will endanger that person.  
49 2. The peace officer shall also make a reasonable  
50 effort to identify the elementary or secondary school

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1 which the person attends if the person is enrolled in  
2 elementary or secondary school and to notify the  
3 superintendent or the superintendent's designee of the  
4 school which the person attends, or the authorities in  
5 charge of the nonpublic school which the person  
6 attends, of the violation. If the person is taken  
7 into custody, the peace officer shall notify a  
8 juvenile court officer who shall make a reasonable  
9 effort to identify the elementary or secondary school  
10 the person attends, if any, and to notify the  
11 superintendent of the school district or the  
12 superintendent's designee, or the authorities in  
13 charge of the nonpublic school, of the violation. A  
14 reasonable attempt to notify the person includes, but  
15 is not limited to, a telephone call or notice by  
16 first-class mail."  
17 2. Page 2, by striking lines 9 through 12 and  
18 inserting the following:  
19 " \_\_\_\_\_. Title page, by striking lines 1 through 6  
20 and inserting the following: "An Act relating to  
21 drinking drivers, by providing that the course for  
22 drinking drivers shall be taught by community colleges  
23 or license d substance abuse programs, and by providing  
24 for parental and school notification of certain  
25 violations by persons under eighteen years of age.""  
26 3. By renumbering as necessary.

TOM FLYNN

S-5244

- 1 Amend House File 2146, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 256.7, Code 1999, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 22. Adopt rules and a procedure
- 8 for the approval of para-educator preparation programs
- 9 offered by a public school district, area education
- 10 agency, community college, institution of higher
- 11 education under the state board of regents, or an
- 12 accredited private institution as defined in section
- 13 261.9, subsection 1. The programs shall train and
- 14 recommend individuals for para-educator certification
- 15 under section 272.12."
- 16 2. By renumbering as necessary.

MIKE SEXTON

S-5245

- 1 Amend Senate File 2427 as follows:
- 2 1. Page 2, by striking line 11 and inserting the
- 3 following: "reason of another person's violation of
- 4 any of the standards adopted pursuant to".
- 5 2. Page 2, line 13, by inserting after the word
- 6 "for" the following: "actual".

LARRY McKIBBEN

S-5246

- 1 Amend Senate File 2435 as follows:
- 2 1. Page 22, line 7, by striking the word
- 3 "equitably" and inserting the following: "equally".

JOHN REDWINE

S-5247

- 1 Amend House File 2492, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 14, by striking lines 27 and 28, and
- 4 inserting the following: "required in subsection 7.
- 5 If a township fails to certify property taxes by March
- 6 15, the amount of taxes collected by".
- 7 2. Page 14, by striking line 34, and inserting
- 8 the following: "fiscal year for which the township
- 9 failed to certify property taxes."

MERLIN E. BARTZ

HOUSE AMENDMENT TO  
SENATE FILE 2348

S-5248

1 Amend Senate File 2348, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting after line 10 the  
4 following:

5 "Sec. \_\_\_\_ Section 161D.1, Code Supplement 1999,  
6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 5. If it is economically  
8 feasible, a public agency or a recipient of a public  
9 grant or contract shall use alternative materials for  
10 fill dirt for a public project in lieu of the use of  
11 loess soils from the loess hills."

12 2. Page 1, by inserting after line 10 the  
13 following:

14 "Sec. \_\_\_\_ Section 161D.1, Code Supplement 1999,  
15 is amended by adding the following new subsection:

16 NEW SUBSECTION. 5. a. In matters relating to the  
17 loess hills, state agencies shall cooperate with the  
18 loess hills development and conservation authority,  
19 the hungry canyons alliance, or the loess hills  
20 alliance in carrying out their respective studies,  
21 planning, and programs as authorized under this  
22 chapter. The cooperation and assistance requested  
23 shall only be provided subject to staff and budgetary  
24 limitations of an assisting state agency and shall not  
25 be provided if such provision would adversely affect  
26 an assisting state agency in its administration of its  
27 own principal duties and programs.

28 b. If a state agency initiates a project or awards  
29 a grant or contract to another party which may affect  
30 the work plans of the hungry canyons alliance or the  
31 loess hills alliance, the state agency may notify the  
32 authority or the affected alliance of the project. If  
33 an adverse effect on the work plans of either alliance  
34 is expected, the state agency may confer with the  
35 affected alliance for the purposes of resolving or  
36 mitigating the potential adverse effects."

37 3. Page 1, by inserting after line 16 the  
38 following:

39 "Sec. \_\_\_\_ STUDY AND REPORT. The loess hills  
40 development and conservation authority shall study the  
41 feasibility of incorporating the powers and duties of  
42 the Missouri river preservation and land use authority  
43 established under chapter 463B within the loess hills  
44 development and conservation authority. The loess  
45 hills development and conservation authority shall  
46 report its findings and recommendations to the general  
47 assembly pursuant to section 7A.11 not later than

48 January 1, 2001."

49 4. Title page, line 2, by striking the words  
50 "alliance and" and inserting the following:

**Page 2**

1 "alliance,".

2 5. Title page, line 4, by inserting after the  
3 word "alliance" the following: ", and providing for  
4 the assistance of state agencies".

5 6. By renumbering, relettering, or redesignating  
6 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2194

S-5249

1 Amend Senate File 2194, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 16, by striking the words "of a"  
4 and inserting the following: "part of a".

S-5250

1 Amend Senate File 2435 as follows:

2 1. Page 47, by striking line 31 and inserting the  
3 following:

4 ".....\$ 1,776,356"

5 2. By striking page 47, line 33 through page 48,  
6 line 3.

7 3. Page 62, by striking lines 13 through 15.

8 4. By renumbering as necessary.

ROBERT E. DVORSKY  
JOHNIE HAMMOND

S-5251

1 Amend House File 2437, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by striking lines 1 through 3 and  
4 inserting the following: "student's grades or any  
5 correlation between student grades and violations of a  
6 federal, state, or local law, or institutional rule or  
7 policy governing the use or possession of alcohol or a  
8 controlled substance except as otherwise provided by  
9 the law. The results".

JOHN REDWINE  
ROBERT E. DVORSKY



S-5252

- 1 Amend Senate File 2435 as follows:
- 2 1. Page 48, by striking line 29 and inserting the
- 3 following:
- 4 .....\$ 13,662,125"
- 5 2. Page 49, by striking lines 11 through 14.
- 6 3. By renumbering as necessary.

JOHNIE HAMMOND

S-5253

- 1 Amend Senate File 2435 as follows:
- 2 1. Page 25, by striking line 13, and inserting
- 3 the following:
- 4 " .....\$ 20,168,128".

JOHNIE HAMMOND

S-5254

- 1 Amend Senate File 2435 as follows:
- 2 1. By striking page 22, line 32, through page 23,
- 3 line 14.
- 4 2. By renumbering as necessary.

JOHNIE HAMMOND

S-5255

- 1 Amend Senate File 2435 as follows:
- 2 1. Page 7, by striking line 17, and inserting the
- 3 following: "unplanned pregnancies of females age 13
- 4 or older but younger than age 18 within the geographic
- 5 area to be served by the grant."

DAVID MILLER

S-5256

- 1 Amend House File 2511, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. 101. Section 321J.13, subsection 6,
- 6 paragraph b, Code Supplement 1999, is amended to read
- 7 as follows:
- 8 b. The person shall prevail at the hearing if, in
- 9 the criminal action on the charge of violation of
- 10 section 321J.2 or 321J.2A resulting from the same
- 11 circumstances that resulted in the administrative
- 12 revocation being challenged, ~~the court held~~ if one of

13 the following occurs:

14 (1) ~~That~~ The court held that the peace officer did  
15 not have reasonable grounds to believe that a  
16 violation of section 321J.2 or 321J.2A had occurred to  
17 support a request for or to administer a chemical  
18 test.

19 (2) ~~That~~ The court held that the chemical test was  
20 otherwise inadmissible or invalid.

21 (3) The defendant is acquitted on the charge.

22 (4) The case is otherwise dismissed by the court.

23 (5) The rulings of the court in the criminal

24 action on the charge that resulted in the

25 administrative revocation otherwise support rescission  
26 of the revocation.

27 Sec. \_\_\_\_ Section 321J.17, Code 1999, is amended  
28 by adding the following new subsection:

29 NEW SUBSECTION. 3. This section shall not apply  
30 and any civil penalty ordered or other order imposed  
31 under this section shall be rescinded under any of the  
32 following circumstances:

33 a. When the court holds, on the charge of a  
34 violation of section 321J.2 or 321J.2A which arises  
35 out of the same facts and circumstances, that the  
36 peace officer did not have reasonable grounds to  
37 believe that a violation of section 321J.2 or 321J.2A  
38 had occurred to support a request for or to administer  
39 a chemical test.

40 b. When the court holds, on the charge of a  
41 violation of section 321J.2 or 321J.2A which arises  
42 out of the same facts and circumstances, that the  
43 chemical test was otherwise inadmissible or invalid.

44 c. When the person is acquitted on the charge of a  
45 violation of section 321J.2 or 321J.2A arising out of  
46 the same facts and circumstances.

47 d. When the criminal action arising out of the  
48 same facts and circumstances in which the person is  
49 charged with a violation of section 321J.2 or 321J.2A  
50 is otherwise dismissed by the court.

## Page 2

1 e. When the rulings by the court in the criminal  
2 action arising out of the same facts and circumstances  
3 in which the person is charged with a violation of  
4 section 321J.2 or 321J.2A otherwise support rescission  
5 of the revocation and civil penalty."

6 2. Page 2, by inserting after line 23 the  
7 following:

8 "Sec. \_\_\_\_ RETROACTIVE APPLICABILITY. Section 101  
9 of this Act shall apply retroactively to July 1,  
10 1997."

11 3. Title page, line 1, by inserting after the

- 12 word "Act" the following: "relating to drinking  
13 drivers by".  
14 4. Title page, line 5, by inserting after the  
15 word "more," the following: "modifying the  
16 application of certain operator penalties for  
17 operating while intoxicated, providing for retroactive  
18 applicability,".  
19 5. By renumbering as necessary.

JEFF LAMBERTI

S-5257

- 1 Amend House File 2315, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting after line 11 the  
4 following:  
5 "Sec. \_\_\_\_ Section 509A.13, Code 1999, is amended  
6 to read as follows:  
7 509A.13 CONTINUATION OF GROUP INSURANCE.  
8 If a governing body, a county board of supervisors,  
9 or a city council has procured for its employees  
10 accident, health, or hospitalization insurance, or a  
11 medical service plan, or has contracted with a health  
12 maintenance organization authorized to do business in  
13 this state, the governing body, county board of  
14 supervisors, or city council shall allow its employees  
15 who retired before attaining sixty-five years of age  
16 to continue participation in the group plan or under  
17 the group contract at the employee's own expense until  
18 the employee attains sixty-five years of age.  
19 However, a governing body, a county board of  
20 supervisors, or a city council may agree to pay all or  
21 part of the employee's expense of group insurance as  
22 described in this section.  
23 This section applies to employees who retired on or  
24 after January 1, 1981."  
25 2. Title page, line 2, by striking the word  
26 "cities" and inserting the following: "governmental  
27 entities".  
28 3. By renumbering as necessary.

JOE BOLKCOM

S-5258

- 1 Amend Senate File 2435 as follows:  
2 1. Page 24, by striking line 10 and inserting the  
3 following:  
4 "..... § 5,781,139"  
5 2. Page 59, by inserting after line 34 the  
6 following:

7 "Sec. \_\_\_\_ Section 249A.3, subsection 1, Code  
8 Supplement 1999, is amended by adding the following  
9 new paragraph after paragraph k:

10 NEW PARAGRAPH. kk. Is an infant whose income is  
11 not more than two hundred percent of the federal  
12 poverty level, as defined by the most recently revised  
13 income guidelines published by the United States  
14 department of health and human services.

15 Sec. \_\_\_\_ Section 514I.8, subsection 1, Code 1999,  
16 is amended to read as follows:

17 1. Effective July 1, 1998, and notwithstanding any  
18 medical assistance program eligibility criteria to the  
19 contrary, medical assistance shall be provided to, or  
20 on behalf of, an eligible child under the age of  
21 nineteen whose family income does not exceed one  
22 hundred thirty-three percent of the federal poverty  
23 level, as defined by the most recently revised poverty  
24 income guidelines published by the United States  
25 department of health and human services.  
26 Additionally, effective July 1, 2000, and  
27 notwithstanding any medical assistance program  
28 eligibility criteria to the contrary, medical  
29 assistance shall be provided to, or on behalf of, an  
30 eligible infant whose family income does not exceed  
31 two hundred percent of the federal poverty level, as  
32 defined by the most recently revised poverty income  
33 guidelines published by the United States department  
34 of health and human services.

35 Sec. \_\_\_\_ Section 514I.8, subsection 2, paragraph  
36 c, Code 1999, is amended to read as follows:

37 c. Is a member of a family whose ~~adjusted gross~~  
38 income does not exceed ~~one two~~ hundred eighty-five  
39 percent of the federal poverty level, as defined in 42  
40 U.S.C. } 9902(2), including any revision required by  
41 such section.

42 Sec. \_\_\_\_ Section 514I.10, Code 1999, is amended  
43 to read as follows:

44 514I.10 COST SHARING.

45 1. Cost sharing for eligible children whose family  
46 ~~adjusted gross~~ income is at or below one hundred fifty  
47 percent of the federal poverty level shall not exceed  
48 the standards permitted under 42 U.S.C. }

49 1396(o)(a)(3) or } 1396(o)(b)(1).

50 2. Cost sharing for eligible children whose family

## Page 2

1 ~~adjusted gross~~ income is between one hundred fifty  
2 percent and ~~one two~~ hundred eighty-five percent of the  
3 federal poverty level shall include a premium or  
4 copayment amount which is at least a minimum amount  
5 but which does not exceed five percent of the annual

6 family adjusted gross income. The amount of the  
7 premium or the copayment amount shall be based on a  
8 sliding fee scale established by rule which is based  
9 on family adjusted gross income and the size of the  
10 family."

11 3. By renumbering as necessary.

JOHNIE HAMMOND  
PATRICIA HARPER  
BETTY A. SOUKUP  
MARK SHEARER  
GENE FRAISE  
MICHAEL W. CONNOLLY  
JOHN JUDGE  
DENNIS H. BLACK  
JOHN P. KIBBIE  
BILL FINK  
DICK DEARDEN  
WALLY E. HORN  
JOE BOLKCOM  
TOM FLYNN  
ROBERT E. DVORSKY  
ELAINE SZYMONIAK  
STEVE HANSEN  
MICHAEL E. GRONSTAL  
PATRICK J. DELUHERY

S-5259

1 Amend House File 2378, 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. 256E.6 LEGISLATIVE  
6 FINDINGS AND INTENT.

7 1. The general assembly finds that classroom  
8 management is often difficult and complex, that  
9 students are from diverse racial, ethnic, and social  
10 backgrounds, and that behavioral disorders and special  
11 education needs abound. Teachers, therefore, must be  
12 prepared to effectively manage classrooms, to  
13 communicate with and engage parents in their child's  
14 education, to assess students' developmental needs,  
15 and to organize and work in teams. While student  
16 needs are great, the nation is experiencing a teacher  
17 shortage.

18 2. Therefore, it is the intent of the general  
19 assembly that the department of education encourage  
20 each school district to develop and implement a  
21 volunteer program that utilizes a valuable, tested  
22 human resource, Iowa's retired teachers and  
23 administrators, by inviting these experienced

24 educators to return to the schools as volunteer  
25 mentors and aides. A volunteer mentor is not a mentor  
26 as defined in section 256E.1, and is ineligible for  
27 awards made under section 256E.4."  
28 2. By renumbering as necessary.

MAGGIE TINSMAN  
E. THURMAN GASKILL

S-5260

1 Amend House File 2145 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 257.31, subsection 5, Code  
5 1999, is amended by adding the following new  
6 paragraph:  
7 NEW PARAGRAPH. m. An unusually high percentage of  
8 gifted and talented students as described in section  
9 257.44, requiring additional resources for gifted and  
10 talented programs. For the purposes of this  
11 paragraph, the committee may grant supplemental aid or  
12 establish a modified allowable growth for a school  
13 district for more than one consecutive school budget  
14 year."  
15 2. Title page, line 1, by inserting after the  
16 word "enrollment" the following: ", and providing for  
17 additional resources,".  
18 3. By renumbering as necessary.

JOHNIE HAMMOND  
JOE BOLKCOM

S-5261

1 Amend House File 2198, as passed by the House, as  
2 follows:  
3 1. Page 1, line 4, by inserting after the word  
4 "incentives" the following: ", including new sharing  
5 incentives to encourage transportation sharing efforts  
6 between districts or between districts and the private  
7 sector."

KITTY REHBERG

S-5262

1 Amend House File 2198, as passed by the House, as  
2 follows:  
3 1. Page 1, line 4, by inserting after the word  
4 "incentives" the following: ", including new sharing  
5 incentives to eliminate the impediments that prevent

6 students from fully utilizing open enrollment and to  
7 encourage transportation sharing efforts between  
8 districts or between districts and the private  
9 sector."

KITTY REHBERG

S-5263

1 Amend the amendment, S-5206, to House File 2511, as  
2 passed by the House, as follows:

3 1. Page 1, by inserting after line 4 the  
4 following:

5 ""Section. 1. Section 321.560, Code 1999, is  
6 amended to read as follows:

7 321.560 PERIOD OF REVOCATION.

8 1. A license to operate a motor vehicle in this  
9 state shall not be issued to any person declared to be  
10 a habitual offender under section 321.555, subsection  
11 1, for a period of not less than two years nor more  
12 than six years from the date of the final decision of  
13 the department under section 17A.19 or the date on  
14 which the district court upholds the final decision of  
15 the department, whichever occurs later.

16 a. However, a A temporary restricted permit may be  
17 issued pursuant to section 321.215, subsection 2, to a  
18 person declared to be a habitual offender under  
19 section 321.555, subsection 1, paragraph "c", pursuant  
20 to section 321.215, subsection 2.

21 b. A temporary restricted permit may be issued  
22 pursuant to section 321J.4, subsection 9, to a person  
23 declared to be a habitual offender due to a  
24 combination of the offenses listed under section  
25 321.555, subsection 1, paragraph "b" or "c".

26 2. A license to operate a motor vehicle in this  
27 state shall not be issued to any person declared to be  
28 a habitual offender under section 321.555, subsection  
29 2, for a period of one year from the date of the final  
30 decision of the department under section 17A.19 or the  
31 date on which the district court upholds the final  
32 decision of the department, whichever occurs later.

33 3. The department shall adopt rules under chapter  
34 17A ~~which~~ that establish a point system which shall be  
35 used to determine the period for which a person who is  
36 declared to be a habitual offender under section  
37 321.555, subsection 1, shall not be issued a license.

38 4. A person who is determined to be a habitual  
39 offender while the person's license is already revoked  
40 for being a habitual offender under section 321.555  
41 shall not be issued a license to operate a motor  
42 vehicle in this state for a period of not less than  
43 two years nor more than six years. The revocation

44 period may commence either on the date of the final  
45 decision of the department under section 17A.19 or the  
46 date on which the district court upholds the final  
47 decision of the department, whichever occurs later, or  
48 on the date the previous revocation expires.  
49 Sec. \_\_\_\_ Section 321J.4, subsection 9, Code  
50 Supplement 1999, is amended to read as follows:

**Page 2**

1 9. a. A person whose driver's license has either  
2 been revoked under this chapter, or revoked or  
3 suspended under chapter 321 solely for violations of  
4 this chapter, or who has been determined to be a  
5 habitual offender under chapter 321 based solely on  
6 violations of this chapter or on violations listed in  
7 section 321.560, subsection 1, paragraph "b", and who  
8 is not eligible for a temporary restricted license  
9 under this chapter may petition the court upon the  
10 expiration of the minimum period of ineligibility for  
11 a temporary restricted license provided for under this  
12 section, ~~or~~ section 321J.9, 321J.12, ~~or~~ 321J.20, or  
13 321.560, for an order to the department to require the  
14 department to issue a temporary restricted license to  
15 the person notwithstanding section 321.560.  
16 b. The petition shall include a current certified  
17 copy of the petitioner's official driving record  
18 issued by the department.  
19 c. Upon the filing of a petition for a temporary  
20 restricted license under this section, the clerk of  
21 the district court in the county where the violation  
22 that resulted in the revocation occurred shall send  
23 notice of the petition to the department and the  
24 prosecuting attorney. The department and the  
25 prosecuting attorney shall each be given an  
26 opportunity to respond to and request a hearing on the  
27 petition.  
28 d. The court shall determine if the temporary  
29 restricted license is necessary for the person to  
30 maintain the person's present employment. However, a  
31 temporary restricted license shall not be ordered or  
32 issued for a violation of section 321J.2A or to a  
33 person under the age of twenty-one whose license is  
34 revoked under this section or section 321J.9 or  
35 321J.12. If the court determines that the temporary  
36 restricted license is necessary for the person to  
37 maintain the person's present employment, and that the  
38 minimum period of ineligibility for receipt of a  
39 temporary license has expired, the court shall order  
40 the department to issue to the person a temporary  
41 restricted license conditioned upon the person's  
42 certification to the court of the installation of



43 approved ignition interlock devices in all motor  
44 vehicles that it is necessary for the person to  
45 operate to maintain the person's present employment.  
46 e. Section 321.561 does not apply to a person  
47 operating a motor vehicle in the manner permitted  
48 under this subsection.  
49 f. If the person operates a motor vehicle which  
50 does not have an approved ignition interlock device or

**Page 3**

1 if the person tampers with or circumvents an ignition  
2 interlock device, in addition to other penalties  
3 provided, the person's temporary restricted license  
4 shall be revoked.  
5 g. A person holding a temporary restricted license  
6 issued under this subsection shall not operate a  
7 commercial motor vehicle, as defined in section 321.1,  
8 on a highway if a commercial driver's license is  
9 required for the person to operate the commercial  
10 motor vehicle.  
11 h. Notwithstanding any provision of this chapter  
12 to the contrary, the court may order the department to  
13 issue a temporary restricted license to a person  
14 otherwise eligible for a temporary restricted license  
15 under this subsection, whose period of revocation  
16 under this chapter has expired, but who has not met  
17 all requirements for reinstatement of the person's  
18 driver's license or nonresident operating  
19 privileges."  
20 2. Page 2, by inserting after line 7 the  
21 following:  
22 "\_\_\_\_. Title page, line 1, by inserting before the  
23 word "providing" the following: "relating to drinking  
24 drivers by providing for the issuance of temporary  
25 restricted permits or licenses,"."

DONALD B. REDFERN  
STEVE KING

S-5264

1 Amend House File 2378, 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. 262.76 ASSIGNMENT OF  
6 STUDENT TEACHERS -- ACCREDITED NONPUBLIC SCHOOLS.  
7 The state board of regents shall adopt rules  
8 authorizing approved practitioner preparation program  
9 faculty to assign a student enrolled in the program to  
10 an accredited nonpublic school for student teaching  
11 experience if the coursework and the curriculum the

- 12 student is assigned to teach are nonsectarian,  
 13 nonreligious, and would reasonably be expected to be  
 14 taught in any public school district in the state."  
 15 2. By renumbering as necessary.

TOM FLYNN  
 DONALD B. REDFERN  
 MICHAEL W. CONNOLLY  
 WALLY E. HORN  
 KITTY REHBERG  
 JEFF ANGELO

S-5265

- 1 Amend Senate File 2435 as follows:  
 2 1. Page 28, by striking line 31 and inserting the  
 3 following:  
 4 ".....\$ 6,309,742"  
 5 2. Page 29, by striking line 7 and inserting the  
 6 following:  
 7 ".....\$ 10,405,335"  
 8 3. Page 38, by striking line 32 and inserting the  
 9 following:  
 10 ".....\$ 12,804,527"  
 11 4. Page 39, by striking line 3 and inserting the  
 12 following:  
 13 ".....\$ 7,227,168"  
 14 5. Page 39, by striking line 9 and inserting the  
 15 following:  
 16 ".....\$ 17,526,567"  
 17 6. Page 39, by striking line 34 and inserting the  
 18 following:  
 19 ".....\$ 5,360,065"  
 20 7. Page 41, by striking line 33 and inserting the  
 21 following:  
 22 ".....\$ 2,511,091"  
 23 8. Page 42, by striking line 3 and inserting the  
 24 following:  
 25 ".....\$ 1,714,565"

JOHNIE HAMMOND

S-5266

- 1 Amend Senate File 2435 as follows:  
 2 1. Page 16, by striking line 24, and inserting  
 3 the following:  
 4 ".....\$ 6,595,919"  
 5 2. Page 29, by striking line 7, and inserting the  
 6 following:  
 7 ".....\$ 10,461,399"  
 8 3. Page 37, by striking line 20, and inserting  
 9 the following:

10 " .....\$ 280,281"  
 11 4. Page 38, by striking line 32, and inserting  
 12 the following:  
 13 " .....\$ 12,822,355"  
 14 5. Page 39, by striking line 9, and inserting the  
 15 following:  
 16 " .....\$ 17,547,011"  
 17 6. Page 39, by striking line 34, and inserting  
 18 the following:  
 19 " .....\$ 5,375,419"  
 20 7. Page 47, by striking line 31, and inserting  
 21 the following:  
 22 " .....\$ 1,280,925"  
 23 8. Page 48, by striking line 12, and inserting  
 24 the following:  
 25 " .....\$ 44,370,771"  
 26 9. Page 48, by striking line 19, and inserting  
 27 the following:  
 28 " .....\$ 5,676,193"  
 29 10. Page 48, by striking line 29, and inserting  
 30 the following:  
 31 " .....\$ 13,816,549"

JOHNIE HAMMOND  
 ELAINE SZYMONIAK

S-5267

1 Amend Senate File 2435 as follows:  
 2 1. Page 14, by striking line 4, and inserting the  
 3 following:  
 4 " .....\$ 35,859,687"  
 5 2. Page 16, by striking line 24, and inserting  
 6 the following:  
 7 " .....\$ 6,703,649"  
 8 3. Page 28, by striking line 31, and inserting  
 9 the following:  
 10 " .....\$ 6,339,856"  
 11 4. Page 29, by striking line 7, and inserting the  
 12 following:  
 13 " .....\$ 10,406,263"  
 14 5. Page 29, by striking line 31, and inserting  
 15 the following:  
 16 " .....\$ 109,090,477"  
 17 6. Page 30, line 27, by striking the figure  
 18 "7,059,682" and inserting the following: "7,255,134".  
 19 7. Page 36, line 31, by striking the letter "a."  
 20 8. Page 37, by striking lines 3 through 9.  
 21 9. Page 38, by striking line 32, and inserting  
 22 the following:  
 23 " .....\$ 12,802,425"  
 24 10. Page 39, by striking line 9, and inserting  
 25 the following:

26 " .....\$ 17,515,229"  
27 11. Page 39, by striking line 34, and inserting  
28 the following:  
29 " .....\$ 5,434,242"  
30 12. Page 41, by striking line 33, and inserting  
31 the following:  
32 " .....\$ 2,594,791"  
33 13. Page 42, by striking line 3, and inserting  
34 the following:  
35 " .....\$ 1,768,814"  
36 14. By renumbering as necessary.

JOHNIE HAMMOND

S-5268

1 Amend Senate File 2435 as follows:  
2 1. Page 29, by striking line 31, and inserting  
3 the following:  
4 " .....\$ 108,983,613"  
5 2. Page 30, line 27, by striking the figure  
6 "7,059,682" and inserting the following: "7,255,134".

JOHNIE HAMMOND

S-5269

1 Amend Senate File 2435 as follows:  
2 1. Page 48, by striking line 12, and inserting  
3 the following:  
4 " .....\$ 44,722,546"

JOHNIE HAMMOND  
ELAINE SZYMONIAK

S-5270

1 Amend Senate File 2435 as follows:  
2 1. Page 44, by striking line 32 and inserting the  
3 following:  
4 " .....\$ 13,600,000"  
5 2. Page 48, by striking line 29 and inserting the  
6 following:  
7 " .....\$ 13,623,100"  
8 3. Page 49, by striking lines 11 through 14.  
9 4. By renumbering as necessary.

MAGGIE TINSMAN

S-5271

1 Amend House File 2229 as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 12, the  
4 following:

5 "Sec. \_\_\_\_ GUNS -- INFORMED CONSENT TO PURCHASE.

6 1. For the purposes of this section, "secure gun  
7 safety device" means any of the following:

8 a. A device that, when installed on a pistol or  
9 revolver, is designed to prevent the pistol or

10 revolver from being operated without first  
11 deactivating or removing the device.

12 b. A device incorporated into the design of the  
13 pistol or revolver that is designed to prevent the  
14 operation of the pistol or revolver by anyone not  
15 having access to the device.

16 2. A person that engages in the retail sale of  
17 pistols or revolvers, other than antique firearms,  
18 shall not sell any pistol or revolver, without first  
19 obtaining written informed consent from the consumer  
20 to purchase the pistol or revolver including by  
21 providing all of the following information to the  
22 consumer at least twenty-four hours prior to the  
23 actual sale of the pistol or firearm:

24 a. Information regarding the person's options  
25 regarding gun safety, including but not limited to  
26 secure gun safety devices, safe storage of weapons,  
27 and weapons training programs.

28 b. Information regarding the number of fatalities  
29 and injuries resulting from the lack of utilization of  
30 gun safety measures. Such information shall include  
31 materials, including pictures and drawings, which  
32 provide realistic and appropriate depictions of the  
33 results of the lack of utilization of gun safety  
34 measures, and shall be objective, nonjudgmental, and  
35 designed to convey only accurate scientific  
36 information about the results of the lack of  
37 utilization of gun safety measures.

38 c. Geographically indexed materials designed to  
39 inform the consumer of services available to assist  
40 the consumer in gun safety measures, categorized by  
41 type of services offered, and a description of the  
42 manner, including telephone numbers, in which the  
43 services may be accessed.

44 3. The retailer shall obtain written certification  
45 from the consumer that the information required  
46 pursuant to subsection 2 was provided and that the  
47 consumer has consented to the purchase of the pistol  
48 or revolver.

49 4. A person who knowingly or recklessly violates  
50 the informed consent provisions of this section is

**Page 2**

- 1 guilty of a simple misdemeanor."
- 2 2. Title page, lines 1 and 2, by striking the
- 3 words "relating to an abortion".
- 4 3. By renumbering as necessary.

JOHNIE HAMMOND

HOUSE AMENDMENT TO  
SENATE FILE 2369

S-5272

- 1 Amend Senate File 2369, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 217.30, subsection 4,
- 6 paragraph b, Code 1999, is amended to read as follows:
- 7 b. Confidential information described in
- 8 subsection 1, paragraphs "a," "b", and "c", shall be
- 9 disclosed to public officials, for use in connection
- 10 with their official duties relating to law
- 11 enforcement, audits and other purposes directly
- 12 connected with the administration of such programs,
- 13 upon written application to and with approval of the
- 14 director or the director's designee. Confidential
- 15 information described in subsection 1 paragraphs "a",
- 16 "b", and "c", shall also be disclosed to public
- 17 officials, for use in connection with their official
- 18 duties relating to the support and protection of
- 19 children and families, upon written application to and
- 20 with the approval of the director or the director's
- 21 designee."
- 22 2. Page 1, line 9, by inserting after the figure
- 23 "280.25." the following: "The disclosure shall only
- 24 include identifying information that is necessary to
- 25 fulfill the purpose of the disclosure."
- 26 3. Title page, by striking line 2 and inserting
- 27 the following: ", child abuse records, or other
- 28 information."
- 29 4. By renumbering as necessary.

S-5273

- 1 Amend Senate File 2435 as follows:
- 2 1. Page 3, by striking lines 7 through 11 and
- 3 inserting the following: "for fiscal year 2000-2001."
- 4 2. Page 3, line 23, by striking the word "day".
- 5 3. Page 3, line 30, by striking the word "day".
- 6 4. Page 3, line 34, by striking the word "day".

5. Page 3, line 35, by striking the word "day".
6. Page 4, line 22, by inserting after the word and figure "October 1," the following: "1998, and ending September 30, 1999, and beginning October 1,".
7. Page 8, by striking lines 17 through 20 and inserting the following:
- "d. The department shall continue to make entrepreneurial training available to families receiving assistance under the family investment program. The department may contract for these services."
8. Page 9, line 6, by inserting after the word "positions" the following: "which are in addition to any other full-time equivalent positions authorized by this Act".
9. Page 22, line 7, by striking the word "equitably" and inserting the following: "equally".
10. Page 24, by striking line 12 and inserting the following: "section to be used for the purpose of".
11. Page 30, line 27, by striking the figure "7,059,682" and inserting the following: "7,060,104".
12. Page 31, line 19, by striking the words "the prior fiscal year" and inserting the following: "fiscal year 1999-2000".
13. Page 35, line 15, by striking the figure "4,758,000" and inserting the following: "4,108,000".
14. Page 35, line 29, by striking the figure "688,167" and inserting the following: "687,876".
15. Page 35, line 31, by striking the words "with an".
16. Page 35, by striking lines 32 and 33 and inserting the following: "for the school year and summer school period, with an average cost of \$41 per day over the usual period of treatment. Funding shall be distributed in an equitable".
17. Page 38, line 9, by striking the words "and to expand to two new counties".
18. Page 51, line 8, by striking the figure "2000" and inserting the following: "1999".
19. By striking page 51, line 10, through page 52, line 6, and inserting the following: "reports.
- At such time as the department implements a transitional case-mix reimbursement methodology

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- 1 pursuant to 2000 Iowa Acts, Senate File 2193, nursing  
2 facilities shall be reimbursed in accordance with the  
3 transitional payment system.
- b. Nursing facilities reimbursed under the medical  
5 assistance program shall continue to submit cost

6 reports and additional documentation as required by  
7 rule. Any cost report shall also include a line  
8 itemization of expenses attributable to the home or  
9 principal office or headquarters of the nursing  
10 facility within the administrative cost line item."  
11 20. By renumbering as necessary.

MAGGIE TINSMAN

S-5274

1 Amend the amendment, S-5227, to House File 2511, as  
2 passed by the House, as follows:  
3 1. Page 1, by inserting after line 4 the  
4 following:  
5 ""Section. 1. Section 321.560, Code 1999, is  
6 amended to read as follows:  
7 321.560 PERIOD OF REVOCATION.  
8 1. A license to operate a motor vehicle in this  
9 state shall not be issued to any person declared to be  
10 a habitual offender under section 321.555, subsection  
11 1, for a period of not less than two years nor more  
12 than six years from the date of the final decision of  
13 the department under section 17A.19 or the date on  
14 which the district court upholds the final decision of  
15 the department, whichever occurs later.  
16 a. However, a A temporary restricted permit may be  
17 issued pursuant to section 321.215, subsection 2, to a  
18 person declared to be a habitual offender under  
19 section 321.555, subsection 1, paragraph "c", pursuant  
20 to section 321.215, subsection 2.  
21 b. A temporary restricted permit may be issued  
22 pursuant to section 321J.4, subsection 9, to a person  
23 declared to be a habitual offender due to a  
24 combination of the offenses listed under section  
25 321.555, subsection 1, paragraph "b" or "c".  
26 2. A license to operate a motor vehicle in this  
27 state shall not be issued to any person declared to be  
28 a habitual offender under section 321.555, subsection  
29 2, for a period of one year from the date of the final  
30 decision of the department under section 17A.19 or the  
31 date on which the district court upholds the final  
32 decision of the department, whichever occurs later.  
33 3. The department shall adopt rules under chapter  
34 17A which that establish a point system which shall be  
35 used to determine the period for which a person who is  
36 declared to be a habitual offender under section  
37 321.555, subsection 1, shall not be issued a license.  
38 4. A person who is determined to be a habitual  
39 offender while the person's license is already revoked  
40 for being a habitual offender under section 321.555  
41 shall not be issued a license to operate a motor



42 vehicle in this state for a period of not less than  
43 two years nor more than six years. The revocation  
44 period may commence either on the date of the final  
45 decision of the department under section 17A.19 or the  
46 date on which the district court upholds the final  
47 decision of the department, whichever occurs later, or  
48 on the date the previous revocation expires.  
49 Sec. \_\_\_\_ Section 321J.4, subsection 9, Code  
50 Supplement 1999, is amended to read as follows:

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1 9. a. A person whose driver's license has either  
2 been revoked under this chapter, or revoked or  
3 suspended under chapter 321 solely for violations of  
4 this chapter, or who has been determined to be a  
5 habitual offender under chapter 321 based solely on  
6 violations of this chapter or on violations listed in  
7 section 321.560, subsection 1, paragraph "b", and who  
8 is not eligible for a temporary restricted license  
9 under this chapter may petition the court upon the  
10 expiration of the minimum period of ineligibility for  
11 a temporary restricted license provided for under this  
12 section, ~~or~~ section 321J.9, 321J.12, ~~or~~ 321J.20, or  
13 321.560, for an order to the department to require the  
14 department to issue a temporary restricted license to  
15 the person notwithstanding section 321.560.  
16 b. The petition shall include a current certified  
17 copy of the petitioner's official driving record  
18 issued by the department.  
19 c. Upon the filing of a petition for a temporary  
20 restricted license under this section, the clerk of  
21 the district court in the county where the violation  
22 that resulted in the revocation occurred shall send  
23 notice of the petition to the department and the  
24 prosecuting attorney. The department and the  
25 prosecuting attorney shall each be given an  
26 opportunity to respond to and request a hearing on the  
27 petition.  
28 d. The court shall determine if the temporary  
29 restricted license is necessary for the person to  
30 maintain the person's present employment. However, a  
31 temporary restricted license shall not be ordered or  
32 issued for a violation of section 321J.2A or to a  
33 person under the age of twenty-one whose license is  
34 revoked under this section or section 321J.9 or  
35 321J.12. If the court determines that the temporary  
36 restricted license is necessary for the person to  
37 maintain the person's present employment, and that the  
38 minimum period of ineligibility for receipt of a  
39 temporary license has expired, the court shall order  
40 the department to issue to the person a temporary

41 restricted license conditioned upon the person's  
42 certification to the court of the installation of  
43 approved ignition interlock devices in all motor  
44 vehicles that it is necessary for the person to  
45 operate to maintain the person's present employment.  
46 e. Section 321.561 does not apply to a person  
47 operating a motor vehicle in the manner permitted  
48 under this subsection.  
49 f. If the person operates a motor vehicle which  
50 does not have an approved ignition interlock device or

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1 if the person tampers with or circumvents an ignition  
2 interlock device, in addition to other penalties  
3 provided, the person's temporary restricted license  
4 shall be revoked.  
5 g. A person holding a temporary restricted license  
6 issued under this subsection shall not operate a  
7 commercial motor vehicle, as defined in section 321.1,  
8 on a highway if a commercial driver's license is  
9 required for the person to operate the commercial  
10 motor vehicle.  
11 h. Notwithstanding any provision of this chapter  
12 to the contrary, the court may order the department to  
13 issue a temporary restricted license to a person  
14 otherwise eligible for a temporary restricted license  
15 under this subsection, whose period of revocation  
16 under this chapter has expired, but who has not met  
17 all requirements for reinstatement of the person's  
18 driver's license or nonresident operating privileges."  
19 2. Page 2, by inserting after line 8 the  
20 following:  
21 " \_\_\_\_\_. Title page, line 1, by inserting before the  
22 word "providing" the following: "relating to drinking  
23 drivers by providing for the issuance of temporary  
24 restricted permits or licenses, "."

DONALD B. REDFERN  
STEVE KING

S-5275

1 Amend House File 2229, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting  
4 clause, and inserting the following:  
5 "Section 1. NEW SECTION. 146A.1 TITLE.  
6 This chapter shall be known and may be cited as the  
7 "Vasectomy Waiting Period Act".  
8 Sec. 2. NEW SECTION. 146A.2 VASECTOMY -- WAITING  
9 PERIOD.

- 10 Except in the case of a medical emergency, a  
11 vasectomy shall not be performed on a man in this  
12 state unless the man consents to the vasectomy at  
13 least twenty-four hours prior to the performance of  
14 the procedure."  
15 2. Title page, line 1, by striking the word  
16 "informed" and inserting the following: "twenty-four  
17 hour prior".  
18 3. Title page, lines 1 through 3, by striking the  
19 words "an abortion and providing criminal penalties,  
20 and providing an effective date" and inserting the  
21 following: "a vasectomy performed on a man".

BETTY A. SOUKUP

S-5276

- 1 Amend Senate File 2435 as follows:  
2 1. By striking page 1, line 31 through page 2,  
3 line 16, and inserting the following:  
4 "Sec. \_\_\_\_ EARLY CHILDHOOD FUNDING FISCAL YEAR  
5 2000-2001."  
6 2. Page 2, by striking lines 20 and 21 and  
7 inserting the following: "July 1, 2000, and ending  
8 June 30, 2001, from moneys received".  
9 3. Page 2, lines 28 and 29, by striking the words  
10 "appropriated and".  
11 4. Page 4, line 4, by striking the word  
12 "appropriated" and inserting the following:  
13 "allocated".  
14 5. Page 5, by striking line 6, and inserting the  
15 following:  
16 ".....\$ 44,885,883"  
17 6. Page 5, by striking line 13, and inserting the  
18 following:  
19 ".....\$ 13,038,351"  
20 7. By striking page 5, line 19 through page 6,  
21 line 30, and inserting the following:  
22 ".....\$ 23,032,071"  
23 8. Page 7, by striking lines 3 and 4.  
24 9. Page 7, by striking line 7, and inserting the  
25 following:  
26 ".....\$ 1,967,477"  
27 10. Page 7, by striking line 21, and inserting  
28 the following:  
29 ".....\$ 1,206,442"  
30 11. Page 28, by inserting after line 23 the  
31 following:  
32 " \_\_\_\_ If at any time during the fiscal year the  
33 department determines that without implementing  
34 waiting lists, state child care assistance eligibility  
35 can be expanded to provide assistance to families with

36 an income of more than 100 percent but not more than  
37 150 percent of the federal poverty level whose members  
38 are employed at least 28 hours per week, the  
39 department shall implement the eligibility expansion.  
40 The department may adopt emergency rules to implement  
41 the provisions of this subsection."  
42 12. Page 28, by inserting before line 24 the  
43 following:  
44 " \_\_\_\_\_. If at any time during the fiscal year the  
45 department projects that the amounts appropriated for  
46 state child care assistance are insufficient to  
47 provide the assistance through the course of the  
48 fiscal year unless waiting lists are established,  
49 subject to the notification provisions of section  
50 8.39, the department may transfer funding in

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1 accordance with this subsection. To the extent  
2 necessary to avoid establishing waiting lists, the  
3 department may transfer to the appropriation made in  
4 this section up to \$2,069,631 of the funding  
5 appropriated in this Act for child and family services  
6 that is budgeted for allocation to child welfare  
7 funding decategorization projects. Any transfer made  
8 pursuant to this subsection shall be prorated to the  
9 extent that funding has been proportionally allotted  
10 in accordance with section 8.31."  
11 13. Page 37, by striking line 20, and inserting  
12 the following:  
13 " .....\$ 1,011,228"  
14 14. Page 37, by inserting after line 33, the  
15 following:  
16 " \_\_\_\_\_. Of the funds appropriated in this section,  
17 \$731,000 shall be used for child abuse prevention  
18 grants."  
19 15. By renumbering as necessary.

JOHNIE HAMMOND

S-5277

1 Amend the amendment, S-5227, to House File 2511, as  
2 passed by the House, as follows:  
3 1. Page 1, by inserting before line 5 the  
4 following:  
5 ""Section 101. Section 321J.13, subsection 6,  
6 paragraph b, Code Supplement 1999, is amended to read  
7 as follows:  
8 b. The person shall prevail at the hearing if, in  
9 the criminal action on the charge of violation of  
10 section 321J.2 or 321J.2A resulting from the same

circumstances that resulted in the administrative revocation being challenged, ~~the court held if~~ one of the following occurs:

(1) ~~That The court held that~~ the peace officer did not have reasonable grounds to believe that a violation of section 321J.2 or 321J.2A had occurred to support a request for or to administer a chemical test.

(2) ~~That The court held that~~ the chemical test was otherwise inadmissible or invalid.

(3) The defendant is acquitted on the charge.

(4) The case is otherwise dismissed by the court.

(5) The rulings of the court in the criminal action on the charge that resulted in the administrative revocation otherwise support rescission of the revocation.

Sec. \_\_\_\_ Section 321J.17, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 3. This section shall not apply and any civil penalty ordered or other order imposed under this section shall be rescinded under any of the following circumstances:

a. When the court holds, on the charge of a violation of section 321J.2 or 321J.2A which arises out of the same facts and circumstances, that the peace officer did not have reasonable grounds to believe that a violation of section 321J.2 or 321J.2A had occurred to support a request for or to administer a chemical test.

b. When the court holds, on the charge of a violation of section 321J.2 or 321J.2A which arises out of the same facts and circumstances, that the chemical test was otherwise inadmissible or invalid.

c. When the person is acquitted on the charge of a violation of section 321J.2 or 321J.2A arising out of the same facts and circumstances.

d. When the criminal action arising out of the same facts and circumstances in which the person is charged with a violation of section 321J.2 or 321J.2A is otherwise dismissed by the court.

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e. When the rulings by the court in the criminal action arising out of the same facts and circumstances in which the person is charged with a violation of section 321J.2 or 321J.2A otherwise support rescission of the revocation and civil penalty."

2. Page 2, by inserting after line 8, the following:

"Sec. \_\_\_\_ RETROACTIVE APPLICABILITY. Section 101 of this Act shall apply retroactively to July 1,

- 10 1997.""
- 11 3. Page 2, by inserting before line 9 the
- 12 following:
- 13 "\_\_\_\_. Title page, line 1, by inserting after the
- 14 word "Act" the following: "relating to drinking
- 15 drivers by".
- 16 4. Page 2, by striking lines 11 and 12 and
- 17 inserting the following:
- 18 "\_\_\_\_. Title page, by striking lines 3 through 6
- 19 and inserting the following: "programs, by modifying
- 20 the application of certain operator penalties for
- 21 operating while intoxicated, and providing for
- 22 retroactive applicability.""
- 23 5. By renumbering as necessary.

JEFF LAMBERTI

S-5278

- 1 Amend Senate File 2435 as follows:
- 2 1. Page 3, by striking lines 7 through 11 and
- 3 inserting the following: "for fiscal year 2000-2001."
- 4 2. Page 3, line 23, by striking the word "day".
- 5 3. Page 3, line 30, by striking the word "day".
- 6 4. Page 3, line 34, by striking the word "day".
- 7 5. Page 3, line 35, by striking the word "day".
- 8 6. Page 4, line 22, by inserting after the word
- 9 and figure "October 1," the following: "1998, and
- 10 ending September 30, 1999, and beginning October 1,".
- 11 7. Page 8, by striking lines 17 through 20 and
- 12 inserting the following:
- 13 "d. The department shall continue to make
- 14 entrepreneurial training available to families
- 15 receiving assistance under the family investment
- 16 program. The department may contract for these
- 17 services."
- 18 8. Page 9, line 6, by inserting after the word
- 19 "positions" the following: "which are in addition to
- 20 any other full-time equivalent positions authorized by
- 21 this Act".
- 22 9. Page 22, line 7, by striking the word
- 23 "equitably" and inserting the following: "equally".
- 24 10. Page 24, by striking line 12 and inserting
- 25 the following: "section to be used for the purpose
- 26 of".
- 27 11. Page 30, line 27, by striking the figure
- 28 "7,059,682" and inserting the following: "7,060,104".
- 29 12. Page 31, line 19, by striking the words
- 30 "prior fiscal year" and inserting the following:
- 31 "fiscal year ending June 30, 1999".
- 32 13. Page 35, line 15, by striking the figure
- 33 "4,758,000" and inserting the following: "4,108,000".

- 34 14. Page 35, line 29, by striking the figure  
35 "688,167" and inserting the following: "687,876".  
36 15. Page 35, line 31, by striking the words "with  
37 an".  
38 16. Page 35, by striking lines 32 and 33 and  
39 inserting the following: "for the school year and  
40 summer school period, with an average cost of \$41 per  
41 day over the usual period of treatment. Funding shall  
42 be distributed in an equitable".  
43 17. Page 38, line 9, by striking the words "and  
44 to expand to two new counties".  
45 18. Page 51, line 8, by striking the figure  
46 "2000" and inserting the following: "1999".  
47 19. By striking page 51, line 10, through page  
48 52, line 6, and inserting the following: "reports.  
49 At such time as the department implements a  
50 transitional case -mix reimbursement methodology

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- 1 pursuant to 2000 Iowa Acts, Senate File 2193, nursing  
2 facilities shall be reimbursed in accordance with the  
3 transitional payment system.  
4 b. Nursing facilities reimbursed under the medical  
5 assistance program shall continue to submit cost  
6 reports and additional documentation as required by  
7 rule. Any cost report shall also include a line  
8 itemization of expenses attributable to the home or  
9 principal office or headquarters of the nursing  
10 facility within the administrative cost line item."  
11 20. By renumbering as necessary.

MAGGIE TINSMAN

S-5279

- 1 Amend Senate File 2435 as follows:  
2 1. Page 24, line 17, by striking the words "A  
3 participating insurer" and inserting the following:  
4 "The administrative contractor".  
5 2. Page 24, line 19, by inserting after the word  
6 "cost" the following: "reported by each participating  
7 insurer".

MAGGIE TINSMAN

S-5280

- 1 Amend House File 2331, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 14, by striking lines 21 through 24, and  
4 inserting the following: "navigable waters in this

- 5 state and who, while operating the motorboat or  
6 sailboat, is involved in an accident or collision, is  
7 deemed to have given consent to the withdrawal of".  
8 2. Page 14, by striking lines 29 and 30, and  
9 inserting the following:  
10 "2. a. If a motorboat or sailboat is involved in  
11 an accident or collision, a peace".  
12 3. Page 14, line 34, by striking the word  
13 "purpose:" and inserting the following: "purpose."  
14 4. By striking page 14, line 35 through page 15,  
15 line 6.  
16 5. Page 15, by striking lines 15 through 17, and  
17 inserting the following: "officer if the operator of  
18 a motorboat or sailboat is involved in an accident or  
19 collision and if any of the following conditions  
20 exist:"  
21 6. Page 15, by striking lines 20 and 21.  
22 7. Page 15, line 22, by striking the letter "c."  
23 and inserting the following: "b."  
24 8. Page 15, line 24, by striking the letter "d."  
25 and inserting the following: "c."  
26 9. Page 15, line 27, by striking the letter "e."  
27 and inserting the following: "d."  
28 10. Page 16, line 33, by inserting after the word  
29 "operating" the following: "a motorboat or sailboat".  
30 11. Page 20, line 11, by inserting after the word  
31 "operating" the following: "a motorboat or sailboat".

JACK RIFE

S-5281

- 1 Amend House File 2229, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting  
4 clause, and inserting the following:  
5 "Section 1. NEW SECTION. 146A.1 TITLE.  
6 This chapter shall be known and may be cited as the  
7 "Men's Medical Procedure Waiting Period Act."  
8 Sec. 2. NEW SECTION. 146A.2 MEN -- MEDICAL  
9 PROCEDURES -- WAITING PERIOD.  
10 Except in the case of a medical emergency, a  
11 medical procedure shall not be performed on a man in  
12 this state unless the man consents to the procedure at  
13 least twenty-four hours prior to the performance of  
14 the procedure."  
15 2. Title page, line 1, by striking the word  
16 "informed" and inserting the following: "twenty-four  
17 hour prior".  
18 3. Title page, lines 1 through 3, by striking the



19 words "an abortion and providing criminal penalties,  
20 and providing an effective date" and inserting the  
21 following: "a medical procedure performed on a man".

PATRICIA HARPER

S-5282

- 1 Amend the House amendment, S-5188, to Senate File
- 2 2308, as passed by the Senate, as follows:
- 3 1. Page 1, line 23, by striking the word
- 4 "certain", and inserting the following: "address and
- 5 location".
- 6 2. Page 1, lines 24 and 25, by striking the words
- 7 ", such as address or location information".
- 8 3. Page 2, line 47, by inserting after the word
- 9 "acting" the following: "reasonably and".

DONALD B. REDFERN

S-5283

- 1 Amend House File 2229, as amended, passed and
- 2 reprinted, by the House, as follows:
- 3 1. Page 2, line 30, by inserting after the word
- 4 "woman" the following: "with her pregnancy, including
- 5 information identifying services to terminate the
- 6 pregnancy in Iowa and in each state contiguous to Iowa
- 7 and including information identifying states that do
- 8 and do not require a twenty-four-hour waiting period
- 9 before a pregnancy may be terminated; and information
- 10 regarding services available to assist a woman".

MARK SHEARER

S-5284

- 1 Amend House File 2229, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 27 and 28, and
- 4 inserting the following: "geographically indexed
- 5 materials designed to inform the".
- 6 2. Page 3, by striking lines 5 through 24.

MARK SHEARER

S-5285

- 1 Amend House File 2229, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 25, by striking the words "unborn
- 4 child" and inserting the following: "fetus".

- 5 2. Page 3, lines 6 and 7, by striking the words
- 6 "unborn child" and inserting the following: "fetus".
- 7 3. Page 3, line 11, by striking the words "unborn
- 8 child" and inserting the following: "fetus".
- 9 4. Page 3, line 12, by striking the words "unborn
- 10 child" and inserting the following: "fetus".
- 11 5. Page 3, line 14, by striking the words "unborn
- 12 child" and inserting the following: "fetus".
- 13 6. Page 3, line 18, by striking the words "unborn
- 14 child" and inserting the following: "fetus".
- 15 7. Page 3, lines 23 and 24, by striking the words
- 16 "an unborn child" and inserting the following: "a
- 17 fetus".

MARK SHEARER

S-5286

- 1 Amend House File 2491, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 10B.4, subsection 2, Code
- 6 1999, is amended by adding the following new
- 7 paragraph:
- 8 NEW PARAGRAPH. g. If the reporting entity is a
- 9 life science enterprise, as provided in chapter 10C,
- 10 as that chapter exists on or before June 30, 2004, the
- 11 total amount of commercial sale of life science
- 12 products and products other than life science products
- 13 which are produced from the agricultural land held by
- 14 the life science enterprise.
- 15 Sec. 2. NEW SECTION. 10C.1 DEFINITIONS.
- 16 1. "Actively engaged in farming" means the same as
- 17 defined in section 10.1.
- 18 2. "Agricultural commodity" means the same as
- 19 defined in section 190C.1.
- 20 3. "Agricultural land" means land suitable for use
- 21 in farming as defined in section 9H.1.
- 22 4. "Animal" means a creature belonging to the
- 23 bovine, caprine, equine, ovine, or porcine species.
- 24 5. "Corporation" means a domestic or foreign
- 25 corporation subject to chapter 490, a nonprofit
- 26 corporation, or a cooperative.
- 27 6. "Economic development board" or "board" means
- 28 the economic development board created pursuant to
- 29 section 15.103.
- 30 7. "Family farm entity" means the same as defined
- 31 in section 10.1.
- 32 8. "Life science enterprise" or "enterprise" means
- 33 a corporation or limited liability company organized
- 34 for the purpose of using biotechnological systems or

35 techniques for the production of life science  
36 products.  
37 9. "Life science product" or "product" means a  
38 product derived from an animal by using  
39 biotechnological systems or techniques and which  
40 includes only the following:  
41 a. Embryos or oocytes for use in animal  
42 implantation.  
43 b. Blood, milk, or urine for use in the  
44 manufacture of pharmaceuticals or nutraceuticals.  
45 c. Cells, tissue, or organs for use in animal or  
46 human transplantation.  
47 10. "Limited liability company" means a limited  
48 liability company as defined in section 490A.102.  
49 Sec. 3. NEW SECTION. 10C.2 PURPOSE.  
50 The purpose of this chapter is to promote economic

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1 growth in this state during this period of  
2 revolutionary technological advancement in animal and  
3 human health sciences, by providing for the  
4 development of industries unrelated to traditional  
5 farming, but devoted to the production of life science  
6 products derived from animals.  
7 Sec. 4. NEW SECTION. 10C.3 ENTERPRISES ENGAGED  
8 IN THE CREATION AND DEVELOPMENT OF LIFE SCIENCE  
9 PRODUCTS -- PROHIBITION AND EXCEPTIONS.  
10 Notwithstanding any other provision of law, a life  
11 science enterprise may acquire or hold an ownership or  
12 leasehold interest in agricultural land, if the  
13 economic development board approves a life science  
14 enterprise plan as provided in section 15.104. A life  
15 science enterprise must acquire or hold the  
16 agricultural land pursuant to the plan which may be  
17 amended as provided by the board. However, the life  
18 science enterprise shall not hold a total of more than  
19 three hundred twenty acres of agricultural land. The  
20 life science enterprise shall hold the land only for  
21 purposes of producing life science products according  
22 to the life science enterprise plan. The life science  
23 enterprise may hold the interest in the agricultural  
24 land, as provided in the plan, for as long as  
25 commercial sales of products produced from the  
26 agricultural land are subject to the following:  
27 1. The sale of life science products must equal at  
28 least seventy-five percent of commercial sales of all  
29 products produced from the agricultural land during  
30 any year that the life science enterprise is required  
31 to report under section 10B.4.  
32 2. The sale of products other than life science  
33 products must equal not more than twenty-five percent

34 of commercial sales of all products produced from the  
35 agricultural land during any year that the life  
36 science enterprise is required to report under section  
37 10B.4.

38 Sec. 5. NEW SECTION. 10C.4 ENFORCEMENT --  
39 PENALTIES.

40 1. The office of attorney general or a county  
41 attorney shall enforce the provisions of this chapter.

42 2. A life science enterprise violating this  
43 chapter shall be assessed a civil penalty of not more  
44 than twenty-five thousand dollars. Each day that a  
45 violation exists shall constitute a separate offense.  
46 In addition, the life science enterprise shall divest  
47 itself of any land held in violation of this chapter  
48 within one year after judgment. The court may  
49 determine the method of divesting an interest held by  
50 a life science enterprise found to be in violation of

### Page 3

1 this chapter. A financial gain realized by the  
2 enterprise which disposes of an interest held in  
3 violation of this chapter shall be forfeited to the  
4 general fund of the state. All court costs and fees  
5 shall be paid by the enterprise holding the interest  
6 in violation of this chapter.

7 3. The courts of this state may prevent and  
8 restrain violations of this chapter through the  
9 issuance of an injunction. The attorney general or a  
10 county attorney shall institute suits on behalf of the  
11 state to prevent and restrain violations of this  
12 chapter.

13 Sec. 6. NEW SECTION. 10C.5 REPEAL.

14 Sections 10C.1 through 10C.4 and this section are  
15 repealed July 1, 2004.

16 Sec. 7. NEW SECTION. 10C.6 EXISTING LIFE SCIENCE  
17 ENTERPRISES.

18 This section applies on and after July 1, 2004.

19 1. a. A life science enterprise may acquire or  
20 hold agricultural land, notwithstanding section 10C.5  
21 as that section exists in the 2003 Code or 2003 Code  
22 Supplement, if all of the following applies:

23 (1) The life science enterprise acquires the  
24 agricultural land on or before June 30, 2004.

25 (2) The enterprise acquires or holds the  
26 agricultural land pursuant to chapter 10C as that  
27 chapter exists in the 2003 Code or 2003 Code  
28 Supplement.

29 (3) The economic development board has approved a  
30 life science enterprise plan filed on or before June  
31 30, 2004 with the board. The enterprise must acquire  
32 or hold the agricultural land pursuant to the plan

33 which may be amended at any time and approved by the  
34 board pursuant to section 15.104.

35 b. The life science enterprise must file a report  
36 with the secretary of state as provided in section  
37 10B.4.

38 2. A person who is a successor in interest to a  
39 life science enterprise may acquire or hold  
40 agricultural land, notwithstanding section 10C.5 as  
41 that section exists in the 2003 Code or 2003 Code  
42 Supplement, if all of the following applies:

43 a. The person meets the qualifications of a life  
44 science enterprise and acquires or holds the  
45 agricultural land as provided in chapter 10C as that  
46 chapter exists in the 2003 Code or 2003 Code  
47 Supplement.

48 b. The person acquires or holds the agricultural  
49 land according to the life science enterprise plan  
50 filed by the person's predecessor in interest and

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1 approved by the economic development board. The plan  
2 may be amended at any time and approved by the board  
3 pursuant to section 15.104.

4 c. The person has filed a notice with the economic  
5 development board as required by the board. The  
6 notice shall state that the person is a successor in  
7 interest. The notice must be filed with the board  
8 within thirty days following the person's acquisition  
9 of the interest.

10 d. The person must file a report as a life science  
11 enterprise with the secretary of state as provided in  
12 section 10B.4.

13 Sec. 8. Section 15.104, Code 1999, is amended by  
14 adding the following new subsection:

15 NEW SUBSECTION. 4A. Review and approve or  
16 disapprove a life science enterprise plan or  
17 amendments to that plan as provided in chapter 10C as  
18 that chapter exists on or before June 30, 2004, and  
19 according to rules adopted by the board. A life  
20 science plan shall make a reasonable effort to provide  
21 for participation by persons who are individuals or  
22 family farm entities actively engaged in farming as  
23 defined in section 10.1. The persons may participate  
24 in the life science enterprise by holding an equity  
25 position in the life science enterprise or providing  
26 goods or service to the enterprise under contract.  
27 The plan must be filed with the board not later than  
28 June 30, 2004. The life science enterprise may file  
29 an amendment to a plan at any time. A life science  
30 enterprise is not eligible to file a plan, unless the  
31 life science enterprise files a notice with the board.

32 The notice shall be a simple statement indicating that  
33 the life science enterprise may file a plan as  
34 provided in this section. The notice must be filed  
35 with the board within thirty days from the effective  
36 date of this Act. The notice, plan, or amendments  
37 shall be submitted by a life science enterprise as  
38 provided by the board. The board shall consult with  
39 the department of agriculture and land stewardship  
40 during its review of a life science plan or amendments  
41 to that plan. The plan shall include information  
42 regarding the life science enterprise as required by  
43 rules adopted by the board, including but not limited  
44 to all of the following:  
45 a. A description of life science products to be  
46 developed by the enterprise.  
47 b. The time frame required by the enterprise to  
48 develop the life science products.  
49 c. The amount of capital investment required by  
50 the enterprise to develop the life science products.

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1 d. The number of acres of land required to produce  
2 the life science products.  
3 e. The type and extent of participation in the  
4 life science enterprise by persons who are individuals  
5 or family farm entities. If the plan does not provide  
6 for participation or minimal participation, the plan  
7 shall include a detailed explanation of the reasonable  
8 effort made by the life science enterprise to provide  
9 for participation.  
10 Sec. 9. DIRECTIONS TO CODE EDITOR. The Code  
11 editor may transfer section 10C.6 to another chapter  
12 in the 2005 Code, and correct internal references as  
13 necessary in order to enhance the readability of the  
14 Code.  
15 Sec. 10. EFFECTIVE DATE. This Act, being deemed  
16 of immediate importance, takes effect upon enactment."

KEN VEENSTRA  
JOHN P. KIBBIE

S-5287

1 Amend the amendment, S-5166, to House File 2474, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by inserting after line 21 the  
5 following:  
6 "c. A qualified school nurse in each attendance  
7 center accessible to students during specified hours  
8 throughout the school day who meets the licensing

9 standards prescribed by the board of nurse examiners.  
10 The school nurse shall assist in the development and  
11 implementation of the school health services program  
12 policy adopted pursuant to subsection 9A."  
13 2. Page 2, line 15, by striking the words  
14 "specialist and" and inserting the following:  
15 "specialist".  
16 3. Page 2, line 19, by inserting after the word  
17 "program" the following: "and that an accredited  
18 nonpublic school or school district have a qualified  
19 school nurse".

MICHAEL W. CONNOLLY

S-5288

1 Amend the amendment, S-5135, to House File 2198, as  
2 passed by the House, as follows:  
3 1. Page 1, by striking lines 3 through 29 and  
4 inserting the following:  
5 "\_\_\_\_. Page 1, by striking lines 1 through 13 and  
6 inserting the following:  
7 "Section 1. Section 257.3, subsection 2,  
8 unnumbered paragraph 2, Code 1999, is amended to read  
9 as follows:  
10 For purposes of this section, a reorganized school  
11 district is one which absorbed at least thirty percent  
12 of the enrollment of the school district affected by a  
13 reorganization or dissolved during a dissolution and  
14 in which action to bring about a reorganization or  
15 dissolution was initiated by a vote of the board of  
16 directors or jointly by the affected boards of  
17 directors ~~prior to~~ after November 30, ~~1999~~ 2000, and  
18 the reorganization or dissolution takes effect on or  
19 after July 1, ~~1991~~ 2001, and on or before July 1, ~~1993~~  
20 2003. Each district which initiated, by a vote of the  
21 board of directors or jointly by the affected boards,  
22 action to bring about a reorganization or dissolution  
23 ~~by~~ after November 30, ~~1999~~ 2000, shall certify the  
24 date and the nature of the action taken to the  
25 department of education by September 1, ~~1991~~ 2001.  
26 Sec. 2. Section 257.3, subsection 2, unnumbered  
27 paragraphs 3 and 4, Code 1999, are amended by striking  
28 the unnumbered paragraphs.  
29 Sec. 3. Section 257.4, subsection 2, unnumbered  
30 paragraph 2, Code 1999, is amended to read as follows:  
31 For purposes of this section, a reorganized school  
32 district is one in which action to bring about a  
33 reorganization was initiated by a vote of the board of  
34 directors or jointly by the affected boards of  
35 directors ~~prior to~~ after November 30, ~~1999~~ 2000, and  
36 the reorganization will take effect on or after July

37 1, ~~1991~~ 2001, and on or before July 1, ~~1993~~ 2003.  
38 Each district which initiated, by a vote of the board  
39 of directors or jointly by the affected boards, action  
40 to bring about a reorganization or dissolution ~~by~~  
41 after November 30, ~~1990~~ 2000, shall certify the date  
42 and the nature of the action taken to the department  
43 of education by September 1, ~~1991~~ 2001.  
44 Sec. 4. Section 257.11, subsection 3, Code 1999,  
45 is amended to read as follows:  
46 3. WHOLE GRADE SHARING. For the budget years  
47 beginning July 1, ~~1991~~ 2000, and July 1, ~~1992~~ 2001, in  
48 districts that have executed whole grade sharing  
49 agreements under sections 282.10 through 282.12, the  
50 school budget review committee shall assign a an

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1 additional weighting equal to ~~one plus an additional~~  
2 ~~portion of one times the percent forty-eight~~  
3 ~~hundredths of the percentage~~ of the pupil's school day  
4 in which a pupil attends classes in another district  
5 or a community college, attends classes taught by a  
6 teacher who is employed jointly under section 280.15,  
7 or attends classes taught by a teacher who is employed  
8 by another district. The assignment of additional  
9 weighting to a school district shall continue for a  
10 period of five years. If the school district  
11 reorganizes during that five-year period, the  
12 assignment of the additional weighting shall be  
13 transferred to the reorganized district until the  
14 expiration of the five-year period. ~~If a school~~  
15 ~~district was receiving additional weighting for whole~~  
16 ~~grade sharing under section 442.30, subsection 2, Code~~  
17 ~~1989, the district shall continue to be assigned~~  
18 ~~additional weighting for whole grade sharing by the~~  
19 ~~school budget review committee under this subsection~~  
20 ~~so that the district is assigned the additional~~  
21 ~~weighting for whole grade sharing for a total period~~  
22 ~~of five years.~~

23 Sec. 5. Section 257.11, subsection 5, Code 1999,  
24 is amended to read as follows:  
25 5. SHARED SUPERINTENDENTS. For the budget years  
26 beginning July 1, ~~1991~~ 2000, and July 1, ~~1992~~ 2001,  
27 pupils enrolled in a school district in which the  
28 superintendent is employed jointly under section  
29 280.15 or under section 273.7A, are assigned a an  
30 additional weighting of ~~one plus an additional portion~~  
31 ~~of one for the superintendent who is jointly employed~~  
32 two hundredths times the percent of the  
33 superintendent's time in which the superintendent is  
34 employed in the school district. However, the total  
35 additional weighting assigned under this subsection



for a budget year for a school district shall not exceed ~~seven and one half~~ and the total additional weighting added cumulatively to the enrollment of school districts sharing a superintendent shall not exceed ~~twelve and one half~~ five. The assignment of additional weighting to a school district shall continue for a period of five years. If the school district reorganizes during that five-year period, the assignment of the additional weighting shall be transferred to the reorganized district until the expiration of the five-year period.

~~If a district was receiving additional weighting for superintendent sharing or administrator sharing under section 442.30, subsection 4, Code 1980, the district shall continue to be assigned additional~~

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~~weighting for superintendent sharing or administrator sharing by the school budget review committee under this subsection so that the district is assigned the additional weighting for sharing for a total period of five years.~~

For purposes of this section, "superintendent" includes a person jointly employed under section 273.7A or section 280.15 to serve in the capacity of a school superintendent and who holds a superintendent's endorsement issued under chapter 272 by the board of educational examiners.

Sec. 6. Section 257.12, unnumbered paragraph 1, Code 1999, is amended to read as follows:

In determining weighted enrollment under section 257.6, if the board of directors of a school district has approved a contract for whole grade sharing under ~~section 442.30, subsection 2 or 4, Code 1991, or~~ section 257.11 and the school district has initiated an action ~~prior to~~ after November 30, ~~1990~~ 2000, to bring about a reorganization, the reorganized school district shall include, for a period of ~~six~~ five years following the effective date of the reorganization, additional pupils added by the application of the supplementary weighting plan, equal to the pupils added by the application of the supplementary weighting plan in the year preceding the reorganization. For the purposes of this paragraph, the weighted enrollment for the period of ~~six~~ five years following the effective date of reorganization shall include the supplementary weighting in the base year used for determining the combined district cost for the first year of the reorganization. However, the weighting shall be reduced by the supplementary weighting added for a pupil whose residency is not

35 within the reorganized district. For purposes of this  
36 paragraph, a reorganized district is one in which the  
37 reorganization was approved in an election pursuant to  
38 sections 275.18 and 275.20 and takes effect on or  
39 after July 1, ~~1991~~ 2001, and on or before July 1, ~~1993~~  
40 2003. Each district which initiated, by a vote of the  
41 board of directors or jointly by the affected boards,  
42 action to bring about a reorganization or dissolution  
43 by November 30, ~~1999~~ 2000, shall certify the date and  
44 the nature of the action taken to the department of  
45 education by September 1, ~~1991~~ 2001."

46 \_\_\_\_\_. Title page, by striking lines 1 and 2 and  
47 inserting the following: "An Act relating to the  
48 establishment of reorganization and sharing incentives  
49 for"."

MICHAEL W. CONNOLLY  
JOHN P. KIBBIE  
PATRICIA HARPER

S-5289

1 Amend House File 2198, as passed by the House, as  
2 follows:  
3 1. Page 1, by striking lines 1 through 13 and  
4 inserting the following:  
5 "Section 1. Section 257.3, subsection 2,  
6 unnumbered paragraph 2, Code 1999, is amended to read  
7 as follows:  
8 For purposes of this section, a reorganized school  
9 district is one which absorbed at least thirty percent  
10 of the enrollment of the school district affected by a  
11 reorganization or dissolved during a dissolution and  
12 in which action to bring about a reorganization or  
13 dissolution was initiated by a vote of the board of  
14 directors or jointly by the affected boards of  
15 directors ~~prior to~~ after November 30, ~~1999~~ 2000, and  
16 the reorganization or dissolution takes effect on or  
17 after July 1, ~~1991~~ 2001, and on or before July 1, ~~1993~~  
18 2003. Each district which initiated, by a vote of the  
19 board of directors or jointly by the affected boards,  
20 action to bring about a reorganization or dissolution  
21 ~~by~~ after November 30, ~~1999~~ 2000, shall certify the  
22 date and the nature of the action taken to the  
23 department of education by September 1, ~~1991~~ 2001.  
24 Sec. 2. Section 257.3, subsection 2, unnumbered  
25 paragraphs 3 and 4, Code 1999, are amended by striking  
26 the unnumbered paragraphs.  
27 Sec. 3. Section 257.4, subsection 2, unnumbered  
28 paragraph 2, Code 1999, is amended to read as follows:  
29 For purposes of this section, a reorganized school  
30 district is one in which action to bring about a

31 reorganization was initiated by a vote of the board of  
32 directors or jointly by the affected boards of  
33 directors ~~prior to~~ after November 30, ~~1990~~ 2000, and  
34 the reorganization will take effect on or after July  
35 1, ~~1991~~ 2001, and on or before July 1, ~~1993~~ 2003.  
36 Each district which initiated, by a vote of the board  
37 of directors or jointly by the affected boards, action  
38 to bring about a reorganization or dissolution ~~by~~  
39 after November 30, 1990, shall certify the date and  
40 the nature of the action taken to the department of  
41 education by September 1, ~~1991~~ 2001.

42 Sec. 4. Section 257.11, subsection 3, Code 1999,  
43 is amended to read as follows:

44 3. WHOLE GRADE SHARING. For the budget years  
45 beginning July 1, ~~1991~~ 2000, and July 1, ~~1992~~ 2001, in  
46 districts that have executed whole grade sharing  
47 agreements under sections 282.10 through 282.12, the  
48 school budget review committee shall assign a  
49 additional weighting equal to ~~one plus an additional~~  
50 ~~portion of one times the percent~~ forty-eight

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1 hundredths of the percentage of the pupil's school day  
2 in which a pupil attends classes in another district  
3 or a community college, attends classes taught by a  
4 teacher who is employed jointly under section 280.15,  
5 or attends classes taught by a teacher who is employed  
6 by another district. The assignment of additional  
7 weighting to a school district shall continue for a  
8 period of five years. If the school district  
9 reorganizes during that five-year period, the  
10 assignment of the additional weighting shall be  
11 transferred to the reorganized district until the  
12 expiration of the five-year period. ~~If a school~~  
13 ~~district was receiving additional weighting for whole~~  
14 ~~grade sharing under section 442.39, subsection 2, Code~~  
15 ~~1989, the district shall continue to be assigned~~  
16 ~~additional weighting for whole grade sharing by the~~  
17 ~~school budget review committee under this subsection~~  
18 ~~so that the district is assigned the additional~~  
19 ~~weighting for whole grade sharing for a total period~~  
20 ~~of five years.~~

21 Sec. 5. Section 257.11, subsection 5, Code 1999,  
22 is amended to read as follows:

23 5. SHARED SUPERINTENDENTS. For the budget years  
24 beginning July 1, ~~1991~~ 2000, and July 1, ~~1992~~ 2001,  
25 pupils enrolled in a school district in which the  
26 superintendent is employed jointly under section  
27 280.15 or under section 273.7A, are assigned a  
28 additional weighting of ~~one plus an additional portion~~  
29 ~~of one for the superintendent who is jointly employed~~

30 ~~two hundredths~~ times the percent of the  
31 superintendent's time in which the superintendent is  
32 employed in the school district. However, the total  
33 additional weighting assigned under this subsection  
34 for a budget year for a school district shall not  
35 exceed ~~seven and one half~~ and the total additional  
36 ~~weighting added cumulatively to the enrollment of~~  
37 ~~school districts sharing a superintendent shall not~~  
38 ~~exceed twelve and one half~~ five. The assignment of  
39 additional weighting to a school district shall  
40 continue for a period of five years. If the school  
41 district reorganizes during that five-year period, the  
42 assignment of the additional weighting shall be  
43 transferred to the reorganized district until the  
44 expiration of the five-year period.  
45 ~~If a district was receiving additional weighting~~  
46 ~~for superintendent sharing or administrator sharing~~  
47 ~~under section 442.39, subsection 4, Code 1989, the~~  
48 ~~district shall continue to be assigned additional~~  
49 ~~weighting for superintendent sharing or administrator~~  
50 ~~sharing by the school budget review committee under~~

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1 ~~this subsection so that the district is assigned the~~  
2 ~~additional weighting for sharing for a total period of~~  
3 ~~five years.~~  
4 For purposes of this section, "superintendent"  
5 includes a person jointly employed under section  
6 273.7A or section 280.15 to serve in the capacity of a  
7 school superintendent and who holds a superintendent's  
8 endorsement issued under chapter 272 by the board of  
9 educational examiners.  
10 Sec. 6. Section 257.12, unnumbered paragraph 1,  
11 Code 1999, is amended to read as follows:  
12 In determining weighted enrollment under section  
13 257.6, if the board of directors of a school district  
14 has approved a contract for whole grade sharing under  
15 ~~section 442.39, subsection 2 or 4, Code 1991, or~~  
16 section 257.11 and the school district has initiated  
17 an action ~~prior to~~ after November 30, ~~1999~~ 2000, to  
18 bring about a reorganization, the reorganized school  
19 district shall include, for a period of ~~six~~ five years  
20 following the effective date of the reorganization,  
21 additional pupils added by the application of the  
22 supplementary weighting plan, equal to the pupils  
23 added by the application of the supplementary  
24 weighting plan in the year preceding the  
25 reorganization. For the purposes of this paragraph,  
26 the weighted enrollment for the period of ~~six~~ five  
27 years following the effective date of reorganization  
28 shall include the supplementary weighting in the base

29 year used for determining the combined district cost  
 30 for the first year of the reorganization. However,  
 31 the weighting shall be reduced by the supplementary  
 32 weighting added for a pupil whose residency is not  
 33 within the reorganized district. For purposes of this  
 34 paragraph, a reorganized district is one in which the  
 35 reorganization was approved in an election pursuant to  
 36 sections 275.18 and 275.20 and takes effect on or  
 37 after July 1, ~~1991~~ 2001, and on or before July 1, ~~1993~~  
 38 2003. Each district which initiated, by a vote of the  
 39 board of directors or jointly by the affected boards,  
 40 action to bring about a reorganization or dissolution  
 41 by November 30, ~~1999~~ 2000, shall certify the date and  
 42 the nature of the action taken to the department of  
 43 education by September 1, ~~1991~~ 2001."  
 44 2. Title page, by striking lines 1 and 2 and  
 45 inserting the following: "An Act relating to the  
 46 establishment of reorganization and sharing incentives  
 47 for".

MICHAEL W. CONNOLLY  
 JOHN P. KIBBIE  
 PATRICIA HARPER

S-5290

1 Amend Senate File 2435 as follows:  
 2 1. Page 54, by inserting after line 26, the  
 3 following:  
 4 "Sec. \_\_\_\_ CERTIFIED NURSE AIDES -- PROJECT.  
 5 There is appropriated from the senior living trust  
 6 fund, created pursuant to section 249H.4, as enacted  
 7 in 2000 Iowa Acts, Senate File 2193, to the department  
 8 of human services for the fiscal year beginning July  
 9 1, 2000, and ending June 30, 2001, the following  
 10 amount, or so much thereof as is necessary, to  
 11 continue the recruitment and retention strategies  
 12 project to provide additional training and support for  
 13 certified nurse aides employed by nursing facilities:  
 14 .....\$ 65,000"  
 15 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5291

1 Amend Senate File 2435 as follows:  
 2 1. Page 27, by striking lines 8 through 10 and  
 3 inserting the following: "and human services.  
 4 Notwithstanding section 237A.13, if enacted by 2000  
 5 Iowa Acts, Senate File 2344, if expressly authorized  
 6 by law, based upon the general assembly's

7 determination of the availability of the funding  
8 provided in this Act and other funding appropriated  
9 for state child care assistance, the department  
10 shall".

11 2. Page 28, by inserting after line 23 the  
12 following:

13 " \_\_\_\_\_. The department shall not implement waiting  
14 lists for state child care assistance without express  
15 authorization in law. By January 15, 2001, the  
16 department shall notify the members of the joint  
17 appropriations subcommittee on human services and the  
18 other persons designated by this Act to receive  
19 reports regarding the expenditures from state  
20 appropriations, federal temporary assistance for needy  
21 families block grant appropriations, and other federal  
22 appropriations for child care assistance. The  
23 notification shall include analysis of the amount of  
24 additional expenditures necessary due to use of the  
25 1998 rate survey to establish reimbursement rates, the  
26 department's projections as to the extent of the  
27 expenditures from the appropriations for the remainder  
28 of the fiscal year, and other information. It is the  
29 intent of the general assembly to take appropriate  
30 action as necessary to avoid the establishment of  
31 waiting lists for state child care assistance during  
32 the fiscal year."

33 3. By renumbering as necessary.

MAGGIE TINSMAN

S-5292

1 Amend Senate File 2435 as follows:

2 1. Page 3, by striking lines 7 through 11 and  
3 inserting the following: "for fiscal year 2000-2001."

4 2. Page 3, line 23, by striking the word "day".

5 3. Page 3, line 30, by striking the word "day".

6 4. Page 3, line 34, by striking the word "day".

7 5. Page 3, line 35, by striking the word "day".

8 6. Page 4, line 22, by inserting after the word  
9 and figure "October 1," the following: "1998, and  
10 ending September 30, 1999, and beginning October 1,".

11 7. Page 8, by striking lines 17 through 20 and  
12 inserting the following:

13 "d. The department shall continue to make  
14 entrepreneurial training available to families  
15 receiving assistance under the family investment  
16 program. The department may contract for these  
17 services."

18 8. Page 9, line 6, by inserting after the word  
19 "positions" the following: "which are in addition to  
20 any other full-time equivalent positions authorized by

21 this Act".

22 9. Page 16, line 25, by striking the figure  
23 "275.22" and inserting the following: "272.40".

24 10. Page 22, line 7, by striking the word  
25 "equitably" and inserting the following: "equally".

26 11. Page 22, by striking lines 18 through 21, and  
27 inserting the following: "submit a progress report by  
28 December 15, 2001, and a final report by December 15,  
29 2002, to the general assembly. The department shall  
30 adopt rules which comply with the notice of intended  
31 action requirements of section 17A.4, subsection 1,  
32 and which may be adopted as emergency rules after  
33 notice is provided pursuant to section 17A.5,  
34 subsection 2. The rules shall be reevaluated by the  
35 department of human services with input from the Iowa  
36 medical society and the Iowa pharmacy association,  
37 upon submission of the final report or December 15,  
38 2002, whichever occurs first."

39 12. Page 24, by striking line 12 and inserting  
40 the following: "section to be used for the purpose  
41 of".

42 13. Page 24, line 17, by striking the words "A  
43 participating insurer" and inserting the following:  
44 "The administrative contractor".

45 14. Page 24, line 19, by inserting after the word  
46 "cost" the following: "reported by each participating  
47 insurer".

48 15. Page 29, line 8, by striking the figure  
49 "229.53" and inserting the following: "227.93".

50 16. Page 30, line 27, by striking the figure

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1 "7,059,682" and inserting the following: "7,060,104".

2 17. Page 31, line 19, by striking the words  
3 "prior fiscal year" and inserting the following:  
4 "fiscal year ending June 30, 1999".

5 18. Page 35, line 15, by striking the figure  
6 "4,758,000" and inserting the following: "4,108,000".

7 19. Page 35, line 29, by striking the figure  
8 "688,167" and inserting the following: "687,876".

9 20. Page 35, line 31, by striking the words "with  
10 an".

11 21. Page 35, by striking lines 32 and 33 and  
12 inserting the following: "for the school year and  
13 summer school period, with an average cost of \$41 per  
14 day over the usual period of treatment. Funding shall  
15 be distributed in an equitable".

16 22. Page 38, line 9, by striking the words "and  
17 to expand to two new counties".

18 23. Page 38, line 33, by striking the figure  
19 "249.24" and inserting the following: "248.44".

- 20 24. Page 39, line 10, by striking the figure  
21 "347.89" and inserting the following: "346.71".  
22 25. Page 39, line 35, by striking the figure  
23 "109.83" and inserting the following: "109.47".  
24 26. Page 47, line 32, by striking the figure  
25 "20.00" and inserting the following: "17.93".  
26 27. Page 48, line 13, by striking the figure  
27 "1,921.50" and inserting the following: "1,918.54".  
28 28. Page 48, line 20, by striking the figure  
29 "154.50" and inserting the following: "154.16".  
30 29. Page 48, line 30, by striking the figure  
31 "366.00" and inserting the following: "358.13".  
32 30. Page 51, line 8, by striking the figure  
33 "2000" and inserting the following: "1999".  
34 31. By striking page 51, line 10, through page  
35 52, line 6, and inserting the following: "reports.  
36 At such time as the department implements a  
37 transitional case -mix reimbursement methodology  
38 pursuant to 2000 Iowa Acts, Senate File 2193, nursing  
39 facilities shall be reimbursed in accordance with the  
40 transitional payment system.  
41 b. Nursing facilities reimbursed under the medical  
42 assistance program shall continue to submit cost  
43 reports and additional documentation as required by  
44 rule. Any cost report shall also include a line  
45 itemization of expenses attributable to the home or  
46 principal office or headquarters of the nursing  
47 facility within the administrative cost line item."  
48 32. By renumbering as necessary.

MAGGIE TINSMAN

S-5293

- 1 Amend Senate File 2435 as follows:  
2 1. Page 47, line 33, by striking the figure and  
3 words "\$250,000 of the" and inserting the following:  
4 "any".  
5 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5294

- 1 Amend House File 2491, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, by inserting after line 24, the  
4 following:  
5 "However, a life science enterprise shall not  
6 acquire or hold agricultural land, if the life science



7 enterprise receives any form of financing from the  
8 Iowa agricultural industry finance corporation as  
9 provided in chapter 15E."

JOHN P. KIBBIE  
DERRYL McLAREN  
MERLIN E. BARTZ  
BETTY A. SOUKUP

S-5295

1 Amend the amendment, S-5165, to House File 2519, as  
2 passed by the House, as follows:

3 1. Page 9, by inserting after line 41 the  
4 following:

5 "Sec. 101. Section 907.8A, Code Supplement 1999,  
6 is amended to read as follows:

7 907.8A ~~SIXTH~~ JUDICIAL DISTRICT PILOT PROJECT --  
8 DETERMINATION OF ISSUES DURING PROBATIONARY PERIOD.

9 1. Except as otherwise provided, the probation  
10 violation sanctioning jurisdiction of the court in the  
11 sixth judicial district selected by the department of  
12 corrections to participate in a pilot probation  
13 revocation project shall be transferred to an  
14 administrative parole and probation judge upon entry  
15 of the sentencing order for each person who is  
16 sentenced to the custody of the director of the  
17 department of corrections and whose sentence is  
18 suspended. The court shall retain jurisdiction to  
19 establish the amount of restitution, approve the plan  
20 of restitution, and for reconsideration of the  
21 original sentence. The court shall also retain  
22 jurisdiction for arrest warrants, initial appearances,  
23 preliminary probation violation informations, bond  
24 proceedings, violations of restitution plans, and  
25 appointment of counsel. If a person is not sentenced  
26 to the custody of the director of the department of  
27 corrections the court shall retain the jurisdiction  
28 over matters relating to those cases.

29 2. All issues relating to whether the probationer  
30 has violated or fulfilled the terms and conditions of  
31 probation, including but not limited to express  
32 violations of a specific term of probation, new  
33 violations of the law, and changes of the term of  
34 probation as provided in sections 907.7, 908.11, and  
35 910.4, which would otherwise be determined by the  
36 court, shall be determined instead by an  
37 administrative parole and probation judge. The  
38 administrative parole and probation judge, who shall  
39 be an attorney, shall be appointed by the board of  
40 parole, notwithstanding chapter 17A. The costs of  
41 employing the administrative parole and probation

42 judge shall be borne by the board of parole.  
43 A probation hearing conducted by an administrative  
44 parole and probation judge shall be conducted in the  
45 same manner as hearings regarding revocations or  
46 modifications of or discharge from parole. The  
47 hearing may be conducted electronically. The  
48 probation officer shall notify the county attorney at  
49 least five days prior to any probation hearing. The  
50 interests of the state shall be represented by the

## Page 2

1 probation officer at the probation hearing, unless the  
2 county attorney or the county attorney's designee  
3 elects to assist the probation officer. The board of  
4 parole, the department of corrections, and the clerk  
5 of the district court in the ~~sixth~~ judicial district  
6 selected by the department of corrections to  
7 participate in the pilot probation revocation project  
8 shall devise and implement a system for the filing of  
9 documents and records of probation hearings conducted  
10 under this section. The system shall allow for the  
11 electronic filing of records and documents where  
12 electronic filing is practicable.

13 3. Appeals from orders of the administrative  
14 parole and probation judge which pertain to the  
15 revocations or modifications of or discharge from  
16 probation shall be conducted in the manner provided in  
17 rules adopted by the board of parole.

18 Sec. 102. Section 908.11, subsections 4 and 5,  
19 Code 1999, are amended to read as follows:

20 4. If the person who is believed to have violated  
21 the conditions of probation was sentenced and placed  
22 on probation in the ~~sixth~~ judicial district selected  
23 by the department of corrections to participate in the  
24 pilot probation revocation project under section  
25 907.8A, or jurisdiction over the person was  
26 transferred to the ~~sixth~~ judicial district selected by  
27 the department of corrections to participate in the  
28 pilot probation revocation project as a result of  
29 transfer of the person's probation supervision, the  
30 functions of the liaison officer and the board of  
31 parole may be performed by the administrative parole  
32 and probation judge as provided in section 907.8A.

33 5. If the probation officer proceeds by arrest and  
34 section 907.8A applies, the administrative parole and  
35 probation judge may conduct the probable cause hearing  
36 and probation revocation hearing. The probable cause  
37 hearing and probation revocation hearing may, at the  
38 discretion of the administrative parole and probation  
39 judge, be merged into a single hearing when it appears  
40 that the alleged violator will not be prejudiced by

41 the merger. An administrative parole and probation  
42 judge may conduct any or all appearances or hearings  
43 electronically or by telephone. An administrative  
44 parole and probation judge may reconsider a person's  
45 sentence in the manner provided in sections 902.4 and  
46 903.2 if reconsideration is deemed appropriate and the  
47 person's probation was revoked by an administrative  
48 parole and probation judge in the ~~sixth~~ judicial  
49 district selected by the department of corrections to  
50 participate in a pilot probation revocation project.

### Page 3

1 The sheriff shall coordinate and provide  
2 transportation and security for probation hearings  
3 conducted by an administrative parole and probation  
4 judge.  
5 Sec. \_\_\_\_ 1998 Iowa Acts, chapter 1197, section  
6 11, is repealed."  
7 2. Page 10, by inserting after line 1 the  
8 following:  
9 "Sec. \_\_\_\_ PILOT PROJECT EVALUATIONS.  
10 1. The division of criminal and juvenile justice  
11 planning of the department of human rights, in  
12 cooperation with the court, prosecutors, and community  
13 corrections personnel of the sixth judicial district  
14 and representatives of the board of parole, shall  
15 conduct an evaluation of the effectiveness of the  
16 sixth judicial district probation pilot project. The  
17 evaluation shall include but shall not be limited to a  
18 comparative assessment of the effect of the use of an  
19 administrative parole and probation judge on the  
20 efficient processing of cases, sentences imposed,  
21 number of revocations, and offender compliance with  
22 sentence terms in the sixth judicial district. The  
23 evaluation shall be submitted in a report to the  
24 general assembly which convenes in January 2001, or,  
25 if the department of corrections selects the sixth  
26 judicial district to participate in the pilot  
27 probation revocation project until June 30, 2002, to  
28 the general assembly which convenes in January 2003.  
29 2. If the department of corrections selects a  
30 judicial district other than the sixth judicial  
31 district to participate in the pilot probation  
32 revocation project until June 30, 2002, the division  
33 of criminal and juvenile justice planning of the  
34 department of human rights, in cooperation with the  
35 court, prosecutors, and community corrections  
36 personnel of the judicial district selected and  
37 representatives of the board of parole, shall conduct  
38 an evaluation of the effectiveness of the probation  
39 pilot project for the selected judicial district. The

40 evaluation shall include but shall not be limited to a  
41 comparative assessment of the effect of the use of an  
42 administrative parole and probation judge on the  
43 efficient processing of cases, sentences imposed,  
44 number of revocations, and offender compliance with  
45 sentence terms in the selected judicial district. The  
46 evaluation shall be submitted in a report to the  
47 general assembly which convenes in January 2003.  
48 Sec. \_\_\_\_ Sections 101 and 102 of this Act are  
49 repealed June 30, 2002."  
50 3. Page 10, lines 15 and 16, by striking the

**Page 4**

- 1 words "delayed repeal of the sixth".  
2 4. By renumbering as necessary.

ROBERT E. DVORSKY  
JEFF ANGELO

S-5296

- 1 Amend House File 2463, as passed by the House, as  
2 follows:  
3 1. Page 15, by inserting after line 11 the  
4 following:  
5 "1. The amendment to section 19A.9, subsection 12,  
6 in section 12 of this Act, being deemed of immediate  
7 importance, takes effect upon enactment and is  
8 retroactively applicable to January 1, 2000, and is  
9 applicable on and after that date."  
10 2. Page 15, line 12, by inserting before the word  
11 and figure "Section 14" the following: "2."

ELAINE SZYMONIAK

S-5297

- 1 Amend Senate File 2435 as follows:  
2 1. Page 59, by inserting after line 25, the  
3 following:  
4 "Sec. \_\_\_\_ 2000 Iowa Acts, Senate File 2193,  
5 section 20, subsection 3, unnumbered paragraph 1, is  
6 amended to read as follows:  
7 To implement nursing facility provider  
8 reimbursement at the seventieth percentile of facility  
9 costs as calculated from the June 30, 1999, unaudited  
10 compilation of cost and statistical data submitted by  
11 each facility on medical assistance cost reports and

12 to implement case -mix reimbursement methodology  
13 changes:  
14 .....\$ 17,750,000"

MAGGIE TINSMAN

S-5298

1 Amend House File 2502, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by inserting after line 26 the  
4 following:  
5 "Sec. \_\_\_\_ APPLICABILITY.  
6 1. This Act shall apply to all counties except  
7 those counties described in subsection 2.  
8 2. This Act shall not apply to counties which  
9 budgeted and funded, for the fiscal year beginning  
10 July 1, 1999, uniform law enforcement patrol services  
11 by the county sheriff from the rural services fund,  
12 unless the counties increase the funding from the  
13 rural services fund above the amount in the budget  
14 certified on or before March 15, 2000.  
15 3. However, this Act shall also apply to counties  
16 described in subsection 2, after the last day of the  
17 regular session of the general assembly which convenes  
18 following the final court decision pertaining to  
19 litigation pending before the district court of Lyon  
20 or Story county addressing the issue of funding of  
21 uniform law enforcement patrol services provided by  
22 the county sheriff, whichever decision is issued  
23 last."  
24 2. Title page, line 3, by inserting after the  
25 word "expenses" the following: "and providing  
26 applicability dates."

MERLIN E. BARTZ

S-5299

1 Amend Senate File 2312 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 166D.2, Code 1999, is amended  
5 by adding the following new subsections:  
6 NEW SUBSECTION. 6A. "Buying station" means a  
7 concentration point where swine are assembled for  
8 purposes of sale and movement to a slaughtering  
9 establishment.  
10 NEW SUBSECTION. 7A. "Cleanup plan" means a herd  
11 cleanup plan or feeder pig cooperator herd cleanup  
12 plan as provided in section 166D.8.  
13 NEW SUBSECTION. 8A. "Cull swine" means mature

14 swine fed for purposes of direct slaughter. However,  
15 "cull swine" does not include swine kept for purposes  
16 of breeding or reproduction.  
17 NEW SUBSECTION. 26A. "Isowean feeder pig" means a  
18 feeder pig that weighs twenty pounds or less.  
19 Sec. 2. Section 166D.2, subsections 2, 11, 17, 19,  
20 38, and 42, Code 1999, are amended to read as follows:  
21 2. "Approved premises" means a dry lot facility  
22 located in an area with confirmed cases of  
23 pseudorabies infection, which is ~~authorized~~ certified  
24 by the department to receive, ~~hold, or and feed and~~  
25 move or relocate infected swine, ~~exposed animals, or~~  
26 swine of unknown status as provided in section  
27 166D.10B. ~~The premises and all swine on the premises~~  
28 ~~shall be considered under quarantine. However, swine~~  
29 ~~may be moved to slaughter under a transportation~~  
30 ~~certificate or may be moved to another pseudorabies~~  
31 ~~approved premises under a certificate of inspection.~~  
32 11. "Differentiable vaccine" means a vaccine which  
33 has a licensed companion differentiable test, and  
34 includes a modified-live differentiable vaccine.  
35 17. "Feeder pig" means an immature swine fed for  
36 purposes of direct slaughter which is weighs one  
37 hundred pounds or less than slaughter weight.  
38 19. "Feeder swine" means ~~a porcine animal~~ swine  
39 fed for purposes of direct slaughter, including feeder  
40 pigs, and ~~cull sows, and boars~~ swine. However,  
41 "feeder swine" does not include ~~animals~~ swine kept for  
42 purposes of breeding or reproduction.  
43 38. "Quarantined herd" means a herd in which  
44 pseudorabies infected or exposed swine are bred,  
45 reared, or fed under the supervision and control of  
46 the department, as provided in section 166D.9. ~~Swine~~  
47 ~~in a quarantined herd may be moved only to an approved~~  
48 ~~premises for feeding or to a recognized slaughtering~~  
49 ~~establishment for slaughter. Either movement may be~~  
50 ~~completed through a concentration point in compliance~~

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1 ~~with section 166D.12.~~  
2 42. "Restricted movement" means swine which are  
3 ~~quarantined until directly moved to slaughter~~ moved or  
4 relocated as provided in section 166D.10A.  
5 Sec. 3. Section 166D.2, subsections 4, 5, and 34,  
6 Code 1999, are amended by striking the subsections.  
7 Sec. 4. Section 166D.2, subsection 32, paragraph  
8 c, Code 1999, is amended by striking the paragraph.  
9 Sec. 5. Section 166D.3, unnumbered paragraph 1,  
10 Code 1999, is amended to read as follows:  
11 A state pseudorabies advisory committee is  
12 established. The committee shall consist of not more

than seven members who shall be appointed by the Iowa pork producers association. At least four members of the committee must be actively engaged in swine production. The members shall serve staggered terms of two years, except that the initial board members shall serve unequal terms. A person appointed to fill a vacancy for a member shall serve only for the unexpired portion of the term. A member is eligible for reappointment for three successive terms. A majority of the board constitutes a quorum and an affirmative vote of the majority of members is necessary for substantive action taken by the board. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the board. The advisory committee shall:

Sec. 6. Section 166D.3, subsection 1, Code 1999, is amended by striking the subsection.

Sec. 7. Section 166D.7, subsection 1, paragraph a, Code 1999, is amended to read as follows:

a. The herd shall be certified when all breeding swine have reacted negatively to a test. The herd must have been free from infection for thirty days prior to testing. At least ninety percent of swine in the herd must have been on the premises as a part of the herd for at least sixty days prior to testing, or swine in the herd must have been moved or relocated directly from another qualified negative herd. To remain certified, the herd must be retested and recertified as provided by the department. The herd shall be recertified when each month the greater of five head of swine or at least ten percent of the herd's breeding swine react negatively to a test. A herd shall not be certified or recertified, if the herd is located within a county which is

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designated by the department as in stage II of the national pseudorabies eradication program, pursuant to section 166D.11. However, this paragraph does not apply if the department exempts a qualified negative herd from being vaccinated with a modified-live differentiable vaccine as provided in section 166D.11.

Sec. 8. Section 166D.7, subsection 2, Code 1999, is amended by striking the subsection.

Sec. 9. Section 166D.7, subsection 3, paragraphs a and b, Code 1999, are amended to read as follows:

a. The herd shall be certified when a statistical

12 sampling of the herd is determined to be noninfected.  
13 ~~b. To~~ In order to remain certified the herd must  
14 be retested and recertified as provided by the  
15 department. The herd must be recertified annually.  
16 The herd shall be recertified when a statistical  
17 sampling of the herd is determined to be noninfected  
18 within twelve months from initial certification or the  
19 most recent recertification.

20 A herd shall not be certified or recertified, if  
21 the heard is located within a county which is  
22 designated by the department as in stage II of the  
23 national pseudorabies eradication program, unless the  
24 heard is vaccinated with a modified-live  
25 differentiable vaccine pursuant to section 166D.11 and  
26 as required by the department.

27 Sec. 10. Section 166D.7, subsection 4, paragraph  
28 a, Code 1999, is amended to read as follows:

29 a. The herd shall be certified when one hundred  
30 percent of breeding swine have reacted negatively to a  
31 test. The herd must have been free from infection for  
32 thirty days prior to testing. At least ninety percent  
33 of swine in the herd must have been on the premises as  
34 a part of the herd for at least sixty days prior to  
35 testing, or swine in the herd must have been directly  
36 moved ~~directly~~ or relocated from a qualified negative  
37 herd or qualified differentiable negative herd. A  
38 differentiable vaccine must be administered at  
39 intervals in accordance with the package insert for  
40 that vaccine. To remain certified, the herd must be  
41 retested and recertified as provided by the  
42 department. The herd shall be recertified when either  
43 of the following occurs:

44 (1) Each eighty to one hundred five days at least  
45 twenty-five percent of the herd's breeding swine react  
46 negatively to a test.

47 (2) Each month at least ten percent of the herd's  
48 breeding swine react negatively to a test.

49 A herd shall not be certified or recertified, if  
50 the herd is located within a county which is

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1 designated by the department as in stage II of the  
2 national pseudorabies eradication program, unless the  
3 herd is vaccinated with a modified-live differentiable  
4 vaccine pursuant to section 166D.11 and as required by  
5 the department. However, this paragraph does not  
6 apply if the department exempts a qualified  
7 differentiable negative herd from being vaccinated  
8 with a modified-live differentiable vaccine as  
9 provided in section 166D.11.

10 Sec. 11. Section 166D.8, Code 1999, is amended to



11 read as follows:

12 166D.8 INFECTED HERDS.

13 An infected herd ~~in a program area which is not~~  
14 quarantined under section 166D.9, shall either adopt a  
15 herd cleanup plan, or a feeder pig cooperator herd  
16 cleanup plan, or shall be quarantined.

17 1. a. A herd cleanup plan ~~may include any or a~~  
18 combination of the following:

19 (1) ~~The segregation of progeny with restricted~~  
20 movement. The herd cleanup plan must include the  
21 location of the premises that will receive the  
22 progeny. The receiving premises shall be quarantined.

23 (2) ~~The test shall apply to a herd, if feeder pigs~~  
24 are not moved from the herd. The plan shall provide  
25 for one of the following:

26 (1) ~~The testing of all swine capable of being~~  
27 accurately diagnosed with pseudorabies and the removal  
28 of infected swine from the herd.

29 (3) (2) ~~Depopulation.~~

30 b. ~~Notwithstanding paragraph "a", breeding swine~~  
31 ~~in an infected herd shall be tested and the infected~~  
32 ~~breeding swine shall be removed from the infected herd~~  
33 ~~in accordance with procedures and by dates established~~  
34 ~~by rules adopted by the department. A herd cleanup~~  
35 plan must be implemented as follows:

36 (1) ~~If the plan provides for the testing and~~  
37 removal of swine, all breeding swine must be tested  
38 with a differentiable test and react negatively to the  
39 test within fifteen days after the herd is classified  
40 by the department as infected. All breeding swine  
41 reacting positive to the test must be removed as  
42 provided in this section. At least thirty days after  
43 removal of the breeding swine testing positive, all  
44 remaining breeding swine must be tested and react  
45 negatively to the test. Subsequent testing and  
46 removal must be conducted as provided in this  
47 subparagraph until all breeding swine test negative.  
48 When all breeding swine are tested and react  
49 negatively to the test, the department shall classify  
50 the herd as a noninfected herd.

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1 (2) ~~The herd cleanup plan may provide for the~~  
2 relocation of feeder pigs or cull swine. If the plan  
3 provides for the relocation of feeder pigs, the plan  
4 must provide for the segregation of feeder pigs and  
5 identify in writing the approved premises where feeder  
6 pigs or cull swine may be relocated upon approval by  
7 the department.

8 2. A feeder pig cooperator herd ~~cleanup plan may~~  
9 ~~be adopted if~~ shall apply to a herd, if feeder pigs

10 are moved from the herd. The plan shall include all  
11 the requirements for a herd cleanup plan. In order to  
12 be subject to a feeder pig cooperator herd cleanup  
13 plan all of the following conditions ~~are~~ must be  
14 satisfied:  
15 a. There must have been no clinical signs of  
16 pseudorabies during the past thirty days.  
17 b. The production operation must be capable of  
18 segregating offspring at weaning into facilities  
19 separate and apart from the remainder of the herd.  
20 c. ~~An approved feeder pig cooperator herd plan~~  
21 ~~must be implemented.~~ The feeder pig cooperator herd  
22 cleanup plan must include the location of may provide  
23 for the movement or relocation of feeder pigs or cull  
24 swine. If the feeder pig cooperator herd cleanup plan  
25 provides for the movement or relocation of feeder pigs  
26 or cull swine, the plan must identify in writing the  
27 approved premises that will receive the progeny where  
28 the feeder pigs or cull swine may be moved or  
29 relocated as provided in section 166D.10B. The  
30 receiving premises shall be quarantined.  
31 3. ~~Infected herds in a program area which have not~~  
32 ~~adopted an official herd cleanup plan or feeder pig~~  
33 ~~cooperator herd plan shall be quarantined.~~  
34 4. ~~3.~~ Costs of ~~program~~ testing and vaccination  
35 ~~shall may~~ be paid as provided in section ~~166D.5~~  
36 ~~166D.11.~~  
37 4. ~~An infected herd outside a program area shall~~  
38 ~~either adopt a herd cleanup plan or a feeder pig~~  
39 ~~cooperator herd plan with restricted movement.~~ An  
40 infected herd not subject to ~~such a~~ cleanup plan shall  
41 be quarantined within ~~thirty~~ fifteen days of becoming  
42 a known infected herd ~~shall be quarantined.~~ An  
43 infected herd which is not subject to a ~~herd cleanup~~  
44 ~~plan or a feeder pig cooperator herd plan~~ is a  
45 quarantined herd.  
46 5. Swine which is part of a herd subject to a  
47 cleanup plan shall only be moved or relocated as  
48 required pursuant to section 166D.10. If the location  
49 where the herd is kept is an approved premises as  
50 provided in section 166D.10B, the cleanup plan shall

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1 include terms and conditions for being certified as an  
2 approved premises.  
3 Sec. 12. Section 166D.9, subsections 1 and 2, Code  
4 1999, are amended by striking the subsections and  
5 inserting in lieu thereof the following:  
6 1. Swine which is part of a quarantined herd shall  
7 only be moved by restricted movement in accordance  
8 with section 166D.10A.

9 Sec. 13. Section 166D.9, subsection 5, Code 1999,  
10 is amended by striking the subsection.

11 Sec. 14. Section 166D.10, subsection 1, paragraph  
12 b, Code 1999, is amended by adding the following new  
13 subparagraph:

14 NEW SUBPARAGRAPH. (4) The swine have a current  
15 negative pseudorabies status.

16 Sec. 15. Section 166D.10, subsections 3 through 6,  
17 Code 1999, are amended by striking the subsections and  
18 inserting in lieu thereof the following:

19 3. The following shall govern the movement or  
20 relocation of swine within this state, other than  
21 swine moved from an infected herd:

22 a. The following shall apply to the movement of  
23 swine:

24 (1) A person shall not move swine for breeding  
25 purposes, unless one of the following applies:

26 (a) The swine is moved from a qualified negative  
27 herd or qualified differentiable negative herd.

28 (b) The swine reacts negatively to a  
29 differentiable test, within thirty days prior to  
30 moving the swine.

31 (2) A person shall not move swine from a herd of  
32 unknown origin, unless one of the following applies:

33 (a) The swine reacts negatively to a  
34 differentiable test, within thirty days prior to  
35 moving the swine.

36 (b) The swine moves to a slaughtering  
37 establishment or a buying station for movement to a  
38 slaughtering establishment.

39 (c) The swine is a feeder pig or cull swine which  
40 is moved to an approved premises.

41 b. A person shall not relocate swine from a herd  
42 of unknown origin, unless the swine is a feeder pig or  
43 cull swine which is relocated to an approved premises.

44 c. A person shall not move or relocate swine, if  
45 the swine are moved or relocated from a herd located  
46 within a county which is designated by the department  
47 as in stage II of the national pseudorabies  
48 eradication program, unless the swine reacts  
49 negatively to a test and is vaccinated as provided in  
50 section 166D.11.

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1 4. The following shall govern the movement or  
2 relocation of swine within this state from an infected  
3 herd:

4 a. The following shall apply to swine that is part  
5 of a cleanup plan:

6 (1) For swine, other than feeder pigs or cull  
7 swine, which is part of a herd subject to a cleanup

8 plan, a person shall only move swine by restricted  
9 movement to a slaughtering establishment.  
10 (2) For a feeder pig or cull swine which is part  
11 of a herd subject to a herd cleanup plan, a person  
12 shall only move the feeder pig or cull swine by  
13 restricted movement to a slaughtering establishment or  
14 relocate the feeder pig or cull swine by restricted  
15 movement to an approved premises. For a feeder pig or  
16 cull swine which is part of a feeder pig cooperator  
17 herd cleanup plan, a person shall only move the feeder  
18 pig or cull swine by restricted movement to a  
19 slaughtering establishment or move or relocate the  
20 feeder pig or cull swine by restricted movement to an  
21 approved premises. However, a person shall not move  
22 or relocate a feeder pig or cull swine to an approved  
23 premises, unless the approved premises is identified  
24 in a cleanup plan as provided in section 166D.8, or  
25 the department approves the move or relocation to  
26 another approved premises. A person shall not move or  
27 relocate a cull swine to an approved premises, unless  
28 the cull swine reacts negatively to a test and is  
29 vaccinated with a differentiable vaccine. The test  
30 and vaccine must be administered within thirty days  
31 prior to the movement or relocation to the approved  
32 premises. A noninfected feeder pig is not required to  
33 be tested or vaccinated prior to movement or  
34 relocation to an approved premises, if the feeder pig  
35 is vaccinated upon arrival at the approved premises.  
36 (3) For swine from a herd kept on an approved  
37 premises as provided in section 166D.10B, a person  
38 shall only move or relocate the swine by restricted  
39 movement as provided in the cleanup plan governing the  
40 herd and terms and conditions of the certification  
41 required for the approved premises as provided in  
42 section 166D.10B.  
43 b. For swine which is not part of a herd that is  
44 subject to a cleanup plan, because the herd is  
45 quarantined, a person shall only move the swine by  
46 restricted movement to a slaughtering establishment.  
47 5. The following shall govern the movement of  
48 swine into this state:  
49 a. Swine, other than swine moved to a slaughtering  
50 establishment, shall not be moved into this state

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- 1 unless the swine originate from a noninfected herd.
- 2 b. Except as provided in this section, the owner
- 3 of swine shall vaccinate the swine with a
- 4 differentiable vaccine prior to moving swine into this
- 5 state. Once in this state, the owner of the swine
- 6 shall test the swine with a differentiable test within

thirty days after the swine is moved to a herd in this state. A person is not required to vaccinate swine prior to moving swine into this state or test the swine after the swine has been moved to a herd in this state, as otherwise provided in this paragraph, if one of the following applies:

(1) The swine is part of a herd that cannot be vaccinated under the law of the state in which the herd is kept immediately prior to being moved into this state.

(2) The swine is an isowean feeder pig.

(3) The swine is moved to a slaughtering establishment.

c. For swine, which is not vaccinated before being moved into this state as provided in this subsection, the following shall apply:

(1) For swine other than swine moved into this state as an isowean feeder pig, the owner of the swine must test the swine with a differentiable test within forty-eight hours after the swine moves into this state. If the swine reacts positively to the test, the swine must be moved by restricted movement as provided in this section. If the swine reacts negatively to the test, the swine must be immediately vaccinated with a differentiable vaccine. The swine shall be considered as part of a herd of unknown status, until tested negative and vaccinated or moved or relocated by restrictive movement.

(2) For swine moved into this state as an isowean feeder pig, the owner of the swine must test the swine with a differentiable test when the swine first reaches a weight of more than twenty pounds. If the swine reacts positively to the test, the swine must be moved by restricted movement as provided in this section. If the swine reacts negatively to the test, the swine must be immediately vaccinated with a differentiable vaccine. The department may require that the swine be revaccinated with a differentiable vaccine at a later date. The swine shall be considered as part of a herd of unknown status, until tested negative and vaccinated or moved or relocated by restrictive movement.

d. If the swine is located within a county which is designated by the department as in stage II of the

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national pseudorabies eradication program, the swine shall be vaccinated with a modified-live differentiable vaccine as provided in section 166D.11.

6. Swine moved under this section to a slaughtering establishment shall be moved for purpose

6 of slaughter. Swine moved or relocated to an approved  
7 premises shall be moved or relocated for purposes of  
8 feeding prior to slaughter as provided in section  
9 166D.10B.

10 Sec. 16. NEW SECTION. 166D.10A RESTRICTED  
11 MOVEMENT – REQUIREMENTS.

12 1. If swine must be moved or relocated by  
13 restricted movement as provided in section 166D.10,  
14 the swine shall only be transported by direct  
15 movement.

16 2. a. If a person moves or relocates swine  
17 subject to restricted movement, the person shall only  
18 move the swine to a slaughtering establishment or move  
19 or relocate the swine to an approved premises.

20 b. If a person receives swine subject to  
21 restricted movement, the person shall only receive the  
22 swine at a slaughtering establishment or an approved  
23 premises.

24 3. Swine required to be moved or relocated by  
25 restricted movement must be accompanied by a  
26 restricted movement permit, as provided by rules which  
27 must be adopted by the department. The department  
28 shall issue a restricted movement permit to the person  
29 moving or relocating the swine. The permit shall  
30 include information required by the department, which  
31 shall at least include a description of the swine, the  
32 name and address of the owner, the name and address of  
33 the person receiving the swine, the date of movement  
34 or relocation, and the seal number as prescribed by  
35 the department, if a seal is required. The moved or  
36 relocated swine must also be accompanied by a  
37 transportation certificate and certificate of  
38 inspection, if required in section 166D.10.

39 4. a. Except as provided in this section, a  
40 vehicle moving swine under restricted movement shall  
41 contain a cargo area for the swine which shall be  
42 sealed to prevent access. The seal shall conform with  
43 requirements adopted by the department. Each seal  
44 shall be identified by number as required by the  
45 department. The vehicle shall be sealed by an  
46 accredited veterinarian at the premises where the  
47 swine are kept. The seal shall only be removed by a  
48 departmental official, an accredited veterinarian, an  
49 official of the United States department of  
50 agriculture, or the person authorized by the

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1 department to receive the swine upon arrival at the  
2 slaughtering establishment or approved premises.

3 b. The department may adopt rules or issue an  
4 order to provide that a vehicle moving or relocating

5 feeder swine from a herd which is subject to a cleanup  
6 plan is not required to be sealed as otherwise  
7 provided in this subsection, if the herd is kept and  
8 moved or relocated in compliance with the cleanup  
9 plan.

10 Sec. 17. NEW SECTION. 166D.10B APPROVED  
11 PREMISES.

12 1. A person shall not maintain swine other than  
13 feeder swine or cull swine for further feeding for  
14 slaughter at an approved premises.

15 a. A person shall not move or relocate swine to an  
16 approved premises, unless the swine is one of the  
17 following:

18 (1) A feeder pig.

19 (2) A cull swine.

20 b. A person shall not receive swine at an approved  
21 premises, unless the swine is one of the following:

22 (1) A feeder pig.

23 (2) A cull swine.

24 2. If swine are moved or relocated to an approved  
25 premises, the following shall apply:

26 a. A cull swine shall not be moved or relocated to  
27 an approved premises, unless the cull swine reacts  
28 negatively to a test and is vaccinated prior to the  
29 movement or relocation, as provided in section  
30 166D.10.

31 b. A noninfected feeder pig must be vaccinated  
32 upon arrival at the approved premises.

33 3. Dead swine must be disposed of in accordance  
34 with chapter 167. The dead swine must be held so as  
35 to prevent animals, including wild animals and  
36 livestock, from reaching the dead swine.

37 4. An approved premises must be located at least  
38 one and one-half miles from a noninfected herd.  
39 However, the approved premises must be located at  
40 least three miles from a qualified negative herd or a  
41 qualified differentiable negative herd.

42 5. An approved premises shall not be located in  
43 any of the following:

44 a. A county in stage III of the national  
45 pseudorabies eradication program, as designated by the  
46 department.

47 b. A county which has a zero percent prevalence of  
48 infection among all herds in the county at any time on  
49 or after March 1, 2000, regardless of whether the  
50 county subsequently has a greater than zero percent

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1 prevalence of infection among all herds in the county.

2 6. A feeder pig or a cull swine may be kept at the  
3 approved premises only for purposes of feeding and

restricted movement as provided in section 166D.10A.

7. a. The department must certify a location as an approved premises pursuant to rules adopted by the department. The department may adopt rules providing for the renewal, suspension, or termination of a certification. The terms and conditions of the certification shall be part of the cleanup plan required for the herd kept at the location pursuant to section 166D.8. At a minimum, a location is certified as an approved premises, as long as all of the following apply:

(1) The approved premises complies with the requirements of this section and rules adopted by the department.

(2) The owner of the approved premises or the person managing the approved premises provides to the department during normal business hours access to the approved premises and records required by this subparagraph. Records of swine transfers must be kept for at least one year. Records of vaccinations occurring on the approved premises must be maintained by the owner for at least one year after vaccination. The records shall include information about purchases and sales, the names of buyers and sellers, the dates of transactions, and the number of swine involved in each transaction.

b. The department shall terminate the certification of an approved premises, if the county in which the approved premises is located has a zero percent prevalence of infection among all herds in the county, not counting a herd kept at the approved premises. The department shall provide for the suspension or termination of the certification for a violation of a term or condition of the certification. When a certification is suspended, terminated, or not renewed, the location shall remain under a cleanup plan until released pursuant to the provisions of section 166D.8.

Sec. 18. Section 166D.11, Code 1999, is amended to read as follows:

166D.11 ~~DIFFERENTIABLE VACCINE REQUIRED~~  
VACCINATION AND TESTING REQUIREMENTS.

1. Beginning on December 1, 1989, swine  
other than unvaccinated or differentiable vaccinated swine shall not be sold, marketed, or moved within this state, except to slaughter or to an approved premises by certificate of inspection, as provided in

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section 166D.10.

2. The secretary shall disapprove for use in this



3 ~~state on and after July 1, 1991,~~ any vaccine that is  
4 not a differentiable vaccine.

5 3. a. Except as provided in this section, swine  
6 within a county which is designated by the department  
7 as in stage II of the national pseudorabies  
8 eradication program shall be vaccinated with a  
9 modified-live differentiable vaccine. The swine  
10 located in a stage II county shall be vaccinated as  
11 follows:

12 (1) Except as provided in subparagraph (2), the  
13 following applies:

14 (a) Breeding swine which shall at a minimum  
15 receive quarterly vaccinations.

16 (b) Feeder swine which shall at a minimum receive  
17 one vaccination. The feeder swine shall be vaccinated  
18 when the feeder swine reach eight to twelve weeks of  
19 age or one hundred pounds, whichever occurs earlier.

20 (2) If swine are required to be vaccinated prior  
21 to or after movement, as provided in section 166D.10,  
22 to a stage II county, the swine shall be vaccinated  
23 with a modified-live differentiable vaccine as  
24 otherwise required in that section.

25 b. The department may adopt rules or issue an  
26 order that exempts swine from being vaccinated with a  
27 modified-live vaccine, as provided in this subsection,  
28 based on any of the following:

29 (1) The swine is part of a qualified negative herd  
30 or a qualified differentiable negative herd.

31 (2) The swine belong to a herd located within a  
32 county, if all of the following applies:

33 (a) The county has a history of zero percent  
34 prevalence of infection among all herds in the county,  
35 regardless of whether the county currently has a  
36 higher than zero percent prevalence of infection among  
37 all herds in the county.

38 (b) All contiguous counties have a zero percent  
39 prevalence of infection among herds in that county, as  
40 designated by the department.

41 4. a. The person who owns the swine when the  
42 swine is required to be vaccinated under this chapter,  
43 shall be solely liable for providing the vaccine and  
44 administering the vaccination. A noninfected feeder  
45 pig required to be vaccinated upon arrival at an  
46 approved premises as provided in section 166D.10B  
47 shall be vaccinated at the expense of the owner who  
48 moves the feeder pig. If the swine is moved into this  
49 state, the owner shall be deemed to be the person who  
50 owns the swine immediately prior to movement.

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b. This subsection does not prohibit the owner of swine from contracting with a person, including a person receiving ownership of swine moved into this state, to provide the vaccination, if the person receives fair compensation for providing the vaccination and the sale price for the swine is not increased because the owner must comply with this subsection.

5. The cost, or any segment of the cost, of purchasing a laboratory product used for testing and vaccination provided in this chapter may be paid for by federal or state funds or a combination of both. Federal or state funds shall not be paid to the owner of a vaccinated herd other than the owner of a herd vaccinated with a modified-live differentiable vaccine.

Sec. 19. Section 166D.12, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

166D.12 CONCENTRATION POINTS.

A person shall not move through a concentration point, except as provided in this section.

1. If the swine is from a noninfected herd, the swine may be moved through any concentration point. All of the following shall apply:

a. Breeding swine must be kept separate and apart from feeder pigs.

b. Breeding swine must be sold first.

2. If the swine is from a herd of unknown origin, the swine may be moved only through a buying station, as required by the department.

3. If the swine is from an infected herd or is exposed swine, the swine shall not be moved through a concentration point.

Sec. 20. Section 166D.16, unnumbered paragraph 1, Code 1999, is amended to read as follows:

1. The provisions of this chapter including departmental rules adopted pursuant to this chapter shall be administered and enforced by the department.

2. A Except as provided in this subsection, a person violating a provision of this chapter or any rule adopted pursuant to this chapter shall be subject to a civil penalty of at least one hundred dollars but not more than one thousand dollars.

a. However, a A person who falsifies a certificate of inspection issued pursuant to this chapter shall be subject to a civil penalty of not more than five thousand dollars for each swine falsified on the certificate. A person shall not be subject to a civil penalty totaling more than twenty-five thousand

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1 dollars for falsifying a certificate, regardless of  
2 the number of swine falsified on the certificate.  
3 b. The person who owns swine when the swine is  
4 required to be vaccinated under this chapter shall be  
5 subject to a civil penalty of two dollars for each  
6 swine which is not vaccinated as required.

7 Sec. 21. Sections 166D.4 and 166D.5, Code 1999,  
8 are repealed.

9 Sec. 22. RULEMAKING. The department of  
10 agriculture and land stewardship shall adopt rules  
11 necessary to implement this Act. Such rules shall be  
12 effective immediately upon adoption and filing in the  
13 governor's office after publication under notice and  
14 after the administrative rules review committee has  
15 had an opportunity to review the noticed rules, as  
16 provided in chapter 17A.

17 Sec. 23. IMPLEMENTATION. The department shall  
18 provide for the implementation of this Act based on a  
19 schedule adopted by departmental rules. However, the  
20 department shall implement all provisions of this Act  
21 by August 1, 2000.

22 Sec. 24. EFFECTIVE DATE. This Act, being deemed  
23 of immediate importance, takes effect upon enactment."

24 2. Title page, by striking line 2, and inserting  
25 the following: "applicable, for implementation, and  
26 providing an effective date."

H. KAY HEDGE  
E. THURMAN GASKILL  
MERLIN E. BARTZ  
JOHN P. KIBBIE  
GENE FRAISE  
BETTY A. SOUKUP

S-5300

1 Amend the amendment, S-5286, to House File 2491, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 2, lines 22 and 23, by striking the words  
5 "The life science enterprise" and inserting the  
6 following: "In addition, the life science enterprise  
7 shall not acquire or hold agricultural land, if the  
8 life science enterprise receives any form of financing  
9 from an Iowa agricultural industry finance corporation  
10 as provided in chapter 15E. A life science enterprise  
11 that complies with this section".

JOHN P. KIBBIE  
DERRYL McLAREN

MERLIN E. BARTZ  
BETTY A. SOUKUP

S-5301

1 Amend Senate File 2435 as follows:

2 1. Page 59, by inserting after line 25, the  
3 following:

4 "Sec. \_\_\_\_ 2000 Iowa Acts, Senate File 2193,  
5 section 20, subsection 3, unnumbered paragraph 1, is  
6 amended to read as follows:

7 To implement nursing facility provider

8 reimbursement at the seventieth percentile of facility  
9 costs as calculated from the June 30, 2000, unaudited

10 compilation of cost and statistical data submitted by

11 each facility on medical assistance cost reports and

12 to implement case-mix reimbursement methodology

13 changes:

14 .....\$ 17,750,000"

MAGGIE TINSMAN

S-5302

1 Amend the amendment, S-5229, to Senate File 2312 as  
2 follows:

3 1. Page 3, line 21, by striking the word "heard"  
4 and inserting the following: "herd".

5 2. Page 3, line 24, by striking the word "heard"  
6 and inserting the following: "herd".

7 3. By striking page 11, line 49, through page 12,

8 line 1, and inserting the following: "this state,

9 except to a slaughtering establishment for slaughter

10 ~~or to an approved premises by certificate of~~

11 ~~inspection.~~

H. KAY HEDGE

S-5303

1 Amend House File 2378, as passed by the House, as  
2 follows:

3 1. By striking page 2, line 12 through page 3,  
4 line 1.

5 2. By striking page 4, line 14 through page 5,  
6 line 4.

7 3. By renumbering as necessary.

NEAL SCHUERER  
JOHN P. KIBBIE

S-5304

1 Amend the House amendment, S-5248, to Senate File  
2 2348, as passed by the Senate, as follows:  
3 1. Page 1, by striking lines 7 through 48 and  
4 inserting the following:  
5 "NEW SUBSECTION. 5. In matters relating to the  
6 conservation, preservation, or development of the  
7 loess hills, state agencies shall coordinate,  
8 cooperate, and consult with the loess hills  
9 development and conservation authority and its  
10 associated alliances."

STEVE KING

S-5305

1 Amend the House amendment, S-5236, to Senate File  
2 2411, as amended, passed and reprinted by the Senate,  
3 as follows:  
4 1. Page 3, line 39, by striking the word  
5 "Canadian" and inserting the following: "foreign".  
6 2. Page 4, line 8, by striking the word  
7 "Canadian" and inserting the following: "foreign".  
8 3. Page 4, line 12 by striking the word "Canada"  
9 and inserting the following: "the applicable foreign  
10 country".

MICHAEL E. GRONSTAL

S-5306

1 Amend the amendment, S-5227, to House File 2511, as  
2 passed by the House, as follows:  
3 1. Page 1, by inserting before line 5 the  
4 following:  
5 ""Section 1. Section 123.46, Code 1999, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 3A. a. A peace officer shall  
8 make a reasonable effort to identify a person under  
9 the age of eighteen who violates this section, and if  
10 the person is not referred to juvenile court, the law  
11 enforcement agency of which the peace officer is an  
12 employee shall make a reasonable attempt to notify the  
13 person's custodial parent or legal guardian of the  
14 violation, whether or not the person is taken into  
15 custody, unless the officer has reasonable grounds to  
16 believe that notification is not in the best interests  
17 of the person or will endanger that person.  
18 b. The peace officer shall also make a reasonable  
19 effort to identify the elementary or secondary school  
20 which the person attends if the person is enrolled in

elementary or secondary school and to notify the superintendent or the superintendent's designee of the school which the person attends, or the authorities in charge of the nonpublic school which the person attends, of the violation. If the person is taken into custody, the peace officer shall notify a juvenile court officer who shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school, of the violation. A reasonable attempt to notify the person includes, but is not limited to, a telephone call or notice by first-class mail.

Sec. \_\_\_\_\_. Section 321.560, Code 1999, is amended to read as follows:

321.560 PERIOD OF REVOCATION.

1. A license to operate a motor vehicle in this state shall not be issued to any person declared to be a habitual offender under section 321.555, subsection 1, for a period of not less than two years nor more than six years from the date of the final decision of the department under section 17A.19 or the date on which the district court upholds the final decision of the department, whichever occurs later.

~~a. However, a~~ A temporary restricted permit may be issued pursuant to section 321.215, subsection 2, to a person declared to be a habitual offender under section 321.555, subsection 1, paragraph "c", pursuant

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~~to section 321.215, subsection 2.~~

b. A temporary restricted permit may be issued pursuant to section 321J.4, subsection 9, to a person declared to be a habitual offender due to a combination of the offenses listed under section 321.555, subsection 1, paragraph "b" or "c".

2. A license to operate a motor vehicle in this state shall not be issued to any person declared to be a habitual offender under section 321.555, subsection 2, for a period of one year from the date of the final decision of the department under section 17A.19 or the date on which the district court upholds the final decision of the department, whichever occurs later.

3. The department shall adopt rules under chapter 17A which ~~that~~ establish a point system which shall be used to determine the period for which a person who is declared to be a habitual offender under section 321.555, subsection 1, shall not be issued a license.

4. A person who is determined to be a habitual

20 offender while the person's license is already revoked  
21 for being a habitual offender under section 321.555  
22 shall not be issued a license to operate a motor  
23 vehicle in this state for a period of not less than  
24 two years nor more than six years. The revocation  
25 period may commence either on the date of the final  
26 decision of the department under section 17A.19 or the  
27 date on which the district court upholds the final  
28 decision of the department, whichever occurs later, or  
29 on the date the previous revocation expires.  
30 Sec. \_\_\_\_ Section 321J.4, subsection 9, Code  
31 Supplement 1999, is amended to read as follows:  
32 9. a. A person whose driver's license has either  
33 been revoked under this chapter, or revoked or  
34 suspended under chapter 321 solely for violations of  
35 this chapter, or who has been determined to be a  
36 habitual offender under chapter 321 based solely on  
37 violations of this chapter or on violations listed in  
38 section 321.560, subsection 1, paragraph "b", and who  
39 is not eligible for a temporary restricted license  
40 under this chapter may petition the court upon the  
41 expiration of the minimum period of ineligibility for  
42 a temporary restricted license provided for under this  
43 section, ~~or~~ section 321J.9, 321J.12, ~~or~~ 321J.20, or  
44 321.560, for an order to the department to require the  
45 department to issue a temporary restricted license to  
46 the person notwithstanding section 321.560.  
47 b. The petition shall include a current certified  
48 copy of the petitioner's official driving record  
49 issued by the department.  
50 c. Upon the filing of a petition for a temporary

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1 restricted license under this section, the clerk of  
2 the district court in the county where the violation  
3 that resulted in the revocation occurred shall send  
4 notice of the petition to the department and the  
5 prosecuting attorney. The department and the  
6 prosecuting attorney shall each be given an  
7 opportunity to respond to and request a hearing on the  
8 petition.  
9 d. The court shall determine if the temporary  
10 restricted license is necessary for the person to  
11 maintain the person's present employment. However, a  
12 temporary restricted license shall not be ordered or  
13 issued for a violation of section 321J.2A or to a  
14 person under the age of twenty-one whose license is  
15 revoked under this section or section 321J.9 or  
16 321J.12. If the court determines that the temporary  
17 restricted license is necessary for the person to  
18 maintain the person's present employment, and that the

19 minimum period of ineligibility for receipt of a  
20 temporary license has expired, the court shall order  
21 the department to issue to the person a temporary  
22 restricted license conditioned upon the person's  
23 certification to the court of the installation of  
24 approved ignition interlock devices in all motor  
25 vehicles that it is necessary for the person to  
26 operate to maintain the person's present employment.  
27 e. Section 321.561 does not apply to a person  
28 operating a motor vehicle in the manner permitted  
29 under this subsection.  
30 f. If the person operates a motor vehicle which  
31 does not have an approved ignition interlock device or  
32 if the person tampers with or circumvents an ignition  
33 interlock device, in addition to other penalties  
34 provided, the person's temporary restricted license  
35 shall be revoked.  
36 g. A person holding a temporary restricted license  
37 issued under this subsection shall not operate a  
38 commercial motor vehicle, as defined in section 321.1,  
39 on a highway if a commercial driver's license is  
40 required for the person to operate the commercial  
41 motor vehicle.  
42 h. Notwithstanding any provision of this chapter  
43 to the contrary, the court may order the department to  
44 issue a temporary restricted license to a person  
45 otherwise eligible for a temporary restricted license  
46 under this subsection, whose period of revocation  
47 under this chapter has expired, but who has not met  
48 all requirements for reinstatement of the person's  
49 driver's license or nonresident operating privileges.  
50 Sec. \_\_\_\_ NEW SECTION. 321J.2B PARENTAL AND

#### Page 4

1 SCHOOL NOTIFICATION -- PERSONS UNDER EIGHTEEN YEARS OF  
2 AGE.  
3 1. A peace officer shall make a reasonable effort  
4 to identify a person under the age of eighteen who  
5 violates section 321J.2 or 321J.2A, and if the person  
6 is not referred to juvenile court, the law enforcement  
7 agency of which the peace officer is an employee shall  
8 make a reasonable attempt to notify the person's  
9 custodial parent or legal guardian of the violation,  
10 whether or not the person is taken into custody,  
11 unless the officer has reasonable grounds to believe  
12 that notification is not in the best interests of the  
13 person or will endanger that person.  
14 2. The peace officer shall also make a reasonable  
15 effort to identify the elementary or secondary school  
16 which the person attends if the person is enrolled in  
17 elementary or secondary school and to notify the



superintendent or the superintendent's designee of the school which the person attends, or the authorities in charge of the nonpublic school which the person attends, of the violation. If the person is taken into custody, the peace officer shall notify a juvenile court officer who shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school, of the violation. A reasonable attempt to notify the person includes, but is not limited to, a telephone call or notice by first-class mail."

2. Page 2, by striking lines 9 through 12 and inserting the following:

"\_\_\_\_. Title page, by striking lines 1 through 6 and inserting the following: "An Act relating to drinking driver restrictions by providing for the issuance of temporary restricted permits or licenses under certain circumstances, by providing that the course for drinking drivers shall be taught by community colleges or licensed substance abuse programs, and by providing for parental and school notification of certain violations by persons under eighteen years of age.""

3. By renumbering as necessary.

DONALD B. REDFERN  
STEVE KING  
TOM FLYNN

S-5307

Amend House File 2538, as amended, passed, and reprinted by the House, as follows:

1. Page 6, by inserting after line 24 the following:

"Sec. 100. TEMPORARY TRANSFER OF RISE FUND MONEYS.

Notwithstanding provisions to the contrary in chapter 315, if the state transportation commission receives and files a letter from the director of transportation certifying that the state department of transportation's cash flow funding may be inadequate to meet anticipated road construction costs which arise during the period beginning on the effective date of this Act through June 30, 2001, the commission may authorize the temporary transfer of funds from the revitalize Iowa's sound economy (RISE) fund to the primary road fund. Transferred funds shall be repaid to the RISE fund within six months of transfer. The commission shall manage the RISE fund to ensure that

19 funds will be available to meet contract obligations  
20 on approved RISE projects.  
21 Sec. \_\_\_\_ EFFECTIVE DATE. Section 100 of this  
22 Act, being deemed of immediate importance, takes  
23 effect upon enactment."  
24 2. Title page, line 7, by inserting after the  
25 word "moneys" the following: ", and providing an  
26 effective date".  
27 3. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS  
DERRYL McLAREN, Chairperson

S-5308

1 Amend House File 2533, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 9, line 18, by striking the figure  
4 "29,939,000" and inserting the following:  
5 "30,038,000".  
6 2. Page 9, line 27, by striking the figure  
7 "1,397,560" and inserting the following: "1,401,520".  
8 3. Page 9, line 31, by striking the figure  
9 "698,780" and inserting the following: "700,760".  
10 4. Page 9, line 34, by striking the figure  
11 "698,780" and inserting the following: "600,760".  
12 5. Page 22, line 12, by striking the words  
13 "community service" and inserting the following:  
14 "Community Service".  
15 6. Page 25, line 13, by inserting after the word  
16 "For" the following: "infrastructure under the Iowa  
17 demonstration construction grant program and".

COMMITTEE ON APPROPRIATIONS  
DERRYL McLAREN, Chairperson

S-5309

1 Amend House File 2545, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 32, by inserting after line 6 the  
4 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 on the basis of a  
11 credit card or similar instrument in person or through  
12 an electronic or mechanical device including but not  
13 limited to a satellite terminal as defined in section  
14 527.2 for the purpose of permitting that person to

15 wager on any race. The use of a check or a debit card  
16 with overdraft protection is not prohibited by this  
17 subsection."

18 2. Page 32, by inserting after line 13 the  
19 following:

20 "Sec. \_\_\_\_ Section 99F.7, subsection 9, Code 1999,  
21 is amended to read as follows:

22 9. A licensee shall not loan to any person money  
23 or any other thing of value or permit a financial  
24 institution, vendor, or other person to loan money on  
25 the licensed premises on the basis of a credit card or  
26 similar instrument in person or through an electronic  
27 or mechanical device including but not limited to a  
28 satellite terminal as defined in section 527.2 for the  
29 purpose of permitting that person to wager on any game  
30 of chance. The use of a check or a debit card with  
31 overdraft protection is not prohibited by this  
32 subsection."

ANDY McKEAN

S-5310

1 Amend the amendment, S-5165, to House File 2519, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. By striking page 2, line 46, through page 4,  
5 line 26.

6 2. By striking page 4, line 43, through page 5,  
7 line 43.

8 3. Page 6, by striking lines 10 through 30.

9 4. Page 10, by inserting after line 1 the  
10 following:

11 "Sec. 101. PERSONS WITH MENTAL RETARDATION --  
12 LIABILITY OF COUNTY AND STATE.

13 1. Notwithstanding any provision of section 222.60  
14 to the contrary, all necessary and legal expenses for  
15 the cost of admission or commitment or for the  
16 treatment, training, instruction, care, habilitation,  
17 support, and transportation of an eligible person with  
18 mental retardation, as provided for in the county  
19 management plan provisions implemented pursuant to  
20 section 331.439, subsection 1, shall be paid by the  
21 county in which such person has a legal settlement as  
22 defined in section 252.16, or, if such person has no  
23 legal settlement or when such settlement is unknown,  
24 by the state. The provisions of section 222.60 not  
25 inconsistent with this section shall apply to this  
26 section.

27 2. For purposes of this section, an "eligible  
28 person with mental retardation" means a person with  
29 mental retardation who has been charged with a

30 criminal offense and who is transferred or referred to  
31 a state hospital-school for any of the following  
32 reasons:  
33 a. A diagnosis or recommendation as part of the  
34 pretrial or presentence procedure.  
35 b. A determination of mental competency or,  
36 pursuant to Iowa rule of criminal procedure 21, a  
37 placement of a defendant.  
38 c. A determination of competency to stand trial, a  
39 determination of a defendant's dangerousness, or a  
40 commitment as mentally incompetent to stand trial  
41 pursuant to section 812.4.  
42 d. A diagnosis, evaluation, or treatment for a  
43 prisoner transferred from a county or city jail.  
44 3. The single entry point process established by a  
45 county under section 331.440 shall not apply to this  
46 section and a court is not required to seek  
47 authorization through the single entry point process  
48 prior to transferring or referring an eligible person  
49 with mental retardation to a state hospital-school for  
50 any reason described in subsection 2, paragraphs "a"

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1 through "d".  
2 4. This section is repealed June 30, 2001.  
3 Sec. 102. PERSONS WITH MENTAL ILLNESS -- LIABILITY  
4 OF COUNTY AND STATE.  
5 1. Notwithstanding any provision of section 230.1  
6 to the contrary, the necessary and legal costs and  
7 expenses attending the taking into custody, care,  
8 investigation, admission, commitment, and support of  
9 an eligible person with mental illness shall be paid  
10 by a county in which such person has a legal  
11 settlement, if the person is eighteen years of age or  
12 older; or, if such person has no legal settlement in  
13 this state, the person's legal settlement is unknown,  
14 or the person is under eighteen years of age, by the  
15 state. The provisions of section 230.1 not  
16 inconsistent with this section shall apply to this  
17 section.  
18 2. For purposes of this section, an "eligible  
19 person with mental illness" means a person with mental  
20 illness who has been charged with a criminal offense  
21 and who is transferred or referred to a state hospital  
22 for any of the following reasons:  
23 a. A psychosocial diagnosis or recommendation as  
24 part of the pretrial or presentence procedure.  
25 b. A determination of mental competency or,  
26 pursuant to Iowa rule of criminal procedure 21, a  
27 placement of a defendant.  
28 c. A determination of competency to stand trial, a

29 determination of a defendant's dangerousness, or a  
30 commitment as mentally incompetent to stand trial  
31 pursuant to section 812.4.

32 d. A diagnosis, evaluation, or treatment for  
33 mental illness for a prisoner transferred from a  
34 county or city jail.

35 3. The single entry point process established by a  
36 county under section 331.440 shall not apply to this  
37 section and a court is not required to seek  
38 authorization through the single entry point process  
39 prior to transferring or referring an eligible person  
40 with mental illness to a state hospital for any reason  
41 described in subsection 2, paragraphs "a" through "d".

42 4. This section is repealed June 30, 2001.

43 Sec. \_\_\_\_ LEGISLATIVE STUDY -- LIABILITY OF STATE  
44 OR COUNTY -- PERSONS WITH MENTAL ILLNESS OR MENTAL  
45 RETARDATION. The legislative council of the Iowa  
46 general assembly is requested to establish a  
47 legislative interim study committee during the 2000  
48 interim to review issues concerning whether the county  
49 or state should be liable for the payment of costs and  
50 expenses associated with the transferring and

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1 referring of a person to a state hospital or state  
2 hospital-school for mental illness or mental  
3 retardation who has been charged with a criminal  
4 offense. The committee shall consider proposals,  
5 including the mechanism established in sections 101  
6 and 102 of this Act, for determining when the county  
7 or the state should be liable and, if applicable, for  
8 determining which county should be liable. The  
9 legislative interim study committee should issue a  
10 report to the general assembly by January 1, 2001,  
11 concerning its findings and recommendations."

12 5. Page 10, line 17, by inserting after the word  
13 "hearings," the following: "requesting an interim  
14 study,".

15 6. By renumbering as necessary.

JEFF ANGELO

S-5311

1 Amend House File 2377, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 4, line 20, by inserting after the word  
4 "governor" the following: "or a member of the general  
5 assembly".

6 2. Page 4, line 22, by inserting after the word  
7 "governor" the following: "or the member of the

8 general assembly".

9 3. Page 4, line 23, by inserting after the word  
10 "department." the following: "The disclosure shall  
11 include all information obtained by the department in  
12 the course of responding to the report of child abuse,  
13 including but not limited to department of human  
14 services' information described in section 217.30,  
15 subsection 1, mental health information as defined in  
16 section 228.1, and juvenile court social records and  
17 other information in official juvenile court records  
18 described in section 232.147. The purpose of the  
19 disclosure is for the governor or member of the  
20 general assembly to respond to a citizen's request for  
21 an independent review of the actions of the department  
22 and others in responding to a report of child abuse.  
23 The governor or member of the general assembly may  
24 designate a staff person to receive the disclosure and  
25 to respond on the governor's or member's behalf. A  
26 person other than the governor who receives a  
27 disclosure under this subsection must be an officer of  
28 the court or must have completed training as a  
29 reporter of child abuse or comparable training before  
30 receiving the disclosure. A person who receives  
31 confidential information disseminated under this  
32 section shall not further disseminate, communicate, or  
33 attempt to communicate the information to a person who  
34 is not authorized by this chapter or other provision  
35 of law to have access to the information."

STEVE KING

S-5312

1 Amend the amendment, S-5298, to House File 2502, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 14, by inserting after the figure  
5 "2000" the following: "and shall not apply to  
6 counties which certified their budgets on or before  
7 March 15, 2000, to fund uniform law enforcement patrol  
8 services for the fiscal year beginning July 1, 2000,  
9 in whole or in part from the rural services fund".

JOHN JUDGE

S-5313

1 Amend the amendment, S-5133, to Senate file 2427 as  
2 follows:  
3 1. Page 1, by striking lines 31 through 45 and  
4 inserting the following: "generally applied to  
5 housing."  
6 2. Page 1, line 47, by striking the word

7 "installation" and inserting the following:  
8 "relocation".

JOANN JOHNSON

HOUSE AMENDMENT TO  
SENATE FILE 2366

S-5314

1 Amend Senate File 2366, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 19 through 26, and  
4 inserting the following:

5 "11. ~~Failure to pay the civil penalty imposed for~~  
6 ~~a violation of section 453A.2, subsection 2, is a~~  
7 ~~simple misdemeanor punishable as a scheduled violation~~  
8 ~~under section 805.8, subsection 11.~~ Notwithstanding  
9 section 602.8106 or any other provision to the  
10 contrary, any civil penalty ~~or criminal fine~~ paid  
11 under this subsection shall be retained by the city or  
12 county enforcing the violation ~~to be used for~~  
13 ~~enforcement of section 453A.2."~~

14 2. Page 2, by striking lines 27 through 31, and  
15 inserting the following:

16 "b. For a first offense, performance of eight  
17 hours of community work requirements, unless waived by  
18 the court.

19 c. For a second offense, performance of twelve  
20 hours of community work requirements."

21 3. Page 2, line 32 by striking the word "forty"  
22 and inserting the following: "sixteen".

23 4. Page 2, line 33, by striking the word  
24 "service" and inserting the following: "work  
25 requirements."

26 5. Page 2, line 33, by striking the words "and  
27 suspension of the person's".

28 6. By striking page 2, line 34, through page 3,  
29 line 31.

30 7. Page 7, line 8, by striking the figure "(1)"  
31 and inserting the following: "~~(1)~~".

32 8. Page 7, line 13, by striking the letter "(a)"  
33 and inserting the following: "(1)".

34 9. Page 7, line 15, by striking the letter "(b)"  
35 and inserting the following: "(2)".

36 10. Page 7, line 17, by striking the letter "(c)"  
37 and inserting the following: "(3)".

38 11. Page 7, by striking lines 19 through 22.

39 12. Page 7, by striking lines 23 through 33, and  
40 inserting the following:

41 "~~(2) For failing to pay the civil penalty under~~  
42 ~~section 453A.2, subsection 2, the scheduled criminal~~

43 ~~fine is twenty five dollars if the violation is a~~  
 44 ~~first offense, fifty dollars if the violation is a~~  
 45 ~~second offense, and one hundred dollars if the~~  
 46 ~~violation is a third or subsequent offense. Failure~~  
 47 ~~to pay the scheduled criminal fine shall not result in~~  
 48 ~~the person being detained in a secure facility. The~~  
 49 ~~complainant shall not be charged a filing fee."~~  
 50 13. By renumbering as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 2092

S-5315

1 Amend Senate File 2092, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 9, by striking lines 26 through 31.  
 4 2. Page 9, by inserting after line 33 the  
 5 following:  
 6 "Sec. \_\_\_\_ Section 322C.11, Code 1999, is amended  
 7 to read as follows:  
 8 322C.11 PENALTIES.  
 9 A person violating a provision of section 322C.3,  
 10 ~~or 322C.7 or 322C.8~~ is guilty of a serious  
 11 misdemeanor."  
 12 3. Page 15, by inserting after line 30, the  
 13 following:  
 14 "Sec. \_\_\_\_ Section 322C.8, Code 1999, is repealed."  
 15 4. By renumbering as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 2214

S-5316

1 Amend Senate File 2214, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking page 1, line 1, through page 2,  
 4 line 10.  
 5 2. Page 2, lines 33 and 34, by striking the words  
 6 "land-leased community", and inserting the following:  
 7 "mobile home park".  
 8 3. Page 3, line 2, by striking the word  
 9 "undertaking" and inserting the following:  
 10 "agreement".  
 11 4. Page 3, line 3, by inserting before the word  
 12 "upkeep", the following: "reasonable".  
 13 5. Page 3, line 3, by inserting before the word  
 14 "charges", the following: "reasonable".  
 15 6. Page 3, line 7, by striking the words "land-  
 16 leased community", and inserting the following:  
 17 "mobile home park".



- 18 7. Page 3, lines 18 and 19, by striking the words  
19 "this section" and inserting the following:  
20 "subsection 1".  
21 8. Title page, lines 1 through 3, by striking the  
22 words "allowing for notice of and a surcharge for rent  
23 paid with a check returned for insufficient funds,  
24 and".  
25 9. By renumbering, relettering, or redesignating  
26 and correcting internal references as necessary.

S-5317

- 1 Amend House File 2533, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 21, line 12, by striking the word  
4 "incarcerataed" and inserting the following:  
5 "incarcerated".

MAGGIE TINSMAN

S-5318

- 1 Amend the amendment, S-5286, to House File 2491, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 4, by striking lines 35 and 36, and  
5 inserting the following: "with the board not later  
6 than June 30, 2001. The notice, plan, or amendments".

KEN VEENSTRA  
JOHN P. KIBBIE

S-5319

- 1 Amend House File 2538, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 5, by inserting after line 27 the  
4 following:  
5 "Sec. \_\_, NEW SECTION. 314.12A PRESERVATION OF  
6 TOPSOIL IN HIGHWAY CONSTRUCTION.  
7 In the award of contracts for the construction,  
8 reconstruction, improvement, repair, or maintenance of  
9 a highway, the agency having charge of awarding such  
10 contracts shall require that when fill dirt, soil, or  
11 other material are to be removed from an area acquired  
12 by title or easement, whether by agreement or  
13 condemnation, for use in the project, adequate  
14 provision shall be made for the restoration of the  
15 area, by removal and replacement of six inches of  
16 topsoil, and fertilizing and mulching if necessary,  
17 and other appropriate measures to provide vegetative  
18 cover to prevent erosion, except where a lake or

- 19 subwater table conditions are designed, or where the  
20 area is zoned, or where the area is in locations of  
21 white oak, sand, loess, or undrainable clays."  
22 2. Title page, line 5, by inserting after the  
23 word "including" the following: "highway contracts  
24 and".  
25 3. By renumbering as necessary.

DAVID MILLER

S-5320

- 1 Amend the amendment, S-5135, to House File 2198, as  
2 passed by the House, as follows:  
3 1. Page 1, line 19, by striking the word "effect"  
4 and inserting the following: "feasibility".  
5 2. Page 1, by striking lines 20 and 21 and  
6 inserting the following: "of providing sharing  
7 incentives to encourage transportation partnering;  
8 shall determine the".

KITTY REHBERG

S-5321

- 1 Amend House File 2538, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking line 14 and inserting the  
4 following:  
5 " .....\$ 1,425,000"

TOM FLYNN

S-5322

- 1 Amend the amendment, S-5185, to Senate File 324, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by inserting after line 2 the  
5 following:  
6 "\_\_\_\_. Page 2, by inserting after line 12 the  
7 following:  
8 "(4) "Franchise" also does not include a contract  
9 under which a franchise relationship is established  
10 with respect to retreaded tires and related equipment  
11 used for commercial vehicles.""  
12 2. Page 1, by striking lines 9 through 19.  
13 3. By renumbering as necessary.

MICHAEL E. GRONSTAL  
JOHN W. JENSEN

S-5323

- 1 Amend the amendment, S-5298, to House File 2502, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 9, by striking the word "and" and
- 5 inserting the following: "or".

MERLIN E. BARTZ

S-5324

- 1 Amend Senate File 2436 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "association" the following: ", and each credit union
- 4 that is an owner, or a member of an organization of
- 5 credit unions that is an owner, of such an
- 6 organization, corporation, or association,".

JOHN W. JENSEN  
TOM FLYNN  
JOHN JUDGE  
E. THURMAN GASKILL  
GENE MADDOX  
BETTY A. SOUKUP

S-5325

- 1 Amend Senate File 2432 as follows:
- 2 1. Page 2, by inserting after line 2 the
- 3 following:
- 4 "\_\_\_\_. Notwithstanding the phase -in period provided
- 5 in paragraph "b", if the sale or rental occurs on or
- 6 after July 1, 2001, and is made for a telephone
- 7 exchange of five thousand access lines or less, all of
- 8 the gross receipts are exempt and no payment of tax
- 9 and subsequent refund are required."

LARRY McKIBBEN

S-5326

- 1 Amend the amendment, S-5165, to House File 2519, as
- 2 passed by the House, as follows:
- 3 1. Page 9, by inserting after line 41 the
- 4 following:
- 5 "Sec. 101. Section 907.8A, Code Supplement 1999,
- 6 is amended to read as follows:
- 7 907.8A ~~SIXTH~~ JUDICIAL DISTRICT PILOT PROJECT --
- 8 DETERMINATION OF ISSUES DURING PROBATIONARY PERIOD.
- 9 1. Except as otherwise provided, the probation
- 10 violation sanctioning jurisdiction of the court in the

11 ~~sixth~~ judicial district selected by the department of  
12 corrections to participate in a pilot probation  
13 revocation project shall be transferred to an  
14 administrative parole and probation judge upon entry  
15 of the sentencing order for each person who is  
16 sentenced to the custody of the director of the  
17 department of corrections and whose sentence is  
18 suspended. The court shall retain jurisdiction to  
19 establish the amount of restitution, approve the plan  
20 of restitution, and for reconsideration of the  
21 original sentence. The court shall also retain  
22 jurisdiction for arrest warrants, initial appearances,  
23 preliminary probation violation informations, bond  
24 proceedings, violations of restitution plans, and  
25 appointment of counsel. If a person is not sentenced  
26 to the custody of the director of the department of  
27 corrections the court shall retain the jurisdiction  
28 over matters relating to those cases.

29 2. All issues relating to whether the probationer  
30 has violated or fulfilled the terms and conditions of  
31 probation, including but not limited to express  
32 violations of a specific term of probation, new  
33 violations of the law, and changes of the term of  
34 probation as provided in sections 907.7, 908.11, and  
35 910.4, which would otherwise be determined by the  
36 court, shall be determined instead by an  
37 administrative parole and probation judge. The  
38 administrative parole and probation judge, who shall  
39 be an attorney, shall be appointed by the board of  
40 parole, notwithstanding chapter 17A. The costs of  
41 employing the administrative parole and probation  
42 judge shall be borne by the board of parole.  
43 A probation hearing conducted by an administrative  
44 parole and probation judge shall be conducted in the  
45 same manner as hearings regarding revocations or  
46 modifications of or discharge from parole. The  
47 hearing may be conducted electronically. The  
48 probation officer shall notify the county attorney at  
49 least five days prior to any probation hearing. The  
50 interests of the state shall be represented by the

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1 probation officer at the probation hearing, unless the  
2 county attorney or the county attorney's designee  
3 elects to assist the probation officer. The board of  
4 parole, the department of corrections, and the clerk  
5 of the district court in the ~~sixth~~ judicial district  
6 selected by the department of corrections to  
7 participate in the pilot probation revocation project  
8 shall devise and implement a system for the filing of  
9 documents and records of probation hearings conducted

under this section. The system shall allow for the electronic filing of records and documents where electronic filing is practicable.

3. Appeals from orders of the administrative parole and probation judge which pertain to the revocations or modifications of or discharge from probation shall be conducted in the manner provided in rules adopted by the board of parole.

Sec. 102. Section 908.11, subsections 4 and 5, Code 1999, are amended to read as follows:

4. If the person who is believed to have violated the conditions of probation was sentenced and placed on probation in the ~~sixth~~ judicial district selected by the department of corrections to participate in the pilot probation revocation project under section 907.8A, or jurisdiction over the person was transferred to the ~~sixth~~ judicial district selected by the department of corrections to participate in the pilot probation revocation project as a result of transfer of the person's probation supervision, the functions of the liaison officer and the board of parole may be performed by the administrative parole and probation judge as provided in section 907.8A.

5. If the probation officer proceeds by arrest and section 907.8A applies, the administrative parole and probation judge may conduct the probable cause hearing and probation revocation hearing. The probable cause hearing and probation revocation hearing may, at the discretion of the administrative parole and probation judge, be merged into a single hearing when it appears that the alleged violator will not be prejudiced by the merger. An administrative parole and probation judge may conduct any or all appearances or hearings electronically or by telephone. An administrative parole and probation judge may reconsider a person's sentence in the manner provided in sections 902.4 and 903.2 if reconsideration is deemed appropriate and the person's probation was revoked by an administrative parole and probation judge in the ~~sixth~~ judicial district selected by the department of corrections to participate in the pilot probation revocation project.

### Page 3

1 The sheriff shall coordinate and provide  
2 transportation and security for probation hearings  
3 conducted by an administrative parole and probation  
4 judge.

5 Sec. \_\_\_\_ 1998 Iowa Acts, chapter 1197, section  
6 11, is repealed."

7 2. Page 10, by inserting after line 1 the  
8 following:

9 "Sec. \_\_\_\_ PILOT PROJECT EVALUATIONS.  
10 1. The division of criminal and juvenile justice  
11 planning of the department of human rights, in  
12 cooperation with the court, prosecutors, and community  
13 corrections personnel of the sixth judicial district  
14 and representatives of the board of parole, shall  
15 conduct an evaluation of the effectiveness of the  
16 sixth judicial district probation pilot project. The  
17 evaluation shall include but shall not be limited to a  
18 comparative assessment of the effect of the use of an  
19 administrative parole and probation judge on the  
20 efficient processing of cases, sentences imposed,  
21 number of revocations, and offender compliance with  
22 sentence terms in the sixth judicial district. The  
23 evaluation shall be submitted in a report to the  
24 general assembly which convenes in January 2001, or,  
25 if the department of corrections selects the sixth  
26 judicial district to participate in the pilot  
27 probation revocation project until June 30, 2002, to  
28 the general assembly which convenes in January 2003.  
29 2. If the department of corrections selects a  
30 judicial district other than the sixth judicial  
31 district to participate in the pilot probation  
32 revocation project until June 30, 2002, the division  
33 of criminal and juvenile justice planning of the  
34 department of human rights, in cooperation with the  
35 court, prosecutors, and community corrections  
36 personnel of the judicial district selected and  
37 representatives of the board of parole, shall conduct  
38 an evaluation of the effectiveness of the probation  
39 pilot project for the selected judicial district. The  
40 evaluation shall include but shall not be limited to a  
41 comparative assessment of the effect of the use of an  
42 administrative parole and probation judge on the  
43 efficient processing of cases, sentences imposed,  
44 number of revocations, and offender compliance with  
45 sentence terms in the selected judicial district. The  
46 evaluation shall be submitted in a report to the  
47 general assembly which convenes in January 2003.  
48 Sec. \_\_\_\_ Sections 101 and 102 of this Act are  
49 repealed June 30, 2002."  
50 3. Page 10, lines 15 and 16, by striking the

**Page 4**

- 1 words "delayed repeal of the sixth".
- 2 4. By renumbering as necessary.

ROBERT E. DVORSKY  
JEFF ANGELO

S-5327

1 Amend House File 2429, as passed by the House, as  
2 follows:

3 1. By striking page 1, line 21 through page 2,  
4 line 2 and inserting the following:

5 "Sec. \_\_\_\_ Section 618.11, Code 1999, is amended  
6 by striking the section and inserting in lieu thereof  
7 the following:

8 618.11 FEES FOR PUBLICATION.

9 The compensation, when not otherwise fixed, for the  
10 publication in a newspaper of any notice, order,  
11 citation, or other publication required or allowed by  
12 law shall be at a rate of thirty-four cents for one  
13 insertion and twenty-three cents for each subsequent  
14 insertion for each line of eight-point type two inches  
15 in length, or its equivalent. Beginning June 1, 2001,  
16 and each June 1 thereafter, the state printing  
17 administrator shall calculate a new rate for the  
18 following fiscal year as prescribed in this section,  
19 and shall publish this rate as a notice in the Iowa  
20 administrative bulletin prior to the first day of the  
21 following calendar month. The new rate shall be  
22 effective on the first day of the calendar month  
23 following its publication. The rate shall be  
24 calculated by applying the percentage change in the  
25 consumer price index for all urban consumers for the  
26 last available twelve-month period published in the  
27 federal register by the federal department of labor,  
28 bureau of labor statistics, to the existing rate as an  
29 increase or decrease in the rate rounded to the  
30 nearest one-tenth of a cent. The calculation and  
31 publication of the rate by the state printing  
32 administrator shall be exempt from the provisions of  
33 chapters 17A and 25B."

LARRY McKIBBEN

S-5328

1 Amend House File 2463, as passed by the House, as  
2 follows:

3 1. Page 15, by inserting after line 10 the  
4 following:

5 "Sec. \_\_\_\_ IOWA PUBLIC EMPLOYEES' RETIREMENT  
6 SYSTEM -- EMPLOYEE WAGES.

7 1. Notwithstanding section 97B.1A, subsection 26,  
8 paragraph "a", subparagraph (2), subparagraph  
9 subdivision (d), as enacted in 2000 Iowa Acts, Senate  
10 File 2411, "wages" as defined in section 97B.1A,  
11 subsection 26, for an eligible employee of an eligible  
12 employer shall include allowable employer-paid

13 contributions which are uniformly applied by each  
14 eligible employer to all of the employer's eligible  
15 employees and are not limited to highly compensated  
16 employees as defined in section 414(q) of the Internal  
17 Revenue Code.

18 2. For purposes of this section:

19 a. "Allowable employer-paid contributions" means  
20 employer-paid contributions that cannot be received by  
21 the employee in cash and that are made to plans,  
22 programs, or arrangements qualified under section 125  
23 of the Internal Revenue Code.

24 b. "Eligible employee" means an employee of an  
25 eligible employer who is covered under chapter 97B and  
26 was employed by the eligible employer prior to July 1,  
27 2000.

28 c. "Eligible employer" means an employer covered  
29 by chapter 97B who meets all of the following  
30 requirements:

31 (1) The employer included allowable employer-paid  
32 contributions in employees' wages continuously from  
33 January 1, 1997, through January 1, 2000.

34 (2) The employer includes allowable employer-paid  
35 contributions in employees' wages for all eligible  
36 employees of the employer on and after July 1, 2000.

37 3. An eligible employer may file a written  
38 election with the department of personnel to exclude  
39 allowable employer-paid contributions from wages of  
40 every eligible employee of the employer and shall  
41 cease being an eligible employer for purposes of this  
42 section upon filing the election. An election by an  
43 eligible employer to exclude allowable employer-paid  
44 contributions is irrevocable and no retroactive wage  
45 adjustment shall be permitted for eligible employees  
46 following the election. An eligible employee shall  
47 not be permitted to file a written election to exclude  
48 allowable employer-paid contributions from that  
49 eligible employee's wages."

50 2. By renumbering as necessary.

SHELDON RITTMER

HOUSE AMENDMENT TO  
SENATE FILE 2418

S-5329

1 Amend Senate File 2418, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by striking lines 1 through 15, and  
4 inserting the following:  
5 "Section 1. Section 359.17, Code 1999, is amended  
6 by adding the following new unnumbered paragraph:



7 NEW UNNUMBERED PARAGRAPH. If a township fails to  
8 certify property taxes by March 15, the amount of  
9 taxes collected by the county for the township shall  
10 be the amount collected for the township in the  
11 previous fiscal year to the extent that it does not  
12 exceed the applicable levy rate limits in this  
13 chapter. However, that amount may not exceed the  
14 amount the township could collect based on property  
15 assessments for the fiscal year for which the township  
16 failed to certify property taxes."

17 2. Page 1, by striking lines 17 through 22.

18 3. Page 1, line 23, by striking the figure "2."

19 4. Page 1, line 23, by inserting after the word  
20 "Act," the following: "or any other provision of the  
21 Code to the contrary,".

22 5. Page 1, line 25, by striking the word and  
23 figure "April 15" and inserting the following: "May  
24 1".

25 6. Page 1, by inserting after line 27, the  
26 following:

27 "Sec. \_\_\_\_ CONTINGENT REPEAL. If section 359.49,  
28 relating to the consequences of a township's failure  
29 to certify property taxes, is enacted by 2000 Iowa  
30 Acts, House File 2492, section 1 of this Act is  
31 repealed effective July 1, 2000."

32 7. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2249

S-5330

1 Amend Senate File 2249, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 3, by inserting after the word  
4 "procurement" the words "by state agencies".

5 2. Page 1, line 5, by striking the words "by  
6 state agencies".

S-5331

1 Amend the House amendment, S-5239, to Senate File  
2 2371, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by inserting after line 2 the  
5 following:

6 "\_\_\_\_. Page 1, line 21, by inserting before the  
7 word "water" the following: "improved".

8 \_\_\_\_\_. Page 1, line 21, by inserting after the word  
9 "quality." the following: "The state department of  
10 transportation and the department of natural resources  
11 shall collaborate to provide for the preservation of

12 topsoil, erosion control, water impoundment during  
13 highway construction and reconstruction, and  
14 restoration and management of roadside right-of-way  
15 for prairie restoration, wildlife habitat, and erosion  
16 control.""  
17 2. Page 1, by striking lines 10 through 12 and  
18 inserting the following:  
19 "\_\_\_\_. Page 2, line 14, by striking the word  
20 "pilot"."  
21 3. Page 1, by striking line 13.  
22 4. Page 1, by inserting after line 31 the  
23 following:  
24 "\_\_\_\_. Page 3, line 25, by striking the word "is"  
25 and inserting the following: "are".  
26 \_\_\_\_\_. Page 4, line 2, by striking the word  
27 "practical" and inserting the following:  
28 "practicable"."  
29 5. Page 1, by striking line 32.  
30 6. Page 1, by inserting after line 43 the  
31 following:  
32 "\_\_\_\_. Page 4, line 30, by striking the word  
33 "genre" and inserting the following: "genres"."  
34 7. Page 2, by inserting after line 16 the  
35 following:  
36 "\_\_\_\_. Page 6, line 17, by striking the word  
37 "the".  
38 \_\_\_\_\_. Page 6, by striking lines 20 through 25."  
39 8. Page 2, by striking lines 21 through 25.  
40 9. Page 2, by striking lines 28 through 36 and  
41 inserting the following:  
42 "Sec. \_\_\_\_\_. Section 161C.2, subsection 1, Code  
43 1999, is amended to read as follows:  
44 1. a. Each soil and water conservation district,  
45 alone and whenever practical in conjunction with other  
46 districts, shall carry out district-wide and multiple-  
47 district projects to support water protection  
48 practices in the district or districts, including  
49 projects to protect this state's groundwater and  
50 surface water from point and nonpoint sources of

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1 contamination, including but not limited to  
2 contamination by agricultural drainage wells,  
3 sinkholes, sedimentation, or chemical pollutants.  
4 b. Any work project with an estimated cost of  
5 twenty-five thousand dollars or more shall be  
6 undertaken as a public contract as provided in  
7 chapters 73A and 573. The local contracting  
8 organization shall designate a contracting officer and  
9 shall establish procedures to manage the contract,  
10 approve bills for payment, and review proposed change

11 orders or amendments to the contract."  
12 10. Page 2, by inserting before line 37 the  
13 following:  
14 " \_\_\_\_\_. Page 7, by striking lines 4 through 6 and  
15 inserting the following: "procedures. Data dated  
16 more than five years before the department's date of  
17 listing or other determination under section 455B.194,  
18 subsection 1, shall be presumed not to be credible  
19 data unless the department identifies compelling  
20 reasons as to why the data is credible."  
21 \_\_\_\_\_. Page 8, line 1, by inserting before the word  
22 "plan" the following: "site specific".  
23 11. Page 2, by inserting after line 43 the  
24 following:  
25 " \_\_\_\_\_. Page 8, lines 17 and 18, by striking the  
26 words "to a reasonable certainty".  
27 12. Page 3, by inserting after line 15 the  
28 following:  
29 " \_\_\_\_\_. Page 9, line 32, by inserting after the  
30 word "permits" the following: "or stormwater permits  
31 issued pursuant to section 455B.103A".  
32 13. Page 3, by inserting after line 17 the  
33 following:  
34 " \_\_\_\_\_. Page 10, line 11, by inserting after the  
35 word "determined" the following: "unless the  
36 department, after taking into consideration the use of  
37 the water of the state and the severity of the  
38 pollutant, identifies compelling reasons as to why the  
39 water of the state should not have a low priority".  
40 14. Page 3, by inserting after line 20 the  
41 following:  
42 " \_\_\_\_\_. Page 10, line 15, by inserting after the  
43 word "further" the following: "investigative".  
44 15. Page 3, by inserting after line 29 the  
45 following:  
46 " \_\_\_\_\_. Page 10, by striking lines 21 through 25  
47 and inserting the following: "placement on any  
48 section 303(d) list. When developing a section 303(d)  
49 list, the department is not required to use all data,  
50 but the department shall assemble and evaluate all

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1 existing and readily available water quality-related  
2 data and information. The department shall provide  
3 documentation to the regional administrator of the  
4 federal environmental protection agency to support the  
5 state's determination to list or not to list its  
6 waters.""

- 7 16. By renumbering, relettering, or redesignating  
8 and correcting internal references as necessary.

MERLIN E. BARTZ

S-5332

- 1 Amend Senate File 2436 as follows:  
2 1. Page 1, line 11, by inserting after the word  
3 "tax." the following: "This section only applies to  
4 trust services offered by credit union service  
5 organizations."

JOANN JOHNSON

S-5333

- 1 Amend the amendment, S-5298, to House File 2502, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by striking lines 10 and 11 and  
5 inserting the following: "July 1, 1999, expenditures  
6 identified in section 3 of this Act from the rural  
7 services fund,".  
8 2. Page 1, line 18, by striking the words "final  
9 court decision pertaining to" and inserting the  
10 following: "final disposition of".  
11 3. Page 1, by striking line 23 and inserting the  
12 following: "last."  
13 4. However, this Act shall also apply to Lyon  
14 county and Story county upon disposition of their  
15 respective litigation pending before the district  
16 courts of Lyon or Story county addressing the funding  
17 of expenditures specified in section 3 of this Act,  
18 respectively. However, subsection 3 shall apply to  
19 Lyon or Story county if this Act is inconsistent with  
20 the applicable final order or ruling in each case."

MERLIN E. BARTZ

S-5334

- 1 Amend the amendment, S-5165, to House File 2519, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. By striking page 9, line 42, through page 10,  
5 line 4.  
6 2. Page 10, line 14, by inserting after the word  
7 "officers," the following: "and".

8 3. Page 10, by striking lines 15 through 18 and  
9 inserting the following: "vice chairperson for the  
10 board of parole."

ROBERT E. DVORSKY  
JEFF ANGELO

HOUSE AMENDMENT TO  
SENATE FILE 2113

S-5335

1 Amend Senate File 2113, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting after line 19 the  
4 following:

5 "Sec. \_\_\_\_ Section 152C.1, subsection 3, Code  
6 1999, is amended to read as follows:

7 3. "Massage therapy" means performance for  
8 compensation of massage, myotherapy, massotherapy,  
9 bodywork, bodywork therapy, or therapeutic massage  
10 including hydrotherapy, superficial hot and cold  
11 applications, vibration and topical applications, or  
12 other therapy which involves manipulation of the  
13 muscle and connective tissue of the body, excluding  
14 osseous tissue, to treat the muscle tonus system for  
15 the purpose of enhancing health, muscle relaxation,  
16 increasing range of motion, reducing stress, relieving  
17 pain, or improving circulation. "Massage therapy"  
18 does not include diagnosis or service which requires a  
19 license to practice medicine or surgery, osteopathic  
20 medicine and surgery, osteopathy, chiropractic,  
21 cosmetology arts and sciences, or podiatry, and does  
22 not include service performed by athletic trainers,  
23 technicians, nurses, occupational therapists, or  
24 physical therapists who act under a professional  
25 license, certificate, or registration or under the  
26 prescription or supervision of a person licensed to  
27 practice medicine or surgery or osteopathic medicine  
28 and surgery."

29 2. Page 1, line 32, by inserting after the word  
30 "offense" the following: ", with the maximum penalty  
31 not to exceed ten thousand dollars".

32 3. Page 3, line 19, by striking the word  
33 "subsections" and inserting the following:  
34 "subsection".

35 4. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2252

S-5336

1 Amend Senate File 2252, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 2 through 26 and  
4 inserting the following: "amended to read as follows:  
5 SEC. 135. Chapter 257, Code 2001 and Code  
6 Supplement 2001, is repealed effective July 1, ~~2001~~  
7 2002."

8 2. Title page, line 1, by striking the words  
9 "eliminating the future" and inserting the following:  
10 "delaying the".

11 3. Title page, line 2, by striking the words "and  
12 providing for periodic legislative review".

S-5337

1 Amend House File 2528, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 14, by inserting after the word  
4 "owner" the following: "and any contract purchaser".

5 2. Page 1, line 19, by inserting after the word  
6 "owner" the following: "and any contract purchaser".

7 3. Page 1, line 22, by inserting after the word  
8 "owner" the following: "and any contract purchaser".

9 4. Page 1, line 23, by inserting after the word  
10 "owner's" the following: "and contract purchaser's".

11 5. Page 1, line 34, by inserting after the words  
12 "fund the" the following: "final".

13 6. Page 2, line 10, by inserting after the word  
14 "owner" the following: "and any contract purchaser".

15 7. Page 2, line 23, by inserting after the words  
16 "fund the" the following: "final".

17 8. Page 2, line 31, by inserting after the words  
18 "fund the" the following: "final".

19 9. Page 3, line 19, by striking the word "should"  
20 and inserting the following: "shall".

21 10. Page 3, by striking lines 20 through 26, and  
22 inserting the following: "twenty days before the  
23 public hearing is held as referred to in subsection 1.  
24 The published notice shall, at a minimum,".

25 11. Page 3, line 33, by inserting after the words  
26 "fund the" the following: "final".

27 12. Page 4, line 5, by striking the words "site  
28 specific" and inserting the following: "final site-  
29 specific".

30 13. Page 4, line 14, by inserting after the word  
31 "section." the following: "If the acquiring agency is  
32 a person required to obtain a permit under chapter

33 479, compliance with section 479.5 shall satisfy the  
34 notice requirements of this section."

35 14. By striking page 10, line 29, through page  
36 11, line 3.

37 15. Page 11, by inserting before line 4, the  
38 following:

39 "Sec. \_\_\_\_ Section 6B.14, unnumbered paragraph 1,  
40 Code Supplement 1999, is amended to read as follows:

41 The commissioners shall, at the time fixed in the  
42 aforesaid notices, view the land sought to be  
43 condemned and assess the damages which the owner will  
44 sustain by reason of the appropriation; ~~and they. The~~  
45 commission shall file ~~their~~ its written report, signed  
46 by all commissioners, with the sheriff. At the  
47 request of the condemner or the condemnee, the  
48 commission shall divide the damages into parts to  
49 indicate the value of any dwelling, the value of the  
50 land and improvements other than a dwelling, and the

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1 value of any additional damages. The appraisalment and  
2 return may be in parcels larger than forty acres  
3 belonging to one person and lying in one tract, unless  
4 the agent or attorney of the applicant, or the  
5 commissioners, have actual knowledge that the tract  
6 does not belong wholly to the person in whose name it  
7 appears of record; and in case of such knowledge, the  
8 appraisalment shall be made of the different portions  
9 as they are known to be owned."

10 16. Page 11, line 12, by striking the word  
11 "shall" and inserting the following: "may".

12 17. Page 11, line 13, by striking the words  
13 "closed session".

14 18. Page 11, line 18, by inserting after the word  
15 "commission." the following: "The commission shall  
16 keep minutes of all its meetings showing the date,  
17 time, and place, the members present, and the action  
18 taken at each meeting. The minutes shall show the  
19 results of each vote taken and information sufficient  
20 to indicate the vote of each member present. The vote  
21 of each member present shall be made public at the  
22 open session. The minutes shall be public records  
23 open to public inspection."

24 19. Page 14, line 4, by inserting after the word  
25 "owner" the following: "and any contract purchaser".

26 20. Page 14, line 6, by inserting after the word  
27 "owner" the following: "and any contract purchaser".

28 21. Page 14, line 12, by inserting after the word  
29 "owner" the following: "or any contract purchaser".

30 22. Page 15, by inserting after line 21, the  
31 following:

32 "Sec. \_\_\_\_ Section 479.5, unnumbered paragraphs 3  
33 and 6, Code 1999, are amended to read as follows:  
34 A pipeline company shall hold informational  
35 meetings in each county in which real property or  
36 property rights will be affected at least thirty days  
37 prior to filing the petition for a new pipeline. A  
38 member of the board or a person designated by the  
39 board shall serve as the presiding officer at each  
40 meeting ~~and shall present an agenda for the meeting~~  
41 ~~which shall include a summary of the legal rights of~~  
42 ~~the affected landowners, and shall distribute and~~  
43 ~~review the statement of individual rights required~~  
44 ~~under section 6B.2A. No A~~ formal record of the  
45 meeting shall not be required.  
46 The notice shall set forth the name of the  
47 applicant; the applicant's principal place of  
48 business; the general description and purpose of the  
49 proposed project; the general nature of the right-of-  
50 way desired; the possibility that the right-of-way may

### Page 3

1 be acquired by condemnation if approved by the  
2 utilities board; a map showing the route of the  
3 proposed project; a description of the process used by  
4 the utilities board in making a decision on whether to  
5 approve a permit including the right to take property  
6 by eminent domain; that the landowner has a right to  
7 be present at such meeting and to file objections with  
8 the board; and a designation of the time and place of  
9 the meeting; ~~and The notice shall be served by~~  
10 certified mail with return receipt requested not less  
11 than thirty days previous to the time set for the  
12 meeting; and shall be published once in a newspaper of  
13 general circulation in the county. The publication  
14 shall be considered notice to landowners whose  
15 residence is not known and to each person in  
16 possession of or residing on the property provided a  
17 good faith effort to notify can be demonstrated by the  
18 pipeline company.  
19 Sec. \_\_\_\_ Section 479.7, Code 1999, is amended by  
20 adding the following new unnumbered paragraph:  
21 NEW UNNUMBERED PARAGRAPH. Where a petition seeks  
22 the use of the right of eminent domain over specific  
23 parcels of real property, the board shall prescribe  
24 the notice to be served upon the owners of record and  
25 parties in possession of the property over which the  
26 use of the right of eminent domain is sought. The



27 notice shall include the statement of individual  
28 rights required pursuant to section 6B.2A."  
29 23. By renumbering as necessary.

JEFF ANGELO  
JOE BOLKCOM  
RICHARD F. DRAKE  
ANDY McKEAN  
STEVE KING  
MATT McCOY

S-5338

1 Amend House File 2513, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 25, by inserting after line 3 the  
4 following:  
5 "\_\_\_\_. an assignment of a claim or right to receive  
6 any of the following:  
7 (1) compensation for injuries or sickness as  
8 provided in 26 U.S.C. } 104(a)(1) or (2).  
9 (2) benefits under a special needs trust as  
10 provided in 42 U.S.C. } 1396p(d)(4)."  
11 2. By relettering as necessary.

LARRY McKIBBEN

S-5339

1 Amend House File 2513, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 74, line 16, by striking the word "A" and  
4 inserting the following: "Except as provided in  
5 subsection 10, a".  
6 2. Page 74, by striking lines 21 and 22, and  
7 inserting the following:  
8 "10. AGRICULTURAL LIENS PREVAIL. The provisions  
9 of this Article regarding agricultural liens prevail  
10 over any inconsistent provisions of subsection 9."  
11 3. Page 173, by inserting after line 28, the  
12 following:  
13 "Sec. \_\_\_\_\_. Section 570.1, Code 1999, is amended to  
14 read as follows:  
15 570.1 LIEN CREATED – PROPERTY SUBJECTED.  
16 1. A landlord shall have a lien for the rent upon  
17 all crops grown upon the leased premises, and upon any  
18 other personal property of the tenant which has been  
19 used or kept thereon during the term and which is not  
20 exempt from execution.  
21 2. In order to perfect a lien in farm products as  
22 defined in section 554.9102, which is created under  
23 this section, a landlord must file a financing

24 statement as required by section 554.9308, subsection  
25 2. Except as provided in chapters 571, 572, 579A,  
26 579B, and 581, a perfected lien in the farm products  
27 has priority over a conflicting security interest or  
28 lien, including a security interest or lien that was  
29 perfected prior to the creation of the lien under this  
30 section, if the lien created in this section is  
31 perfected on either of the following dates:  
32 a. Prior to July 1, 2001.  
33 b. When the debtor takes possession of the leased  
34 premises or within twenty days after the debtor takes  
35 possession of the leased premises.  
36 A financing statement filed to perfect a lien in  
37 the farm products must include a statement that it is  
38 filed for the purpose of perfecting a landlord's lien.  
39 Within twenty days after a landlord who has filed a  
40 financing statement receives a written demand,  
41 authenticated as provided in Article 9 of chapter 554,  
42 from a tenant, the landlord shall file a termination  
43 statement, if the lien in the farm products has  
44 expired or if the tenant is no longer in possession of  
45 the leased premises and has performed all obligations  
46 under the lease."  
47 4. By renumbering as necessary.

LARRY MCKIBBEN

S-5340

1 Amend House File 2008, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by inserting after line 7 the  
4 following:  
5 "Sec. \_\_\_\_ 2000 Iowa Acts, House File 2486,  
6 section 5, if enacted, is amended to read as follows:  
7 SEC. 5. Section 483A.1A, subsection 4, Code 1999,  
8 is amended by adding the following new paragraph:  
9 ~~4. e.~~ Is registered to vote in this state."  
10 2. Page 1, by striking line 22 and inserting the  
11 following: "fishing and, if, ~~In lieu of carrying the~~  
12 ~~person's earnings statement, the military person may~~  
13 ~~also claim residency if the person is registered to~~  
14 ~~vote in this state. If~~ a deer or wild turkey is  
15 taken, ~~the military person~~ shall".

MERLIN E. BARTZ

S-5341

1 Amend House File 2419 as passed by the House as  
2 follows:  
3 1. Page 3, by inserting after line 15 the

4 following:

5 "Sec. \_\_\_\_ NEW SECTION. 124.414 DRUG  
6 PARAPHERNALIA.

7 1. a. As used in this section, "drug  
8 paraphernalia" means all equipment, products, or  
9 materials of any kind used or attempted to be used in  
10 combination with a controlled substance, except those  
11 items used in combination with the lawful use of a  
12 controlled substance, to knowingly or intentionally  
13 and primarily do any of the following:

14 (1) Manufacture a controlled substance.

15 (2) Inject, ingest, inhale, or otherwise introduce  
16 into the human body a controlled substance.

17 (3) Test the strength, effectiveness, or purity of  
18 a controlled substance.

19 (4) Enhance the effect of a controlled substance.

20 b. "Drug paraphernalia" does not include  
21 hypodermic needles or syringes if manufactured,  
22 delivered, sold, or possessed for a lawful purpose.

23 2. It is unlawful for any person to knowingly or  
24 intentionally manufacture, deliver, sell, or possess  
25 drug paraphernalia.

26 3. This section shall not be construed to preempt  
27 the adoption or enforcement of a drug paraphernalia  
28 ordinance by a local authority as defined in section  
29 321.1.

30 4. A person who violates this section commits a  
31 simple misdemeanor."

32 2. Title page, by striking lines 1 and 2 and  
33 inserting the following: "An Act concerning the  
34 criminal penalties relating to amphetamines or drug  
35 paraphernalia."

ANDY McKEAN  
GENE MADDOX

S-5342

1 Amend House File 723, 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. 717.3 LIVESTOCK  
6 TORTURE.

7 1. A person is guilty of livestock torture,  
8 regardless of whether the person is the owner of the  
9 livestock, if the person acts with a depraved or  
10 sadistic intent to inflict on the livestock severe  
11 physical pain in order to prolong suffering or death.

12 2. This section shall not apply to any of the  
13 following:

14 a. A person acting to carry out an order issued by

15 a court.  
16 b. A licensed veterinarian while practicing  
17 veterinary medicine as provided in chapter 169.  
18 c. A person while carrying out a practice that is  
19 consistent with customary animal husbandry practices.  
20 d. A person acting reasonably to protect a person  
21 from injury or death caused by unconfined livestock.  
22 e. A local authority acting reasonably to destroy  
23 livestock, if at the time of the destruction, the  
24 owner of the livestock is absent or unable to care for  
25 the livestock, and the livestock is permanently  
26 distressed by disease or injury to a degree that would  
27 result in severe and prolonged suffering.  
28 f. An institution, as defined in section 145B.1,  
29 or a research facility, as defined in section 162.2,  
30 provided that the institution or research facility  
31 performs functions within the scope of accepted  
32 practices and disciplines associated with the  
33 institution or research facility.  
34 3. A person guilty of livestock torture is guilty  
35 of an aggravated misdemeanor for the first offense and  
36 guilty of a class "D" felony for a second or  
37 subsequent offense. If a person is guilty of  
38 livestock torture, as provided in this subsection, the  
39 sentencing order shall provide that the person  
40 participate in counseling according to the terms  
41 ordered by the court.  
42 Sec. 2. NEW SECTION. 717B.3A ANIMAL TORTURE.  
43 1. A person is guilty of animal torture,  
44 regardless of whether the person is the owner of the  
45 animal, if the person acts with a depraved or sadistic  
46 intent to inflict on the animal severe physical pain  
47 in order to prolong suffering or death.  
48 2. This section shall not apply to any of the  
49 following:  
50 a. A person acting to carry out an order issued by

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1 a court.  
2 b. A licensed veterinarian practicing veterinary  
3 medicine as provided in chapter 169.  
4 c. A person carrying out a practice that is  
5 consistent with animal husbandry practices.  
6 d. A person acting in order to carry out another  
7 provision of law which allows the conduct.  
8 e. A person taking, hunting, trapping, or fishing  
9 for a wild animal as provided in chapter 481A.  
10 f. A person acting to protect the person's  
11 property from a wild animal as defined in section  
12 481A.1.  
13 g. A person acting to protect a person from injury

14 or death caused by a wild animal as defined in section  
15 481A.1.  
16 h. A person reasonably acting to protect the  
17 person's property from damage caused by an unconfined  
18 animal.  
19 i. A person reasonably acting to protect a person  
20 from injury or death caused by an unconfined animal.  
21 j. A local authority reasonably acting to destroy  
22 an animal, if at the time of the destruction, the  
23 owner of the animal is absent or unable to care for  
24 the animal, and the animal is permanently distressed  
25 by disease or injury to a degree that would result in  
26 severe and prolonged suffering.  
27 k. An institution, as defined in section 145B.1,  
28 or a research facility, as defined in section 162.2,  
29 provided that the institution or research facility  
30 performs functions within the scope of accepted  
31 practices and disciplines associated with the  
32 institution or research facility.  
33 3. A person guilty of animal torture is guilty of  
34 an aggravated misdemeanor for the first offense and  
35 guilty of a class "D" felony for a second or  
36 subsequent offense. If a person is guilty of animal  
37 torture, as provided in this subsection, the  
38 sentencing order shall provide that the person  
39 participate in counseling according to terms ordered  
40 by the court."  
41 2. Title page, line 1, by striking the words  
42 "persons and".

DAVID MILLER  
MARY A. LUNDBY  
MATT McCOY

S-5343

1 Amend Senate File 2438 as follows:  
2 1. Page 1, line 12, by inserting after the word  
3 "protection," the following: "sewage collection and  
4 treatment facilities,".  
5 2. Page 2, line 6, by inserting after the word  
6 "lake," the following: "However, a water quality  
7 district shall not be established on open ditches or  
8 streams maintained by drainage districts or on streams  
9 or rivers where levees are maintained by levee or  
10 drainage districts. If a reach of a stream or river  
11 in a water quality district later becomes a drainage  
12 district facility or becomes levied by a drainage or  
13 levee district, the stream or river reach shall be  
14 removed from the jurisdiction of the water quality  
15 district and the adjacent parcels shall be removed  
16 from the water quality district."

- 17 3. Page 2, lines 11 and 12, by striking the words  
18 "add water quality activities to the" and inserting  
19 the following: "form a combined".
- 20 4. Page 2, lines 13 and 14, by striking the words  
21 "add recreational facilities to the" and inserting the  
22 following: "form a combined".
- 23 5. Page 2, line 14, by striking the words "shall  
24 submit a petition" and inserting the following: "may  
25 join with the petition required by section 357E.3".
- 26 6. Page 3, line 9, by inserting after the word  
27 "district" the following: "and must be renewed by a  
28 similar election every eight years. The tax levy for  
29 a combined district shall not exceed four dollars per  
30 thousand dollars of assessed value on all of the  
31 taxable property within the district".

MERLIN E. BARTZ

HOUSE AMENDMENT TO  
SENATE FILE 2360

S-5344

- 1 Amend Senate File 2360, as passed by the Senate, as  
2 follows:
- 3 1. Page 21, by inserting after line 19 the  
4 following:
- 5 "DIVISION \_\_\_\_  
6 SERVICE INFORMATION - OTHER PROVISIONS  
7 Sec. \_\_\_\_ Section 225C.20, Code 1999, is amended  
8 to read as follows:
- 9 225C.20 RESPONSIBILITIES OF COUNTIES FOR  
10 INDIVIDUAL CASE MANAGEMENT SERVICES.
- 11 Individual case management services funded under  
12 medical assistance shall be provided by the department  
13 except when a county or a consortium of counties  
14 contracts with the department to provide the services.  
15 A county or consortium of counties may contract to be  
16 the provider at any time and the department shall  
17 agree to the contract so long as the contract meets  
18 the standards for case management adopted by the  
19 department. The county or consortium of counties may  
20 subcontract for the provision of case management  
21 services so long as the subcontract meets the same  
22 standards. A county board of supervisors may change  
23 the provider of individual case management services at  
24 any time. If the current or proposed contract is with  
25 the department, the county board of supervisors shall  
26 provide written notification of a ~~proposed change to~~  
27 ~~the department on or before August 15 and written~~  
28 ~~notification of an approved change on or before~~  
29 ~~November 15 in the fiscal year which precedes the~~

30 ~~fiscal year in which the change at least ninety days~~  
31 ~~before the date the change~~ will take effect.

32 Sec. \_\_\_\_ Section 331.440A, subsection 1,  
33 paragraph b, Code Supplement 1999, is amended to read  
34 as follows:

35 b. "Pilot project areas" means the pilot project  
36 created under this section involving the ~~three-county~~  
37 county or multicounty single entry point process  
38 administrative areas designated in accordance with  
39 this section.

40 Sec. \_\_\_\_ Section 331.440A, subsection 3, Code  
41 Supplement 1999, is amended to read as follows:

42 3. PROJECT ESTABLISHED. The department of human  
43 services shall establish a pilot project for  
44 decategorizing the public funding for adult mental  
45 health, mental retardation, and developmental  
46 disabilities services in accordance with this section.  
47 The pilot project shall include the three-county  
48 single entry point process administrative areas  
49 designated for decategorization planning under 1997  
50 Iowa Acts, chapter 169, section 13, Washington county.

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1 and Webster county. Under the pilot project, a  
2 projected funding amount for a fiscal year shall be  
3 developed for each of the ~~three administrative pilot~~  
4 project areas, from the funding sources designated in  
5 this section. The projected funding amount for a  
6 fiscal year, manner of payment, and other provisions  
7 of the pilot project shall be delineated in contracts  
8 between the department and the counties involved in  
9 the pilot project.

10 Sec. \_\_\_\_ Section 331.440A, subsection 7,  
11 paragraph a, subparagraph (1), Code Supplement 1999,  
12 is amended to read as follows:

13 (1) At least one service consumer, one service  
14 provider, and one county supervisor from each of the  
15 ~~three~~ pilot project areas, designated by the governor.

16 Sec. \_\_\_\_ INFORMATION. The department of human  
17 services shall develop data that tracks the county of  
18 residence for all individuals who received mental  
19 health or developmental disabilities services funded  
20 by medical assistance and for which the nonfederal  
21 share was paid by a county. In addition, the  
22 department shall provide this data for individuals who  
23 received such services and for which the state paid  
24 the nonfederal share. Initially, the data shall be  
25 reported for all or part, as available, of fiscal  
26 years 1998-1999 and 1999-2000. The aggregate data,  
27 along with other pertinent information, shall be  
28 submitted as soon as is practicable to the governor,

29 general assembly, and any task force created by the  
30 legislative council to study mental health and  
31 developmental disabilities services.  
32 Sec. \_\_\_\_ EFFECTIVE DATE. This division of this  
33 Act, being deemed of immediate importance, takes  
34 effect upon enactment."  
35 2. Title page, by striking lines 1 through 3 and  
36 inserting the following: "An Act relating to state  
37 and local administrative and employment provisions  
38 involving human services and providing an effective  
39 date."  
40 3. By renumbering as necessary.

S-5345

1 Amend the amendment, S-5165, to House File 2519, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. By striking page 2, line 46, through page 4,  
5 line 26 and inserting the following:  
6 "Sec. \_\_\_\_ Section 222.60, unnumbered paragraph 1,  
7 Code 1999, is amended to read as follows:  
8 All necessary and legal expenses for the cost of  
9 admission or commitment, including expenses incurred  
10 pursuant to section 812.5, or for the treatment,  
11 training, instruction, care, habilitation, support and  
12 transportation of persons with mental retardation, as  
13 provided for in the county management plan provisions  
14 implemented pursuant to section 331.439, subsection 1,  
15 in a state hospital-school, or in a special unit, or  
16 any public or private facility within or without the  
17 state, approved by the director of the department of  
18 human services, shall be paid by either:"  
19 2. By striking page 4, line 43, through page 5,  
20 line 43 and inserting the following:  
21 "Sec. \_\_\_\_ Section 230.1, subsection 1, unnumbered  
22 paragraph 1, Code Supplement 1999, is amended to read  
23 as follows:  
24 The necessary and legal costs and expenses  
25 attending the taking into custody, care,  
26 investigation, admission, commitment, including civil  
27 commitment pursuant to section 812.5, and support of a  
28 person with mental illness admitted or committed to a  
29 state hospital shall be paid by a county or by the  
30 state as follows:"  
31 3. Page 6, by striking lines 10 through 30.  
32 4. Page 10, by inserting after line 1 the  
33 following:  
34 "Sec. 101. PERSONS WITH MENTAL RETARDATION --  
35 LIABILITY OF COUNTY AND STATE.  
36 1. Notwithstanding any provision of section 222.60  
37 to the contrary, all necessary and legal expenses for



38 the cost of admission or commitment, including  
39 expenses incurred pursuant to section 812.5, or for  
40 the treatment, training, instruction, care,  
41 habilitation, support, and transportation of an  
42 eligible person with mental retardation shall be paid  
43 by the county in which such person has a legal  
44 settlement as defined in section 252.16, or, if such  
45 person has no legal settlement or when such settlement  
46 is unknown, by the state. The provisions of section  
47 222.60 not inconsistent with this section shall apply  
48 to this section.

49 2. For purposes of this section, an "eligible  
50 person with mental retardation" means a person with

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1 mental retardation who has been charged with a  
2 criminal offense and who is transferred or referred to  
3 a state hospital-school or state hospital for any of  
4 the following reasons:

5 a. A diagnosis or recommendation as part of the  
6 pretrial or presentence procedure.

7 b. A determination of mental competency or,  
8 pursuant to Iowa rule of criminal procedure 21, a  
9 placement of a defendant.

10 c. A determination of competency to stand trial, a  
11 determination of a defendant's dangerousness, or a  
12 commitment as mentally incompetent to stand trial  
13 pursuant to section 812.4.

14 d. A diagnosis, evaluation, or treatment for a  
15 prisoner transferred from a county or city jail.

16 3. The single entry point process established by a  
17 county under section 331.440 shall not apply to this  
18 section and a court is not required to seek  
19 authorization through the single entry point process  
20 prior to transferring or referring an eligible person  
21 with mental retardation to a state hospital-school or  
22 state hospital for any reason described in subsection  
23 2, paragraphs "a" through "d".

24 4. This section is repealed June 30, 2001.

25 Sec. 102. PERSONS WITH MENTAL ILLNESS- LIABILITY  
26 OF COUNTY AND STATE.

27 1. Notwithstanding any provision of section 230.1  
28 to the contrary, the necessary and legal costs and  
29 expenses attending the taking into custody, care,  
30 investigation, admission, commitment, including civil  
31 commitment pursuant to section 812.5, and support of  
32 an eligible person with mental illness shall be paid  
33 by a county in which such person has a legal  
34 settlement; or, if such person has no legal settlement  
35 in this state or the person's legal settlement is  
36 unknown, by the state. The provisions of section

37 230.1 not inconsistent with this section shall apply  
38 to this section.  
39 2. For purposes of this section, an "eligible  
40 person with mental illness" means a person with mental  
41 illness who has been charged with a criminal offense  
42 and who is transferred or referred to a state hospital  
43 for any of the following reasons:  
44 a. A psychosocial diagnosis or recommendation as  
45 part of the pretrial or presentence procedure.  
46 b. A determination of mental competency or,  
47 pursuant to Iowa rule of criminal procedure 21, a  
48 placement of a defendant.  
49 c. A determination of competency to stand trial, a  
50 determination of a defendant's dangerousness, or a

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1 commitment as mentally incompetent to stand trial  
2 pursuant to section 812.4.  
3 d. A diagnosis, evaluation, or treatment for  
4 mental illness for a prisoner transferred from a  
5 county or city jail.  
6 3. The single entry point process established by a  
7 county under section 331.440 shall not apply to this  
8 section and a court is not required to seek  
9 authorization through the single entry point process  
10 prior to transferring or referring an eligible person  
11 with mental illness to a state hospital for any reason  
12 described in subsection 2, paragraphs "a" through "d".  
13 4. This section is repealed June 30, 2001.  
14 Sec. \_\_\_\_\_. LEGISLATIVE STUDY -- LIABILITY OF STATE  
15 OR COUNTY -- PERSONS WITH MENTAL ILLNESS OR MENTAL  
16 RETARDATION. The legislative council of the Iowa  
17 general assembly is requested to establish a  
18 legislative interim study committee during the 2000  
19 interim to review issues concerning whether the county  
20 or state should be liable for the payment of costs and  
21 expenses associated with the transferring and  
22 referring of a person to a state hospital or state  
23 hospital-school for mental illness or mental  
24 retardation who has been charged with a criminal  
25 offense. The committee shall consider proposals,  
26 including the mechanism established in sections 101  
27 and 102 of this Act, for determining when the county  
28 or the state should be liable and, if applicable, for  
29 determining which county should be liable. The  
30 legislative interim study committee should issue a  
31 report to the general assembly by January 1, 2001,  
32 concerning its findings and recommendations."  
33 5. Page 10, line 17, by inserting after the word

34 "hearings," the following: "requesting an interim  
35 study,".  
36 6. By renumbering as necessary.

JEFF ANGELO

S-5346

1 Amend Senate File 2312 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 166D.2, Code 1999, is amended  
5 by adding the following new subsections:  
6 NEW SUBSECTION. 7A. "Cleanup plan" means a herd  
7 cleanup plan or feeder pig cooperators herd cleanup  
8 plan as provided in section 166D.8.  
9 NEW SUBSECTION. 8A. "Cull swine" means mature  
10 swine fed for purposes of direct slaughter. However,  
11 "cull swine" does not include swine kept for purposes  
12 of breeding or reproduction.  
13 NEW SUBSECTION. 19A. "Fixed concentration point"  
14 means a concentration point which is a permanent  
15 location where swine are assembled for purposes of  
16 sale and movement to a slaughtering establishment as  
17 provided in section 166D.12.  
18 NEW SUBSECTION. 26A. "Isowean feeder pig" means a  
19 feeder pig that weighs twenty pounds or less.  
20 NEW SUBSECTION. 44A. "Stage II county" means a  
21 county designated by the department as in stage II of  
22 the national pseudorabies eradication program.  
23 Sec. 2. Section 166D.2, subsections 2, 11, 17, 19,  
24 38, and 42, Code 1999, are amended to read as follows:  
25 2. "Approved premises" means a dry lot facility  
26 located in an area with confirmed cases of  
27 pseudorabies infection, which is ~~authorized~~ certified  
28 by the department to receive, hold, or and feed and  
29 move or relocate infected swine, exposed animals, or  
30 swine of unknown status as provided in section  
31 166D.10B. The premises and all swine on the premises  
32 shall be considered under quarantine. However, swine  
33 may be moved to slaughter under a transportation  
34 certificate or may be moved to another pseudorabies  
35 approved premises under a certificate of inspection.  
36 11. "Differentiable vaccine" means a vaccine which  
37 has a licensed companion differentiable test, and  
38 includes a modified-live differentiable vaccine.  
39 17. "Feeder pig" means an immature swine fed for  
40 purposes of direct slaughter which ~~is~~ weighs one  
41 hundred pounds or less than slaughter weight.  
42 19. "Feeder swine" means ~~a porcine animal~~ swine  
43 fed for purposes of direct slaughter, including feeder  
44 pigs, and cull sows, and boars swine. However,

45 "feeder swine" does not include ~~animals~~ swine kept for  
46 purposes of breeding or reproduction.  
47 38. "Quarantined herd" means a herd in which  
48 pseudorabies infected or exposed swine are bred,  
49 reared, or fed under the supervision and control of  
50 the department, as provided in section 166D.9. Swine

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1 ~~in a quarantined herd may be moved only to an approved~~  
2 ~~premises for feeding or to a recognized slaughtering~~  
3 ~~establishment for slaughter. Either movement may be~~  
4 ~~completed through a concentration point in compliance~~  
5 ~~with section 166D.12.~~

6 42. "Restricted movement" means swine which are  
7 ~~quarantined until directly moved to slaughter~~ moved or  
8 relocated as provided in section 166D.10A.

9 Sec. 3. Section 166D.2, subsections 4, 5, and 34,  
10 Code 1999, are amended by striking the subsections.

11 Sec. 4. Section 166D.2, subsection 32, paragraph  
12 c, Code 1999, is amended by striking the paragraph.

13 Sec. 5. Section 166D.3, unnumbered paragraph 1,  
14 Code 1999, is amended to read as follows:

15 A state pseudorabies advisory committee is  
16 established. The committee shall consist of not more  
17 than seven members ~~who shall be~~ appointed by the Iowa  
18 pork producers association. At least four members of  
19 the committee must be actively engaged in swine  
20 production. The members shall serve staggered terms  
21 of two years, except that the initial board members  
22 shall serve unequal terms. A person appointed to fill  
23 a vacancy for a member shall serve only for the  
24 unexpired portion of the term. A member is eligible  
25 for reappointment for three successive terms. A  
26 majority of the board constitutes a quorum and an  
27 affirmative vote of the majority of members is  
28 necessary for substantive action taken by the board.  
29 The majority shall not include any member who has a  
30 conflict of interest and a statement by a member of a  
31 conflict of interest shall be conclusive for this  
32 purpose. A vacancy in the membership does not impair  
33 the right of a quorum to exercise all rights and  
34 perform all duties of the board. The advisory  
35 committee shall:

36 Sec. 6. Section 166D.3, subsection 1, Code 1999,  
37 is amended by striking the subsection.

38 Sec. 7. Section 166D.7, subsection 1, paragraph a,  
39 Code 1999, is amended to read as follows:

40 a. The herd shall be certified when all breeding  
41 swine have reacted negatively to a test. The herd  
42 must have been free from infection for thirty days  
43 prior to testing. At least ninety percent of swine in

44 the herd must have been on the premises as a part of  
45 the herd for at least sixty days prior to testing, or  
46 swine in the herd must have been moved or relocated  
47 directly from another qualified negative herd. To  
48 remain certified, the herd must be retested and  
49 recertified as provided by the department. The herd  
50 shall be recertified when each month the greater of

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1 five head of swine or at least ten percent of the  
2 herd's breeding swine react negatively to a test.  
3 Sec. 8. Section 166D.7, subsection 2, Code 1999,  
4 is amended by striking the subsection.  
5 Sec. 9. Section 166D.7, subsection 3, paragraphs a  
6 and b, Code 1999, are amended to read as follows:  
7 a. The herd shall be certified when a statistical  
8 sampling of the herd is determined to be noninfected.  
9 b. ~~To~~ In order to remain certified the herd must  
10 be retested and recertified as provided by the  
11 department. The herd must be recertified annually.  
12 The herd shall be recertified when a statistical  
13 sampling of the herd is determined to be noninfected  
14 within twelve months from initial certification or the  
15 most recent recertification.  
16 A herd shall not be certified or recertified, if  
17 the herd is located within a county which is  
18 designated by the department as in stage II of the  
19 national pseudorabies eradication program, unless the  
20 herd is vaccinated with a modified-live differentiable  
21 vaccine pursuant to section 166D.11 and as required by  
22 the department.  
23 Sec. 10. Section 166D.7, subsection 4, paragraph  
24 a, Code 1999, is amended to read as follows:  
25 a. The herd shall be certified when one hundred  
26 percent of breeding swine have reacted negatively to a  
27 test. The herd must have been free from infection for  
28 thirty days prior to testing. At least ninety percent  
29 of swine in the herd must have been on the premises as  
30 a part of the herd for at least sixty days prior to  
31 testing, or swine in the herd must have been directly  
32 moved directly or relocated from a qualified negative  
33 herd or qualified differentiable negative herd. A  
34 differentiable vaccine must be administered at  
35 intervals in accordance with the package insert for  
36 that vaccine. To remain certified, the herd must be  
37 retested and recertified as provided by the  
38 department. The herd shall be recertified when ~~either~~  
39 ~~of the following occurs:~~  
40 ~~(1) Each eighty to one hundred five each thirty~~  
41 ~~days at least twenty-five percent of the herd's~~  
42 ~~breeding swine react negatively to a test.~~

43 ~~(2) Each month at least ten percent of the herd's~~  
44 ~~breeding swine react negatively to a test.~~  
45 Sec. 11. Section 166D.8, Code 1999, is amended to  
46 read as follows:  
47 166D.8 INFECTED HERDS.  
48 An infected herd ~~in a program area which is not~~  
49 quarantined under section 166D.9, shall either adopt a  
50 herd cleanup plan, or a feeder pig cooperator herd

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1 ~~cleanup plan, or shall be quarantined.~~  
2 1. a. A herd cleanup plan ~~may include any or a~~  
3 ~~combination of the following:~~  
4 ~~(1) The segregation of progeny with restricted~~  
5 ~~movement. The herd cleanup plan must include the~~  
6 ~~location of the premises that will receive the~~  
7 ~~progeny. The receiving premises shall be quarantined.~~  
8 ~~(2) The test shall apply to a herd, if feeder pigs~~  
9 ~~are not moved from the herd. The plan shall provide~~  
10 ~~for one of the following:~~  
11 ~~(1) The testing of all swine capable of being~~  
12 ~~accurately diagnosed with pseudorabies and the removal~~  
13 ~~of infected swine from the herd.~~  
14 ~~(3) (2) Depopulation.~~  
15 b. ~~Notwithstanding paragraph "a", breeding swine~~  
16 ~~in an infected herd shall be tested and the infected~~  
17 ~~breeding swine shall be removed from the infected herd~~  
18 ~~in accordance with procedures and by dates established~~  
19 ~~by rules adopted by the department. A herd cleanup~~  
20 ~~plan must be implemented as follows:~~  
21 ~~(1) If the plan provides for the testing and~~  
22 ~~removal of swine, all breeding swine must be tested~~  
23 ~~with a differentiable test and react negatively to the~~  
24 ~~test within fifteen days after the herd is classified~~  
25 ~~by the department as infected. All breeding swine~~  
26 ~~reacting positively to the test must be removed as~~  
27 ~~provided in this section. At least thirty days after~~  
28 ~~removal of the breeding swine reacting positively, all~~  
29 ~~remaining breeding swine must be tested and react~~  
30 ~~negatively to the test. Subsequent testing and~~  
31 ~~removal must be conducted as provided in this~~  
32 ~~subparagraph until all breeding swine react~~  
33 ~~negatively. When all breeding swine are tested and~~  
34 ~~react negatively to the test, the department shall~~  
35 ~~classify the herd as a noninfected herd.~~  
36 ~~(2) The herd cleanup plan may provide for the~~  
37 ~~relocation of feeder pigs or cull swine. If the plan~~  
38 ~~provides for the relocation of feeder pigs, the plan~~  
39 ~~must provide for the segregation of feeder pigs and~~  
40 ~~identify in writing the approved premises where feeder~~  
41 ~~pigs or cull swine may be relocated upon approval by~~

42 the department.  
43 2. a. A feeder pig cooperator herd ~~cleanup~~ plan  
44 ~~may be adopted if~~ shall apply to a herd, if feeder  
45 pigs are moved from the herd. The plan shall include  
46 all the requirements for a herd cleanup plan. In  
47 order to be subject to a feeder pig cooperator herd  
48 cleanup plan all of the following conditions ~~are~~ must  
49 be satisfied:  
50 ~~a.~~ (1) There must have been no clinical signs of

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1 pseudorabies during the past thirty days.  
2 ~~b.~~ (2) The production operation must be capable of  
3 segregating offspring at weaning into facilities  
4 separate and apart from the remainder of the herd.  
5 ~~c. b. An approved feeder pig cooperator herd plan~~  
6 ~~must be implemented.~~ The feeder pig cooperator herd  
7 cleanup plan must include the location of may provide  
8 for the movement or relocation of feeder pigs or cull  
9 swine. If the feeder pig cooperator herd cleanup plan  
10 provides for the movement or relocation of feeder pigs  
11 or cull swine, the plan must identify in writing the  
12 approved premises that will receive the progeny where  
13 the feeder pigs or cull swine may be moved or  
14 relocated as provided in section 166D.10B. The  
15 receiving premises shall be quarantined.  
16 3. ~~Infected herds in a program area which have not~~  
17 ~~adopted an official herd cleanup plan or feeder pig~~  
18 ~~cooperator herd plan shall be quarantined.~~  
19 4. 3. Costs of ~~program~~ testing and vaccination  
20 shall may be paid as provided in section ~~166D.5~~  
21 166D.11.  
22 4. ~~An infected herd outside a program area shall~~  
23 ~~either adopt a herd cleanup plan or a feeder pig~~  
24 ~~cooperator herd plan with restricted movement. An~~  
25 ~~infected herd not subject to such a cleanup plan shall~~  
26 be quarantined within thirty fifteen days of becoming  
27 ~~a known infected herd shall be quarantined. An~~  
28 ~~infected herd which is not subject to a herd cleanup~~  
29 ~~plan or a feeder pig cooperator herd plan is a~~  
30 ~~quarantined herd.~~  
31 5. Swine which is part of a herd subject to a  
32 cleanup plan shall only be moved or relocated as  
33 required pursuant to section 166D.10. If the location  
34 where the herd is kept is an approved premises as  
35 provided in section 166D.10B, the cleanup plan shall  
36 include terms and conditions for being certified as an  
37 approved premises.  
38 Sec. 12. Section 166D.9, subsections 1 and 2, Code  
39 1999, are amended by striking the subsections and  
40 inserting in lieu thereof the following:

41 1. Swine which is part of a quarantined herd shall  
42 only be moved by restricted movement in accordance  
43 with section 166D.10A.  
44 Sec. 13. Section 166D.9, subsection 5, Code 1999,  
45 is amended by striking the subsection.  
46 Sec. 14. Section 166D.10, subsection 1, paragraph  
47 b, Code 1999, is amended by adding the following new  
48 subparagraph:  
49 NEW SUBPARAGRAPH. (4) The swine have a current  
50 negative pseudorabies status.

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1 Sec. 15. Section 166D.10, subsections 3 through 6,  
2 Code 1999, are amended by striking the subsections and  
3 inserting in lieu thereof the following:  
4 3. Swine from a herd located within this state  
5 must be moved or relocated in compliance with this  
6 section. If the swine is moved or relocated from a  
7 herd located within a county which is designated by  
8 the department as in stage II of the national  
9 pseudorabies eradication program, the swine shall not  
10 be moved or relocated unless in compliance with  
11 section 166D.11. Regardless of whether the swine is  
12 from a herd located in a stage II county, the  
13 following shall govern the movement or relocation of  
14 swine within this state:  
15 a. For swine from a noninfected herd, a person  
16 shall not move swine for breeding purposes, unless one  
17 of the following applies:  
18 (1) The swine is moved from a qualified negative  
19 herd or qualified differentiable negative herd.  
20 (2) The swine reacts negatively to a  
21 differentiable test, within thirty days prior to  
22 moving the swine.  
23 b. For swine which is exposed or swine from a herd  
24 of unknown status, a person shall not move or relocate  
25 the swine, unless one of the following applies:  
26 (1) The swine reacts negatively to a  
27 differentiable test within thirty days prior to moving  
28 or relocating the swine.  
29 (2) The swine moves by restricted movement to  
30 either a fixed concentration point or slaughtering  
31 establishment.  
32 c. For swine which is from an infected herd, a  
33 person shall not move or relocate the swine, unless  
34 one of the following applies:  
35 (1) If the swine is part of a cleanup plan, the  
36 following shall apply:  
37 (a) For swine, other than feeder pigs or cull  
38 swine, which is part of a herd subject to a cleanup  
39 plan, a person shall only move swine by restricted



40 movement to either a fixed concentration point or  
41 slaughtering establishment. A person shall not  
42 relocate the swine.  
43 (b) For a feeder pig or cull swine which is part  
44 of a herd subject to a herd cleanup plan, a person  
45 shall only move the feeder pig or cull swine by  
46 restricted movement to either a fixed concentration  
47 point or slaughtering establishment or relocate the  
48 feeder pig or cull swine by restricted movement to an  
49 approved premises. For a feeder pig or cull swine  
50 which is part of a feeder pig cooperator herd cleanup

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1 plan, a person shall only move the feeder pig or cull  
2 swine by restricted movement to either a fixed  
3 concentration point or slaughtering establishment or  
4 move or relocate the feeder pig or cull swine by  
5 restricted movement to an approved premises. However,  
6 a person shall not move or relocate a feeder pig or  
7 cull swine to an approved premises, unless the  
8 approved premises is identified in a cleanup plan as  
9 provided in section 166D.8, or the department approves  
10 the move or relocation to another approved premises.  
11 A person shall not move or relocate a cull swine to an  
12 approved premises, unless the cull swine reacts  
13 negatively to a test and is vaccinated with a  
14 differentiable vaccine. The test and vaccine must be  
15 administered within thirty days prior to the movement  
16 or relocation to the approved premises. A noninfected  
17 feeder pig is not required to be tested or vaccinated  
18 prior to movement or relocation to an approved  
19 premises, if the feeder pig is vaccinated upon arrival  
20 at the approved premises.

21 (c) For swine from a herd kept on an approved  
22 premises, a person shall only move or relocate the  
23 swine by restricted movement as provided in the  
24 cleanup plan governing the herd and terms and  
25 conditions of the certification required for the  
26 approved premises as provided in section 166D.10B.

27 (2) If the swine is not part of a herd that is  
28 subject to a cleanup plan, because the herd is  
29 quarantined, a person shall only move the swine by  
30 restricted movement to either a fixed concentration  
31 point or slaughtering establishment.

32 4. Swine from a herd located outside this state  
33 must be moved into and maintained in this state in  
34 compliance with this section. A person shall not move  
35 swine into this state, except as follows:

36 a. For swine from a herd, other than a noninfected  
37 herd, the swine must be moved either to a fixed  
38 concentration point or slaughtering establishment.

39 b. For swine from a noninfected herd, the swine  
40 may be moved to a concentration point or slaughtering  
41 establishment. If the swine is not moved to a  
42 concentration point or slaughtering establishment, the  
43 following shall apply:  
44 (1) Unless the person moves the swine into a  
45 county designated by the department as in stage II of  
46 the national pseudorabies eradication program, the  
47 following shall apply:  
48 (a) A person shall not move swine into this state  
49 for breeding purposes, unless one of the following  
50 applies:

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1 (i) The swine is moved from a qualified negative  
2 herd or qualified differentiable negative herd.  
3 (ii) The swine reacts negatively to a  
4 differentiable test, within thirty days prior to  
5 moving the swine.  
6 (b) A person shall not move feeder swine which is  
7 moved into this state, unless the feeder swine reacts  
8 negatively to a differentiable test within thirty days  
9 prior to movement from a herd in this state.  
10 (2) If a person moves the swine into a county  
11 which is designated by the department as in stage II  
12 of the national pseudorabies eradication program, the  
13 following shall apply:  
14 (a) Except as provided in this subparagraph, the  
15 owner of swine shall vaccinate the swine with a  
16 modified-live differentiable vaccine, prior to moving  
17 swine into the stage II county. A statistical  
18 sampling of the swine moved into a herd as provided in  
19 this subparagraph shall be tested using a  
20 differentiable test within thirty days after the swine  
21 is moved to a herd in this state. If a swine reacts  
22 positively to the test, the herd is an infected herd.  
23 A person is not required to vaccinate swine prior to  
24 moving swine into the stage II county or test the  
25 swine after the swine has been moved to a herd in the  
26 stage II county, if one of the following applies:  
27 (i) The swine is part of a herd that cannot be  
28 vaccinated under the law of the state or country in  
29 which the herd is kept immediately prior to being  
30 moved into the stage II county.  
31 (ii) The swine is an isowean feeder pig.  
32 (iii) The swine is moved either to a fixed  
33 concentration point or slaughtering establishment.  
34 (b) For swine, which is not vaccinated before  
35 being moved into a stage II county as provided in this  
36 paragraph, the following shall apply:  
37 (i) For swine other than swine moved into a herd

38 within a stage II county as an isowean feeder pig, a  
39 statistical sampling of the swine moved into the herd  
40 shall be tested using a differentiable test within  
41 forty-eight hours after the swine moves to a herd in  
42 this state. If a swine reacts positively to the test,  
43 the herd is an infected herd. If, according to the  
44 statistical sampling, the swine moved into the herd  
45 reacts negatively to the test, all moved swine must be  
46 immediately vaccinated with a differentiable vaccine,  
47 as provided in section 166D.11. The swine shall be  
48 considered as part of a herd of unknown status, until  
49 tested negative and vaccinated.

50 (ii) For swine moved into a herd within a stage II

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1 county as an isowean feeder pig, a statistical  
2 sampling of the swine moved into the herd shall be  
3 tested using a differentiable test when a majority of  
4 swine moved together into the herd as isowean feeder  
5 pigs reach a weight of more than twenty pounds. If a  
6 swine reacts positively to the test, the herd is an  
7 infected herd. If, according to the statistical  
8 sampling, the swine moved into the herd reacts  
9 negatively to the test, all swine moved into the herd  
10 must be immediately vaccinated with a differentiable  
11 vaccine, as provided in section 166D.11. The  
12 department may require that the swine be revaccinated  
13 with a differentiable vaccine at a later date. The  
14 swine shall be considered as part of a herd of unknown  
15 status, until tested negative and vaccinated.

16 5. A person shall not move swine within this  
17 state, other than to a fixed concentration point or  
18 slaughtering establishment, if the swine is vaccinated  
19 with a vaccine other than a differentiable vaccine  
20 approved by the department pursuant to section  
21 166D.14.

22 6. Known infected swine moved through a fixed  
23 concentration point, other than a buying station of a  
24 slaughtering establishment, shall only be moved by  
25 restricted movement to a slaughtering establishment.

26 7. Swine moved under this section to a  
27 slaughtering establishment shall be for the exclusive  
28 purpose of slaughtering the swine. Swine moved under  
29 this section to a fixed concentration point shall be  
30 for the exclusive purpose of immediately moving the  
31 swine to a slaughtering establishment. Swine moved or  
32 relocated under this section to an approved premises  
33 shall be for the exclusive purpose of feeding the  
34 swine prior to movement or relocation to another  
35 approved premises, or movement to either a fixed  
36 concentration point or a slaughtering establishment.

37 Sec. 16. NEW SECTION. 166D.10A RESTRICTED  
38 MOVEMENT – REQUIREMENTS.

39 1. If swine must be moved or relocated by  
40 restricted movement as provided in section 166D.10,  
41 the swine shall only be transported by direct  
42 movement.

43 2. a. If a person moves or relocates swine  
44 subject to restricted movement, the person shall only  
45 move the swine to either a fixed concentration point  
46 or slaughtering establishment or move or relocate the  
47 swine to an approved premises.

48 b. If a person receives swine subject to  
49 restricted movement, the person shall only receive the  
50 swine at either a fixed concentration point or

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1 slaughtering establishment or an approved premises.  
2 3. Swine required to be moved or relocated by  
3 restricted movement must be accompanied by a  
4 restricted movement permit, as provided by rules which  
5 must be adopted by the department. The department  
6 shall issue a restricted movement permit to the person  
7 moving or relocating the swine. The permit shall  
8 include information required by the department, which  
9 shall at least include a description of the swine, the  
10 name and address of the owner, the name and address of  
11 the person receiving the swine, the date of movement  
12 or relocation, and the seal number as prescribed by  
13 the department, if a seal is required. The moved or  
14 relocated swine must also be accompanied by a  
15 transportation certificate and certificate of  
16 inspection, if required in section 166D.10.

17 4. a. Except as provided in this section, a  
18 vehicle moving swine under restricted movement shall  
19 contain a cargo area for the swine which shall be  
20 sealed to prevent access. The seal shall conform with  
21 requirements adopted by the department. Each seal  
22 shall be identified by number as required by the  
23 department. The vehicle shall be sealed by an  
24 accredited veterinarian at the premises where the  
25 swine are kept. The seal shall only be removed by a  
26 departmental official, an accredited veterinarian, an  
27 official of the United States department of  
28 agriculture, or the person authorized by the  
29 department to receive the swine upon arrival at the  
30 fixed concentration point, slaughtering establishment,  
31 or approved premises.

32 b. The department may adopt rules or issue an  
33 order to provide that a vehicle moving or relocating  
34 feeder swine from a herd which is subject to a cleanup  
35 plan is not required to be sealed as otherwise

provided in this subsection, if the herd is kept and moved or relocated in compliance with the cleanup plan.

Sec. 17. NEW SECTION. 166D.10B APPROVED PREMISES.

1. A person shall not maintain swine other than feeder swine or cull swine at an approved premises.

a. A person shall not move or relocate swine to an approved premises, unless all of the following apply:

(1) The swine is a feeder pig or cull swine.

(2) The swine is not exposed or from a herd of unknown status.

b. A person shall not receive swine at an approved premises, unless the swine is one of the following:

(1) The swine is a feeder pig or cull swine.

## Page 11

(2) The swine is not exposed or from a herd of unknown status.

2. If swine is moved or relocated to an approved premises, the following shall apply:

a. A cull swine shall not be moved or relocated to an approved premises, unless the cull swine reacts negatively to a test and is vaccinated prior to the movement or relocation, as provided in section 166D.10.

b. A noninfected feeder pig must be vaccinated upon arrival at the approved premises.

3. Dead swine must be disposed of in accordance with chapter 167. The dead swine must be held so as to prevent animals, including wild animals and livestock, from reaching the dead swine.

4. The following shall apply to the location of an approved premises:

a. An approved premises shall not be located within one and one-half miles from a noninfected herd, other than a qualified negative herd or qualified differentiable negative herd.

b. An approved premises shall not be located within three miles from a qualified negative herd or a qualified differentiable negative herd.

c. An approved premises shall not be located in any of the following:

(1) A county in stage III of the national pseudorabies eradication program, as designated by the department.

(2) A county which has a zero percent prevalence of infection among all herds in the county at any time on or after March 1, 2000, regardless of whether the county subsequently has a greater than zero percent prevalence of infection among all herds in the county.

35 5. A feeder pig or a cull swine may be kept at the  
36 approved premises only for purposes of feeding and  
37 restricted movement as provided in section 166D.10.  
38 6. a. The department must certify a location as  
39 an approved premises pursuant to rules adopted by the  
40 department. The department may adopt rules providing  
41 for the renewal, suspension, or termination of a  
42 certification. The terms and conditions of the  
43 certification shall be part of the cleanup plan  
44 required for the herd kept at the location pursuant to  
45 section 166D.8. Except as provided in this  
46 subsection, a location is certified as an approved  
47 premises, as long as all of the following apply:  
48 (1) The approved premises complies with the  
49 requirements of this section and rules adopted by the  
50 department.

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1 (2) The owner of the approved premises or the  
2 person managing the approved premises provides to the  
3 department during normal business hours access to the  
4 approved premises and records required by this  
5 subparagraph. Records of swine transfers must be kept  
6 for at least one year. Records of vaccinations  
7 occurring on the approved premises must be maintained  
8 by the owner for at least one year after vaccination.  
9 The records shall include information about purchases  
10 and sales, the names of buyers and sellers, the dates  
11 of transactions, and the number of swine involved in  
12 each transaction.

13 b. The department shall terminate the  
14 certification of an approved premises, if the county  
15 in which the approved premises is located has a zero  
16 percent prevalence of infection among all herds in the  
17 county, not counting a herd kept at the approved  
18 premises. The department shall provide for the  
19 suspension or termination of the certification for a  
20 violation of a term or condition of the certification.  
21 When a certification is suspended, terminated, or not  
22 renewed, the location shall remain under a cleanup  
23 plan until released pursuant to the provisions of  
24 section 166D.8.

25 Sec. 18. Section 166D.11, Code 1999, is amended to  
26 read as follows:

27 166D.11 ~~DIFFERENTIABLE VACCINE REQUIRED~~  
28 VACCINATION AND TESTING REQUIREMENTS.

29 ~~Beginning on December 1, 1989, swine other than~~  
30 ~~unvaccinated or differentiable vaccinated swine shall~~  
31 ~~not be sold, marketed, or moved within this state,~~  
32 ~~except to slaughter or to an approved premises by~~  
33 ~~certificate of inspection.~~

34 1. The secretary shall disapprove for A person  
35 shall not use in this state on and after July 1, 1991,  
36 any vaccine that is not a differentiable vaccine.  
37 2. a. Except as provided in this section, swine  
38 within a county which is designated by the department  
39 as in stage II of the national pseudorabies  
40 eradication program shall be vaccinated with a  
41 modified-live differentiable vaccine. The swine  
42 located in a stage II county shall be vaccinated as  
43 follows:  
44 (1) Except as provided in subparagraph (2), the  
45 following applies:  
46 (a) Breeding swine shall at a minimum receive  
47 quarterly vaccinations.  
48 (b) Feeder swine shall at a minimum receive one  
49 vaccination. The feeder swine shall be vaccinated  
50 when the feeder swine reach eight to twelve weeks of

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1 age or one hundred pounds, whichever occurs earlier.  
2 (2) If swine are required to be vaccinated prior  
3 to or after movement, as provided in section 166D.10,  
4 to a stage II county, the swine shall be vaccinated  
5 with a modified-live differentiable vaccine as  
6 otherwise required in that section.  
7 b. The department shall adopt rules or issue an  
8 order that exempts swine from being vaccinated with a  
9 modified-live vaccine, as provided in this subsection,  
10 based on any of the following:  
11 (1) The swine is part of a qualified negative herd  
12 or a qualified differentiable negative herd.  
13 (2) The swine belong to a herd located within a  
14 county, if all of the following applies:  
15 (a) The county has a history of zero percent  
16 prevalence of infection among all herds in the county,  
17 regardless of whether the county currently has a  
18 higher than zero percent prevalence of infection among  
19 all herds in the county.  
20 (b) All contiguous counties have a zero percent  
21 prevalence of infection among herds in that county, as  
22 designated by the department.  
23 3. a. The person who owns the swine when the  
24 swine is required to be vaccinated under this chapter,  
25 shall be solely liable for providing the vaccine and  
26 administering the vaccination. A noninfected feeder  
27 pig required to be vaccinated upon arrival at an  
28 approved premises as provided in section 166D.10B  
29 shall be vaccinated at the expense of the owner who  
30 moves the feeder pig. If the swine is transported  
31 into this state, the owner shall be deemed to be the  
32 person who owns the swine immediately prior to

33 transportation.  
34 b. This subsection does not prohibit the owner of  
35 swine from contracting with a person, including a  
36 person receiving ownership of swine moved into this  
37 state, to provide the vaccination, if the person  
38 receives fair compensation for providing the  
39 vaccination and the sale price for the swine is not  
40 increased because the owner must comply with this  
41 subsection.  
42 4. The cost, or any segment of the cost, of  
43 purchasing a laboratory product used for testing and  
44 vaccination provided in this chapter may be paid for  
45 by federal or state funds or a combination of both.  
46 Federal or state funds shall not be paid to the owner  
47 of a vaccinated herd other than the owner of a herd  
48 vaccinated with a modified-live differentiable  
49 vaccine.  
50 Sec. 19. Section 166D.12, Code 1999, is amended by

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1 striking the section and inserting in lieu thereof the  
2 following:  
3 166D.12 CONCENTRATION POINTS.  
4 A person shall not move swine through a  
5 concentration point, except as provided in this  
6 section.  
7 1. For swine from a noninfected herd, the swine  
8 may be moved through any concentration point. All of  
9 the following shall apply:  
10 a. Breeding swine must be kept separate and apart  
11 from feeder pigs.  
12 b. Breeding swine must be sold first.  
13 2. a. For swine other than swine from a  
14 noninfected herd, the swine shall not be moved through  
15 a concentration point other than a fixed concentration  
16 point, as required by the department. A fixed  
17 concentration point shall be used exclusively for the  
18 following:  
19 (1) The movement of livestock other than swine.  
20 (2) The immediate movement of swine to a  
21 slaughtering establishment.  
22 b. A fixed concentration point shall never be used  
23 for the movement of swine other than to a slaughtering  
24 establishment.  
25 c. A person shall not move swine to or from a  
26 fixed concentration point subject to restricted  
27 movement or receive swine subject to restricted  
28 movement at a fixed concentration point, unless the  
29 swine is moved and received in compliance with section  
30 166D.10A.  
31 d. Livestock, other than swine, moved to the fixed



concentration point must be kept separate and apart.  
e. If infected swine, exposed swine, or swine from a herd of unknown status is moved through a fixed concentration point, the owner of the fixed concentration point shall post and maintain a sign on the premises of the fixed concentration point. The sign must be posted in a conspicuous place clearly visible to persons moving livestock through the fixed concentration point. The notice shall appear in black letters a minimum of one inch high and in the following form:

NOTICE

THIS FACILITY MAY SELL SWINE WHICH  
HAS BEEN EXPOSED TO PSEUDORABIES.  
HOWEVER, ALL SWINE ARE MOVED  
IMMEDIATELY TO SLAUGHTER.

Sec. 20. Section 166D.16, unnumbered paragraph 1, Code 1999, is amended to read as follows:

1. The provisions of this chapter including

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departmental rules adopted pursuant to this chapter shall be administered and enforced by the department.  
2. A Except as provided in this subsection, a  
person violating a provision of this chapter or any rule adopted pursuant to this chapter shall be subject to a civil penalty of at least one hundred dollars but not more than one thousand dollars.

a. However, a A person who falsifies a certificate of inspection issued pursuant to this chapter shall be subject to a civil penalty of not more than five thousand dollars for each swine falsified on the certificate. A person shall not be subject to a civil penalty totaling more than twenty-five thousand dollars for falsifying a certificate, regardless of the number of swine falsified on the certificate.

b. The person who owns swine when the swine is required to be vaccinated under this chapter shall be subject to a civil penalty of two dollars for each swine which is not vaccinated as required.

Sec. 21. Sections 166D.4 and 166D.5, Code 1999, are repealed.

Sec. 22. RULEMAKING. The department of agriculture and land stewardship shall adopt rules necessary to implement this Act. Such rules shall be effective immediately upon adoption and filing in the governor's office after publication under notice and after the administrative rules review committee has had an opportunity to review the noticed rules, as provided in chapter 17A.

Sec. 23. IMPLEMENTATION. The department shall

31 provide for the implementation of this Act based on a  
 32 schedule adopted by departmental rules. However, the  
 33 department shall implement all provisions of this Act  
 34 by August 1, 2000.

35 Sec. 24. EFFECTIVE DATE. This Act, being deemed  
 36 of immediate importance, takes effect upon enactment."

37 2. Title page, by striking line 2, and inserting  
 38 the following: "applicable, for implementation, and  
 39 providing an effective date."

H. KAY HEDGE  
 E. THURMAN GASKILL  
 JOHN P. KIBBIE  
 GENE FRAISE  
 MERLIN E. BARTZ  
 BETTY A. SOUKUP

S-5347

1 Amend House File 2513, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 175, by inserting after line 34, the  
 4 following:

5 "DIVISION IV

6 IMPLEMENTATION

7 Sec. \_\_\_\_\_. IMPLEMENTATION CONTINGENT UPON  
 8 APPROPRIATION. The provisions of this Act affecting  
 9 the duties and authority of the office of secretary of  
 10 state shall only be implemented if and when the  
 11 general assembly appropriates at least three hundred  
 12 fifty thousand dollars to the office of secretary of  
 13 state for the purposes of implementing this Act."

14 2. Page 175, line 35, by striking the words  
 15 "DIVISION IV" and inserting the following: "DIVISION  
 16 V".

17 3. Title page, line 3, by inserting after the  
 18 word "provisions," the following: "providing for the  
 19 implementation of the Act,".

20 4. By renumbering as necessary.

TOM FLYNN

S-5348

1 Amend House File 2548, as passed by the House, as  
 2 follows:

3 1. Page 2, line 18, by inserting after the word  
 4 "distribution" the following: "or refund".

5 2. Page 2, by inserting after line 26 the  
 6 following:

7 "3. The provisions of this section shall not be  
 8 construed to establish or relinquish any jurisdiction

9 the state or an Indian tribe might have to levy or  
10 collect from any person any tax or fee within or  
11 without Indian country."

12 3. Page 17, by inserting after line 8 the  
13 following:

14 "Sec. 101. Section 437A.3, subsection 1,  
15 unnumbered paragraph 1, Code Supplement 1999, is  
16 amended to read as follows:

17 "Assessed value" means the base year assessed  
18 value, as adjusted by section 437A.19, subsection 2.  
19 "Base year assessed value", for a taxpayer other than  
20 an electric company, natural gas company, or electric  
21 cooperative, means the value attributable to property  
22 identified in section 427A.1, subsection 1, paragraph  
23 "h", certified by the department of revenue and  
24 finance to the county auditors for the assessment date  
25 of January 1, 1997, and the value attributable to  
26 property identified in section 427A.1 and section  
27 427B.17, subsection 5, as certified by the local  
28 assessors to the county auditors for the assessment  
29 date of January 1, 1997. However, "base year assessed  
30 value", for purposes of property of a taxpayer that is  
31 a municipal utility, which property is not a major  
32 addition, was initially assessed to the taxpayer as of  
33 January 1, 1998, and is not located in a county where  
34 the taxpayer had property that was assessed for  
35 purposes of this chapter as of January 1, 1997, is the  
36 value attributable to such property for the assessment  
37 date of January 1, 1998."

38 4. Page 19, by striking lines 5 through 17.

39 5. By striking page 19, line 26 through page 22,  
40 line 15.

41 6. Page 22, by striking lines 26 through 28.

42 7. Page 22, by inserting before line 29 the  
43 following:

44 "\_\_\_\_. Section 101 of this Act, amending section  
45 437A.3, being deemed of immediate importance, takes  
46 effect upon enactment and applies retroactively to  
47 January 1, 2000, for tax years beginning on and after  
48 that date."

49 8. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS  
JOANN JOHNSON, Chairperson

S-5349

1 Amend the amendment, S-5346, to Senate File 2312 as  
2 follows:

3 1. Page 11, line 21, by inserting after the word  
4 "herd." the following: "This paragraph shall not  
5 apply to an approved premises, if all of the following

6 conditions are satisfied:

7 (1) The approved premises is not located closer  
8 than one-half mile from a noninfected herd.

9 (2) The swine kept at the approved premises are  
10 exclusively feeder pigs which have been relocated from  
11 a herd subject to a cleanup plan.

12 (3) Prior to being relocated, the swine must be  
13 part of a group within the herd that has reacted  
14 negatively to a differentiable test according to  
15 results of a random sampling of fifty-nine swine  
16 within the group, as required by rules adopted by the  
17 department consistent with the national pseudorabies  
18 eradication program.

19 (4) The swine must be vaccinated twice with a  
20 differentiable vaccine in accordance with the cleanup  
21 plan for the herd."

MIKE SEXTON

S-5350

1 Amend the amendment, S-5346, to Senate File 2312 as  
2 follows:

3 1. Page 11, line 21, by inserting after the word  
4 "herd." the following: "This paragraph shall not  
5 apply if the department waives the distance  
6 requirement when the department certifies a location  
7 as an approved premises, according to the following  
8 requirements:

9 (1) The department must issue an order providing  
10 for the terms and conditions for the certification of  
11 an approved premises under the waiver, including but  
12 not limited to special biosecurity requirements. The  
13 department shall not issue an order, unless all of the  
14 following apply:

15 (a) The owner of the location proposed as the  
16 approved premises submits an application to the  
17 department in a manner and according to procedures  
18 required by the department.

19 (b) The location proposed as the approved premises  
20 is not located within one-half mile from a noninfected  
21 herd.

22 (c) The department obtains a consent statement, on  
23 a form prescribed by the department, which is signed  
24 by each owner of a herd kept within one and one-half  
25 miles from the location proposed to be an approved  
26 premises. A departmental official shall obtain the  
27 consent statement. The department may mail the  
28 consent statement to each owner for return to the  
29 department.

30 (2) Under the terms and conditions of the  
31 departmental order, all of the following must apply:

32 (a) The approved premises must only keep swine  
33 which is relocated as feeder pigs.  
34 (b) A person shall not relocate feeder pigs to the  
35 approved premises after one relocation.  
36 (3) The department shall terminate the order, if  
37 the certification for the approved premises is not  
38 renewed or terminated as provided in section 166D.10B.  
39 The department may terminate the order, if the  
40 certification for the approved premises is suspended.  
41 The department may terminate or suspend the order  
42 based upon noncompliance with a term or condition of  
43 the order which is unrelated to certification. The  
44 department shall only issue an order reestablishing a  
45 location as an approved premises, if the herd from  
46 which the feeder pigs were relocated is no longer an  
47 infected herd."

MIKE SEXTON  
MERLIN E. BARTZ  
STEWART E. IVERSON, Jr.

S-5351

1 Amend the amendment, S-5346, to Senate File 2312,  
2 as follows:  
3 1. Page 5, by inserting after line 43, the  
4 following:  
5 "Sec. \_\_\_\_ Section 166D.9, subsection 4,  
6 paragraphs c and d, Code 1999, are amended to read as  
7 follows:  
8 c. The epidemiologist must either conduct two  
9 successive statistical samplings at least ninety days  
10 apart, or conduct statistical samplings according to  
11 rules adopted by the department which are consistent  
12 with the national pseudorabies eradication program,  
13 which reveal no infection within the new breeding  
14 swine.  
15 d. The epidemiologist must either conduct two  
16 successive statistical samplings ninety days apart ~~of~~  
17 or conduct statistical samplings according to rules  
18 adopted by the department which are consistent with  
19 the national pseudorabies eradication program, which  
20 reveal no infection in the herd's progeny at least  
21 four months of age which reveal no infection."  
22 2. By renumbering as necessary.

JOHN P. KIBBIE  
H. KAY HEDGE

HOUSE AMENDMENT TO  
SENATE FILE 2313

S-5352

1 Amend Senate File 2313, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 1 through 8.

4 2. Page 1, line 28, by striking the figure " }  
5 350(b)." and inserting the following: " } 350(b) or 18  
6 U.S.C. } 2721.".

7 3. Page 4, by inserting after line 13 the  
8 following:

9 "Sec. \_\_\_\_ Section 321.188, subsection 1,  
10 paragraph c, Code Supplement 1999, is amended to read  
11 as follows:

12 c. Successfully pass knowledge tests and driving  
13 skills tests which the department shall require by  
14 rule. The rules adopted shall substantially comply  
15 with the federal minimum testing and licensing  
16 requirements in 49 C.F.R. part 383, subparts E, G, and  
17 H as adopted by rule by the department. Except as  
18 required under 49 C.F.R. part 383, subpart E, G, or H,  
19 a commercial driver's license is renewable without a  
20 driving skills test within one year after its  
21 expiration date.

22 Sec. \_\_\_\_ Section 321.196, unnumbered paragraph 1,  
23 Code 1999, is amended to read as follows:

24 Except as otherwise provided, a driver's license,  
25 other than an instruction permit, chauffeur's  
26 instruction permit, or commercial driver's instruction  
27 permit issued under section 321.180, expires, at the  
28 option of the applicant, two or four years from the  
29 licensee's birthday anniversary occurring in the year  
30 of issuance if the licensee is between the ages of  
31 seventeen years eleven months and seventy years on the  
32 date of issuance of the license. If the licensee is  
33 under the age of seventeen years eleven months or age  
34 seventy or over, the license is effective for a period  
35 of two years from the licensee's birthday anniversary  
36 occurring in the year of issuance. Except as required  
37 in section 321.188, and except for a motorcycle  
38 instruction permit issued in accordance with section  
39 321.180 or 321.180B, a driver's license is renewable  
40 without written examination or penalty within a period  
41 of sixty days after its expiration date and without a  
42 driving test within a period of one year after its  
43 expiration date. A person shall not be considered to  
44 be driving with an invalid license during a period of  
45 sixty days following the license expiration date.  
46 However, for a license renewed within the sixty-day  
47 period, the date of issuance shall be considered to be

48 the previous birthday anniversary on which it expired.  
49 Applicants whose licenses are restricted due to vision  
50 or other physical deficiencies may be required to

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1 renew their licenses every two years. For the  
2 purposes of this section the birthday anniversary of a  
3 person born on February 29 shall be deemed to occur on  
4 March 1. The department in its discretion may  
5 authorize the renewal of a valid driver's license  
6 other than a commercial driver's license upon  
7 application without an examination provided that the  
8 applicant satisfactorily passes a vision test as  
9 prescribed by the department, files a vision report in  
10 accordance with section 321.186A which shows that the  
11 applicant's visual acuity level meets or exceeds those  
12 required by the department, or is eligible for renewal  
13 by mail pursuant to rules adopted by the department.  
14 The department may assess an applicant a fee of no  
15 more than two dollars for administration and mailing  
16 expenses for providing for renewal of the applicant's  
17 driver's license by mail."

18 4. Page 6, line 1, by striking the word and  
19 figure "and 2," and inserting the following: "through  
20 3,".

21 5. Page 6, by inserting after line 19 the  
22 following:

23 "3. This section does not apply to peace officers  
24 acting on official duty. This section also does not  
25 apply to the transportation of children in 1965 model  
26 year or older vehicles, ~~or~~ authorized emergency  
27 vehicles, or motor homes, except when a child is  
28 transported in a motor home's passenger seat situated  
29 directly to the driver's right. This section does not  
30 apply to the transportation of a child who has been  
31 certified by a physician licensed under chapter 148,  
32 150, or 150A as having a medical, physical, or mental  
33 condition which prevents or makes inadvisable securing  
34 the child in a child restraint system, safety belt or  
35 safety harness."

36 6. Page 8, by inserting after line 3 the  
37 following:

38 "Sec. \_\_\_\_ Section 321G.18, Code 1999, is amended  
39 to read as follows:  
40 321G.18 NEGLIGENCE.

41 The owner and operator of an all-terrain vehicle or  
42 snowmobile are liable for any injury or damage  
43 occasioned by the negligent operation of the all-  
44 terrain vehicle or snowmobile. The owner of an all-  
45 terrain vehicle or snowmobile shall be liable for any  
46 such injury or damage only if the owner was the

47 operator of the all-terrain vehicle or snowmobile at  
48 the time the injury or damage occurred or if the  
49 operator had the owner's consent to operate the all-  
50 terrain vehicle or snowmobile at the time the injury

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1 or damage occurred."

2 7. Title page, line 2, by inserting after the  
3 word "children," the following: "owner liability for  
4 damages,".

5 8. By renumbering, relettering, or redesignating  
6 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2302

S-5353

1 Amend Senate File 2302, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 13 the  
4 following:

5 "Sec. \_\_\_\_ Section 124.204, subsection 4, Code  
6 1999, is amended by adding the following new  
7 paragraphs:

8 NEW PARAGRAPH. ad. Alpha-ethyltryptamine. Some  
9 trade or other names: etryptamine; Monase; a-ethyl-  
10 1H-indole-3-ethanamine; 3-(2-aminobutyl)indole; alpha-  
11 ET; and AET.

12 NEW PARAGRAPH. ae. 4-Bromo-2,5-  
13 dimethoxyphenethylamine. Some trade or other names:  
14 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-  
15 desmethyl DOB; 2C-B, Nexus.

16 Sec. \_\_\_\_ Section 124.204, subsection 6, Code  
17 1999, is amended by adding the following new  
18 paragraphs:

19 NEW PARAGRAPH. f. Aminorex. Some other names:  
20 aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-  
21 dihydro-5-phenyl-2-oxazoline.

22 NEW PARAGRAPH. g. Methcathinone. Some other  
23 names: 2-(methylamino)-propiofenone; alpha-  
24 (methylamino)propiofenone; 2-(methylamino)-1-  
25 phenylpropan-1-one; alpha-N-methylaminopropiofenone;  
26 monomethylpropion; ephedrone; N-methylcathinone;  
27 methylcathinone; AL-464; AL-422; AL-463; and UR1432.

28 Sec. \_\_\_\_ Section 124.204, subsection 9,  
29 paragraphs c, d, and e, Code 1999, are amended by  
30 striking the paragraphs.

31 Sec. \_\_\_\_ Section 124.206, subsection 2, paragraph  
32 a, unnumbered paragraph 1, Code 1999, is amended to  
33 read as follows:



34 Opium and opiate, and any salt, compound,  
 35 derivative, or preparation of opium or opiate,  
 36 excluding apomorphine, ~~dextrophan~~ thebaine-derived  
 37 butorphanol, dextrorphan, nalbuphine, nalmeferene,  
 38 naloxone, and naltrexone, and their respective salts,  
 39 but including the following:

40 Sec. \_\_\_\_ Section 124.206, subsection 3, Code  
 41 1999, is amended by adding the following new  
 42 paragraph:

43 NEW PARAGRAPH. aa. Remifentanyl.

44 Sec. \_\_\_\_ Section 124.206, subsection 7, paragraph  
 45 b, Code 1999, is amended by striking the paragraph.

46 Sec. \_\_\_\_ Section 124.208, subsection 3, Code  
 47 1999, is amended by adding the following new  
 48 paragraph:

49 NEW PARAGRAPH. l. Ketamine, its salts, isomers,  
 50 and salts of isomers. Some other names for ketamine:

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1 (+)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone.

2 Sec. \_\_\_\_ Section 124.208, subsection 6,  
 3 paragraphs b, e, and i, Code 1999, are amended to read  
 4 as follows:

5 b. Chlorotestosterone (4-chlorotestosterone).

6 e. Dihydrotestosterone (4-dihydrotestosterone).

7 i. ~~Formebolone~~ Formebolone (formebolone).

8 Sec. \_\_\_\_ Section 124.208, Code 1999, is amended  
 9 by adding the following new subsection:

10 NEW SUBSECTION. 8. HALLUCINOGENIC SUBSTANCES.

11 Dronabinol (synthetic) in sesame oil and encapsulated  
 12 in a soft gelatin capsule in a United States Food and  
 13 Drug Administration approved product. Some other  
 14 names for dronabinol: (6aR-trans)-6a, 7, 8, 10a-  
 15 tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo [b,d]  
 16 pyran-1-ol, or (-)-delta-9-(trans)-  
 17 tetrahydrocannabinol.

18 Sec. \_\_\_\_ Section 124.210, subsection 2, paragraph  
 19 b, Code 1999, is amended to read as follows:

20 b. Dextropropoxyphene (alpha-(+)-4-  
 21 dimethylaminodiphenyl-3-methyl-2-  
 22 propionybutane) (alpha-(+)-4-dimethylamino-1,2-  
 23 diphenyl-3-methyl-2-propionybutane).

24 Sec. \_\_\_\_ Section 124.210, subsection 3, Code  
 25 1999, is amended by adding the following new  
 26 paragraph:

27 NEW PARAGRAPH. aw. Zaleplon.

28 Sec. \_\_\_\_ Section 124.210, subsection 5, Code  
 29 1999, is amended by adding the following new  
 30 paragraphs:

31 NEW PARAGRAPH. k. Modafinil.

32 NEW PARAGRAPH. l. Sibutramine.

33 Sec. \_\_\_\_ Section 124.210, subsection 6, Code  
34 1999, is amended by adding the following new  
35 paragraph:  
36 NEW PARAGRAPH. b. Butorphanol (including its  
37 optical isomers).  
38 Sec. \_\_\_\_ Section 124B.2, subsection 1, paragraphs  
39 a, c, g, and i, Code 1999, are amended to read as  
40 follows:  
41 a. Anthranilic acid, its esters, and its salts.  
42 c. ~~Ephedrine, its salts, optical isomers, and~~  
43 ~~salts of optical isomers~~ Ethylamine and its salts.  
44 g. N-acetylanthranilic acid, its esters, and its  
45 salts.  
46 i. Phenylacetic acid, its esters, and its salts.  
47 Sec. \_\_\_\_ Section 124B.2, subsection 1, Code 1999,  
48 is amended by adding the following new paragraphs:  
49 NEW PARAGRAPH. m. Methylamine and its salts.  
50 NEW PARAGRAPH. n. Propionic anhydride.

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1 NEW PARAGRAPH. o. Insosafrole.  
2 NEW PARAGRAPH. p. Safrole.  
3 NEW PARAGRAPH. q. Piperonal.  
4 NEW PARAGRAPH. r. N-methylephedrine, its salts,  
5 optical isomers, and salts of optical isomers.  
6 NEW PARAGRAPH. s. N-methylpseudoephedrine, its  
7 salts, optical isomers, and salts of optical isomers.  
8 NEW PARAGRAPH. t. Hydriodic acid.  
9 NEW PARAGRAPH. u. Benzaldehyde.  
10 NEW PARAGRAPH. v. Nitroethane."  
11 2. Page 2, by striking line 12, and inserting the  
12 following: "a woman may breast-feed the".  
13 3. Page 5, by striking lines 3 through 13.  
14 4. Page 9, by striking lines 18 through 31 and  
15 inserting the following:  
16 "Sec. \_\_\_\_ Section 331.605, subsection 6, Code  
17 Supplement 1999, is amended to read as follows:  
18 6. For filing an application for the license to  
19 marry, ~~thirty~~ thirty-five dollars, which includes  
20 payment for one certified copy of the original  
21 certificate of marriage, to be issued following filing  
22 of the original certificate of marriage, four dollars  
23 of which shall be retained by the county pursuant to  
24 subsection 5. For issuing an application for an order  
25 of the district court authorizing the validation of a  
26 license to marry before the expiration of three days  
27 from the date of issuance of the license, five  
28 dollars. The district court shall authorize the early  
29 validation of a marriage license without the payment  
30 of any fees imposed in this subsection upon showing  
31 that the applicant is unable to pay the fees."

32 5. Page 10, by striking line 4 and inserting the  
33 following: "fifteen days to the county registrar, who  
34 issued the".

35 6. Page 10, by striking lines 8 through 14, and  
36 inserting the following:  
37 "Following receipt of the original certificate of  
38 marriage pursuant to section 144.36, the county  
39 registrar shall issue a certified copy of the original  
40 certificate of marriage to the parties to the  
41 marriage."

42 7. Page 10, line 28, by inserting after the word  
43 "investigation." the following: "However, the medical  
44 examiner shall not conduct any activity pursuant to  
45 this subsection, relating to a homicide or other  
46 criminally suspicious death, without coordinating such  
47 activity with the county medical examiner, and without  
48 obtaining approval of the investigating law  
49 enforcement agency, the county attorney, or any other  
50 prosecutorial or law enforcement agency of the

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1 jurisdiction to conduct such activity."

2 8. Page 10, line 31, by striking the word "shall"  
3 and inserting the following: "to".

4 9. By striking page 10, line 35, through page 11,  
5 line 5.

6 10. Page 11, by inserting after line 20, the  
7 following:

8 "Sec. \_\_\_\_ EFFECTIVE DATE. The sections of this  
9 Act amending section 331.605, subsection 6, and  
10 enacting section 595.16A, take effect January 1,  
11 2001."

12 11. Title page, line 3, by inserting after the  
13 word "department" the following: "and providing an  
14 effective date".

15 12. By renumbering, relettering, or redesignating  
16 and correcting internal references as necessary.

S-5354

1 Amend House File 2502, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 12 through 26 and  
4 inserting the following:

5 "Sec. \_\_\_\_ Section 331.401, subsection 1, Code  
6 Supplement 1999, is amended by adding the following  
7 new paragraph:

8 NEW PARAGRAPH. s. Allocate the expenditures of

9 the office of county sheriff related to providing  
10 uniform law enforcement patrol services which shall be  
11 paid from the rural services fund."

JOHNIE HAMMOND

S-5355

1 Amend the amendment, S-5298, to House File 2502, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by inserting after line 14 the  
5 following:  
6 "\_\_\_\_. Notwithstanding any contrary provision of  
7 this Act, this Act shall not apply to any county if  
8 the final disposition of the litigation pending before  
9 the district court of Lyon or Story county addressing  
10 the expenditures specified in section 3 of this Act is  
11 decided in favor of Lyon or Story county, whichever  
12 litigation is finally determined last. If the final  
13 disposition of the litigation is against the affected  
14 county, this Act shall apply to all counties beginning  
15 with the county budgets certified on or before the  
16 succeeding March 15."  
17 2. By renumbering as necessary.

JOHNIE HAMMOND

S-5356

1 Amend House File 2502, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by inserting before line 27 the  
4 following:  
5 "Sec. \_\_\_\_ NEW SECTION. 364.16A POLICE  
6 PROTECTION.  
7 A city shall provide law enforcement protection  
8 services for persons and property located within the  
9 city. A city may provide for the law enforcement  
10 protection services by intergovernmental agreement."  
11 2. Title page, line 3, by inserting after the  
12 word "expenses" the following: ", and providing for  
13 law enforcement within cities".

JOHNIE HAMMOND

S-5357

1 Amend House File 2502, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 331.381, Code 1999, is amended

by adding the following new subsection:

NEW SUBSECTION. 19. Provide for countywide law enforcement services for all cities and unincorporated areas of the county. All law enforcement services within the county shall be funded from the county general fund.

Sec. 2. Section 364.3, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 9. A city shall not provide for law enforcement services within the city. A city shall not budget or certify a tax for law enforcement services within the city.

Sec. 3. TRANSITION.

1. The county sheriff, the board of supervisors, and the mayor and council or commissioners of each city within the county shall provide for the orderly transfer of law enforcement services from each city to the county sheriff which shall be effective January 1, 2001. Prior to January 1, 2001, the board of supervisors shall convene a conference of affected mayors, council persons or commissioners, and the county sheriff. The conference shall meet at the call of the board of supervisors to provide for an orderly transfer of law enforcement services from city police departments to the office of county sheriff. The transfer plans shall include the transfer of law enforcement personnel including the transfer of civil service rights pensions, disability and other benefits.

2. Each city shall transfer, effective January 1, 2001, city funds budgeted for law enforcement services from January 1, 2001, through June 30, 2001. The transfer shall also include supplies and equipment related to law enforcement. A city shall not budget or certify a tax levy to fund law enforcement services for the fiscal year beginning July 1, 2001, or subsequent fiscal years.

Sec. 4. EFFECTIVE DATES.

1. Sections 1 and 2 of this Act take effect January 1, 2001.

2. Section 3 takes effect July 1, 1999."

2. Title page, by striking lines 1 through 3 and inserting the following: "An Act relating to provisions of countywide law enforcement service by the county sheriff and the transfer of law enforcement

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1 powers and duties of cities to the county."

JOHNIE HAMMOND

S-5358

1 Amend House File 2502, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 12 through 26 and  
4 inserting the following:  
5 "Sec. \_\_\_\_ Section 331.401, subsection 1, Code  
6 Supplement 1999, is amended by adding the following  
7 new paragraph:  
8 NEW PARAGRAPH. s. Allocate the expenditures of  
9 the office of county sheriff related to providing  
10 uniform law enforcement patrol services which shall be  
11 paid from the rural services fund. The board shall  
12 determine the percentage of the total budget of the  
13 county sheriff allocated to providing uniform law  
14 enforcement patrol services from a certified audit of  
15 the sheriff's office."

MATT McCOY

S-5359

1 Amend House File 2502, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 1 through 26 and  
4 inserting the following:  
5 "Section 1. FUNDING OF COUNTY LAW ENFORCEMENT  
6 SERVICES.  
7 1. For the fiscal year beginning July 1, 2001, and  
8 for subsequent fiscal years, a county shall budget and  
9 fund enforcement services of the office of county  
10 sheriff from the rural services fund only if the  
11 county budgeted and funded the law enforcement  
12 services of the office of county sheriff in whole or  
13 in part from the rural services fund for the preceding  
14 fiscal year.  
15 2. Subsection 1 shall not apply to counties after  
16 the last day of the regular session of the general  
17 assembly which convenes following the final  
18 disposition of litigation pending before the district  
19 court of Lyon or Story county addressing the issue of  
20 funding of the law enforcement services of the office  
21 of county sheriff, whichever decision is issued last,  
22 and after the recommendations of the study committee  
23 have been submitted."  
24 2. Title page, by striking lines 1 and 2 and  
25 inserting the following: "An Act relating to the  
26 payment of county law enforcement salaries and".

MATT McCOY

S-5360

- 1 Amend House File 2502, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 27 and
- 4 inserting the following:
- 5 "Section 1. COUNTY HOME RULE AUTHORITY AFFIRMED.
- 6 The general assembly affirms the authority of counties
- 7 to exercise their home rule powers to determine their
- 8 local affairs and government.
- 9 Sec. \_\_\_\_ INTERIM STUDY ON FUNDING COUNTY
- 10 SHERIFFS. The".
- 11 2. Title page, by striking lines 1 through 3 and
- 12 inserting the following: "An Act relating to the
- 13 funding of the office of county sheriff and requesting
- 14 an interim study."

JOHNIE HAMMOND

S-5361

- 1 Amend Senate File 2439 as follows:
- 2 1. Page 5, line 18, by inserting after the word
- 3 "section" the following: "and shall develop and
- 4 implement a method for allocating moneys based upon
- 5 the need for skills and occupations for which an
- 6 applied technical education is required".
- 7 2. Page 6, by striking lines 9 through 12 and
- 8 inserting the following: "less. The grants shall be
- 9 awarded on an annual basis. Applicants who meet the
- 10 application deadline shall be ranked by the commission
- 11 in order of need. The commission shall award grants
- 12 to applicants in order of need beginning with
- 13 applicants with the greatest need, insofar as funds
- 14 permit. If a student receiving grant moneys
- 15 discontinues attendance before the end of any term,
- 16 the entire amount of any refund due that student, up
- 17 to the amount of any payments made under the grant,
- 18 shall be paid by the institution to the state for
- 19 deposit in the accelerated career education grant
- 20 fund."

LARRY McKIBBEN

S-5362

- 1 Amend Senate File 2433 as follows:
- 2 1. Page 1, line 26, by striking the figure
- 3 "2,981,920" and inserting the following: "3,435,000".

PATRICK J. DELUHERY

S-5363

- 1 Amend Senate File 2433 as follows:
- 2 1. Page 4, line 16, by striking the figure
- 3 "3,563,943" and inserting the following: "4,819,446".

PATRICK J. DELUHERY

S-5364

- 1 Amend Senate File 2433 as follows:
- 2 1. Page 4, line 16, by striking the figure
- 3 "3,563,943" and inserting the following: "4,163,943".
- 4 2. Page 4, by inserting after line 17 the
- 5 following:
- 6 "Sec. \_\_\_\_ FUNDING FOR IOWACCESS. Notwithstanding
- 7 section 321A.3, subsection 1, for the fiscal year
- 8 beginning July 1, 2000, and ending June 30, 2001, the
- 9 first \$1,000,000 collected and transferred by the
- 10 department to the treasurer of state with respect to
- 11 the fees for transactions involving the furnishing of
- 12 a certified abstract of a vehicle operating record
- 13 under section 321A.3, subsection 1, shall be
- 14 transferred to the IowAccess revolving fund created in
- 15 section 18.187 and administered by the division of
- 16 information technology services of the department of
- 17 general services for the purposes of developing,
- 18 implementing, maintaining, and expanding electronic
- 19 access to government records in accordance with the
- 20 requirements set forth in chapter 18, division VII."
- 21 3. Page 5, by striking lines 13 through 15.
- 22 4. By striking page 8, line 28, through page 9,
- 23 line 12.
- 24 5. By renumbering as necessary.

PATRICK J. DELUHERY

S-5365

- 1 Amend Senate File 2433 as follows:
- 2 1. Page 3, line 21, by striking the figure
- 3 "2,170,595" and inserting the following: "2,337,430".
- 4 2. Page 3, line 23, by striking the figure
- 5 "478,403" and inserting the following: "479,238".
- 6 3. Page 3, line 33, by striking the figure
- 7 "1,692,192" and inserting the following: "1,858,192".

PATRICK J. DELUHERY



S-5366

1 Amend House File 2419 as passed by the House as  
2 follows:  
3 1. Page 3, by inserting after line 15 the  
4 following:  
5 "Sec. \_\_\_\_ NEW SECTION. 124.414 DRUG  
6 PARAPHERNALIA.  
7 1. a. As used in this section, "drug  
8 paraphernalia" means all equipment, products, or  
9 materials of any kind used or attempted to be used in  
10 combination with a controlled substance, except those  
11 items used in combination with the lawful use of a  
12 controlled substance, to knowingly or intentionally  
13 and primarily do any of the following:  
14 (1) Manufacture a controlled substance.  
15 (2) Inject, ingest, inhale, or otherwise introduce  
16 into the human body a controlled substance.  
17 (3) Test the strength, effectiveness, or purity of  
18 a controlled substance.  
19 (4) Enhance the effect of a controlled substance.  
20 b. "Drug paraphernalia" does not include  
21 hypodermic needles or syringes if manufactured,  
22 delivered, sold, or possessed for a lawful purpose.  
23 2. It is unlawful for any person to knowingly or  
24 intentionally manufacture, deliver, sell, or possess  
25 drug paraphernalia.  
26 3. A person who violates this section commits a  
27 simple misdemeanor."  
28 2. Title page, by striking lines 1 and 2 and  
29 inserting the following: "An Act concerning the  
30 criminal penalties relating to amphetamines or drug  
31 paraphernalia."

ANDY McKEAN  
GENE MADDOX  
ROBERT E. DVORSKY

S-5367

1 Amend Senate File 2433 as follows:  
2 1. Page 3, by inserting after line 13 the  
3 following:  
4 "6. Notwithstanding chapter 22, the Iowa  
5 telecommunications and technology commission may  
6 engage in the sale, offering for sale, rental,  
7 leasing, licensing, delivery, distributing, or  
8 advertising of goods or services related to the  
9 network. Such goods and services may include, but are  
10 not limited to, consulting services; network  
11 development, engineering, design, and configuration  
12 services; plans, renderings, and diagrams; network and

13 system maintenance services; software and software  
14 development; and hardware and hardware development.  
15 The commission may seek legal protection deemed  
16 necessary to secure any rights to or interests in such  
17 goods or services, including but not limited to,  
18 federal copyright, patent, and trademark protections,  
19 and any trade secret protection available under  
20 chapter 550. The commission may keep confidential any  
21 information relating to such goods and services to the  
22 extent such information constitutes trade secrets or  
23 is otherwise protected under law, or if the release of  
24 such information would result in a competitor having  
25 any advantage with respect to the network."

STEVE KING

HOUSE AMENDMENT TO  
SENATE FILE 419

S-5368

1 Amend Senate File 419, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, lines 3 and 4, by striking the words  
4 and figure ", pursuant to section 169.4A,".  
5 2. Page 1, line 5, by striking the word "state,"  
6 and inserting the following: "state".  
7 3. Page 1, line 10, by striking the word "may"  
8 and inserting the following: "shall".  
9 4. Page 1, line 14, by inserting after the figure  
10 "169.14." the following: "Certification fees shall be  
11 established by the board pursuant to section 169.5,  
12 subsection 9, paragraph "j". Fees shall be  
13 established in an amount sufficient to fully offset  
14 the costs of certification pursuant to this  
15 subsection.  
16 5. Page 1, line 14, by inserting before the word  
17 "This" the following: "For the fiscal year beginning  
18 July 1, 2000, and ending June 30, 2001, the department  
19 shall retain fees collected to administer the program  
20 of certifying veterinary clinics and the fees retained  
21 are appropriated to the department for the purposes of  
22 this subsection. For the fiscal year beginning July  
23 1, 2000, and ending June 30, 2001, notwithstanding  
24 section 8.33, fees which remain unexpended at the end  
25 of the fiscal year shall not revert to the general  
26 fund of the state but shall be available for use for  
27 the following fiscal year to administer the program.  
28 For the fiscal year beginning July 1, 2001, and  
29 succeeding fiscal years, certification fees shall be  
30 deposited in the general fund of the state and are  
31 appropriated to the department to administer the

32 certification provisions of this subsection."  
33 6. By renumbering, relettering, or redesignating  
34 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2329

S-5369

1 Amend Senate File 2329, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 321.20, subsection 1, Code  
6 Supplement 1999, as amended by 2000 Iowa Acts, Senate  
7 File 2147, section 39, as enacted, is amended to read  
8 as follows:

9 1. The full legal name; social security number or,  
10 if the owner does not have a social security number  
11 but has a passport, the passport number; driver's  
12 license number, whether the license was issued by this  
13 state, another state, another country, or is an  
14 international driver's license; date of birth; bona  
15 fide residence; and mailing address of the owner and  
16 of the lessee if the vehicle is being leased. If the  
17 owner or lessee is a firm, association, or  
18 corporation, the application shall contain the  
19 business address and federal employer identification  
20 number of the owner or lessee. Up to three owners'  
21 names may be listed on the application. Information  
22 relating to the lessee of a vehicle shall not be  
23 required on an application for registration and a  
24 certificate of title for a vehicle with a gross  
25 vehicle weight rating of ~~twenty-six~~ ten thousand  
26 pounds or more.

27 Sec. \_\_\_\_ Section 321.449, subsection 1, Code  
28 Supplement 1999, is amended by adding the following  
29 new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. The department shall  
31 also adopt rules concerning hours of service for  
32 drivers of vehicles operated for hire and designed to  
33 transport more than eight persons, including the  
34 driver. The rules shall not apply to vehicles offered  
35 to the public for hire that are used principally in  
36 intracity operation and that are regulated by local  
37 authorities pursuant to section 321.236.

38 Sec. \_\_\_\_ Section 322.2, subsection 20, Code 1999,  
39 is amended to read as follows:

40 20. "Selling" includes bartering, exchanging,  
41 delivering, or otherwise dealing in."

42 2. Page 1, by inserting before line 1 the  
43 following:

44 "Section 1. NEW SECTION. 321.344B IMMEDIATE  
45 SAFETY THREAT -- PENALTY.  
46 A violation of section 321.341, 321.342, 321.343,  
47 or 321.344 which creates an immediate threat to the  
48 safety of a person or property is a simple misdemeanor  
49 punishable as a scheduled violation under section  
50 805.8, subsection 2, paragraph "ac".

## Page 2

1 3. Page 1, line 4, by inserting after the word  
2 "dollars." and inserting the following: "For  
3 violations of section 321.344B, the scheduled fine is  
4 two hundred dollars."  
5 4. Title page, line 1, by inserting after the  
6 word "Act" the following: "relating to  
7 transportation, by".  
8 5. Title page, line 1, by striking the words  
9 "increasing the fine" and inserting the following:  
10 "enhancing penalties".  
11 6. Title page, line 1, by striking the word  
12 "motor".  
13 7. Title page, line 2, by inserting after the  
14 word "crossings" the following: ", modifying vehicle  
15 registration provisions, requiring adoption of rules  
16 for hours of service for certain drivers, and  
17 modifying a definition relating to motor vehicle  
18 dealers".  
19 8. By renumbering, relettering, or redesignating  
20 and correcting internal references as necessary.

## HOUSE AMENDMENT TO SENATE FILE 2267

S-5370

1 Amend Senate File 2267, 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 256D.1, subsection 1,  
6 paragraph b, subparagraph (1), Code Supplement 1999,  
7 is amended to read as follows:  
8 (1) A school district shall at a minimum  
9 biannually inform parents of their individual child's  
10 performance on the diagnostic assessments in  
11 kindergarten through grade three. If intervention is  
12 appropriate, the school district shall ~~inform~~ provide  
13 written notice to the parents of the actions the  
14 school district intends to take to improve the child's  
15 reading skills and provide the parents with strategies  
16 to enable the parents to improve their child's skills.

If a school district determines that a child is failing to adequately master the school district's reading curriculum in kindergarten through grade three, the school district shall establish a compact with the parent of the child which shall include a requirement that the parent meet face-to-face with the child's teacher. However, if the teacher makes a good faith effort to meet face-to-face with the parent but the effort is unsuccessful, the teacher and the school district have no further obligation with respect to face-to-face intervention strategies under this subparagraph. The board of directors of each school district shall adopt a policy indicating adopted pursuant to section 256D.1A shall indicate the methods the school district will use to inform parents of their individual child's performance.

Sec. 2. Section 256D.1, subsection 1, Code Supplement 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. ENCOURAGING IOWA FAMILY READING NIGHT -- INTENT. It is the intent of the general assembly to encourage each family in Iowa to set aside Tuesday night, from seven to eight p.m., for reading by the family. School districts, the department of education, and the media are encouraged to promote Iowa family reading night in mailings, on websites, and in public service announcements, billboards, print and broadcast media services, and other appropriate means.

Sec. 3. NEW SECTION. 256D.1A STUDENT PROMOTION POLICY -- KINDERGARTEN THROUGH GRADE THREE.

1. The board of directors of each school district shall adopt a school promotion policy that facilitates collaborations among teachers, parents of the

## Page 2

students, and the school district to support student reading proficiency. The student promotion policy adopted shall include, but shall not be limited to, the provisions set forth in this section. By the end of the first week of school, the school district shall notify the parents of students in kindergarten through grade three of the district's student promotion policy. The school district may include with this notification a list of suggested reference materials, such as books, computer programs, or other study aids, that enable parents to assist the school district in educating their children during the school year.

2. A parent of a student in kindergarten through grade three shall be notified in writing if the student is failing to adequately master the school

16 district's reading curriculum. Notices shall include  
17 a copy of the school district's student promotion  
18 policy and shall be sent by mail. Notices shall be  
19 written in clear, understandable language. In lieu of  
20 notice by mail, the school district may provide a  
21 written notice required pursuant to this section to a  
22 parent at a parent-teacher conference occurring in the  
23 same week in which a notice would have been required  
24 to be sent by mail pursuant to this section.

25 3. The individualized education program assigned  
26 to a child requiring special education shall determine  
27 whether the child is expected to meet the school  
28 district's student promotion policy, which must be  
29 documented in the student's individualized education  
30 program.

31 Sec. 4. Section 256D.3, Code Supplement 1999, is  
32 amended by adding the following new subsection:

33 NEW SUBSECTION. 4. The director of the department  
34 of education shall conduct a review of school district  
35 student promotion policies, the number of kindergarten  
36 through grade three level students retained or  
37 promoted, and the success of the interventions  
38 implemented by school districts to improve the  
39 students' reading skills. The director shall submit a  
40 report of the findings and recommendations resulting  
41 from the review to the senate and house standing  
42 committees on education and the joint appropriations  
43 subcommittee on education by December 1, 2002, and  
44 biennially thereafter."

45 2. Title page, line 3, by inserting after the  
46 word "for" the following: "kindergarten through".

S-5371

1 Amend Senate File 2447 as follows:

2 1. Page 16, line 25, by striking the words "all  
3 school districts" and inserting the following: "the  
4 school district".

5 2. Page 17, lines 6 and 7, by striking the words  
6 "budget years beginning on or after July 1, 2001" and  
7 inserting the following: "the budget year beginning  
8 July 1, 2000".

9 3. Page 17, by striking lines 13 and 14 and  
10 inserting the following: "home or homes of a teacher  
11 or superintendent,".

12 4. Page 18, line 8, by inserting after the letter  
13 "a." the following: "A school district's local match  
14 requirement is equivalent to the total investment of a  
15 project multiplied by the school district's local  
16 match percentage."

17 5. Page 18, line 10, by striking the word  
18 "percentage".

- 19 6. Page 18, line 12, by inserting after the word  
20 "bonds" the following: "pursuant to section 298.18".  
21 7. Page 18, line 22, by striking the word  
22 "required" and inserting the following:  
23 "requirement".  
24 8. Page 18, lines 32 and 33, by striking the  
25 words "percentage as required" and inserting the  
26 following: "requirement".  
27 9. Page 18, line 34, by striking the word  
28 "requirements" and inserting the following: "local  
29 match requirement".  
30 10. Page 20, line 4, by striking the word  
31 "percentage".

COMMITTEE ON WAYS AND MEANS  
JOANN JOHNSON, Chairperson

S-5372

- 1 Amend House File 2545, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking page 31, line 17, through page 32,  
4 line 6.  
5 2. Page 33, by striking lines 2 through 19.  
6 3. By renumbering as necessary.

JOHN P. KIBBIE

S-5373

- 1 Amend House File 2433, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 29, by striking the word "eleven"  
4 and inserting the following: "thirteen".  
5 2. Page 2, by striking lines 16 through 18 and  
6 inserting the following:  
7 "( ) The Iowa association of school boards shall  
8 appoint one member.  
9 ( ) The Iowa state education association shall  
10 appoint one member.  
11 ( ) The Iowa association of business and industry  
12 shall appoint one member."  
13 3. Page 2, by striking lines 24 through 31 and  
14 inserting the following: "education for approval and  
15 adoption."  
16 4. Page 3, by inserting after line 19 the  
17 following:  
18 "\_\_\_ A plan to improve sharing of data on student  
19 academic performance and career planning between  
20 school districts and community colleges. The plan  
21 shall be developed utilizing community college  
22 personnel and the bureau of community colleges.

- 23 \_\_\_\_\_. A report on strategic planning transmitted to  
24 the senate and house standing committees on education  
25 and the joint appropriations subcommittee on education  
26 by January 15, 2001."  
27 5. By striking page 3, line 20 through page 4,  
28 line 5.  
29 6. By renumbering as necessary.

MIKE SEXTON  
MICHAEL W. CONNOLLY  
WALLY E. HORN

S-5374

- 1 Amend Senate File 2448 as follows:  
2 1. Page 8, by inserting before line 24 the  
3 following:  
4 "Sec. \_\_\_\_ NEW SECTION. 214A.16B RENEWABLE  
5 REFORMULATED GASOLINE-- PRICE.  
6 A wholesale dealer or retail dealer shall not sell  
7 renewable reformulated gasoline in this state at a  
8 price which is greater than the price charged for  
9 conventional gasoline, if the renewable reformulated  
10 gasoline and the conventional gasoline have the same  
11 level of octane."  
12 2. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5375

- 1 Amend Senate Resolution 111 as follows:  
2 1. Page 1, lines 6 and 7, by striking the words  
3 "Ten Commandments" and inserting the following:  
4 "Scout Law".  
5 2. Page 1, line 17, by striking the words "Ten  
6 Commandments contain" and inserting the following:  
7 "Scout Law contains".  
8 3. Page 1, lines 19 and 20, by striking the words  
9 "and the United States" and inserting the following:  
10 ", the United States, and in the world".  
11 4. Page 1, line 24, by inserting after the word  
12 "states" the following: ", and this power is deemed  
13 by the Iowa Senate to include the display of the Scout  
14 Law".  
15 5. Page 1, by striking lines 27 and 28 and  
16 inserting the following: "ability to behave in a  
17 manner that is consistent with the Scout Law; and  
18 WHEREAS, THE Iowa Senate includes members who are  
19 Eagle Scout award recipients and hold the tenets of  
20 the Scout Law in high regard; NOW THEREFORE,".  
21 6. Page 1, line 29, by striking the words "Ten



22 Commandments" and inserting the following: "Scout  
23 Law".  
24 7. Page 2, by striking lines 1 through 4.

TOM FLYNN  
MATT McCOY  
BILL FINK  
DENNIS H. BLACK

HOUSE AMENDMENT TO  
SENATE FILE 2143

S-5376

1 Amend Senate File 2143, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 99B.1, Code 1999, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 24. "Unrelated entity" means a  
8 person that has a separate and distinct state charter  
9 and tax identification number from any other person,  
10 and, if the person is an individual, an individual  
11 that is not related by law or by consanguinity."  
12 2. Page 1, by inserting after line 14 the  
13 following:  
14 "Sec. \_\_\_\_ Section 99B.7, Code 1999, is amended by  
15 adding the following new subsection:  
16 NEW SUBSECTION. 3A. If a licensee derives ninety  
17 percent or more of its total income from conducting  
18 bingo, raffles, or small games of chance, at least  
19 seventy-five percent of the licensee's net receipts  
20 shall be distributed to an unrelated entity for an  
21 educational, civic, public, charitable, patriotic, or  
22 religious use."  
23 3. Title page, line 2, by inserting after the  
24 word "raffles" the following: "and the disposition of  
25 receipts from games and raffles".

S-5377

1 Amend the amendment, S-5353 to Senate File 2302, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 2, by inserting after line 37, the  
5 following:  
6 "Sec. \_\_\_\_ Section 124.212, subsection 5,  
7 unnumbered paragraph 1, Code 1999, is amended to read  
8 as follows:  
9 Ephedrine. Unless specifically excepted in  
10 paragraph "b" or "c", or listed in another schedule,

11 any material, compound, mixture, or preparation which  
12 contains any quantity of the following substance,  
13 including its salts, optical isomers, and salts of  
14 such optical isomers:  
15 Sec. \_\_\_\_ Section 124.212, subsection 5, Code  
16 1999, is amended by adding the following new  
17 paragraph:  
18 NEW PARAGRAPH. c. A dietary supplement is also  
19 excepted from this schedule, if the dietary supplement  
20 is not otherwise prohibited by any other law and is a  
21 naturally occurring ephedrine alkaloid or associated  
22 salts, isomers, salts of isomers, or a combination of  
23 these substances that are contained in a matrix of  
24 organic material and do not exceed fifteen percent of  
25 the total weight of the natural product."  
26 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5378

1 Amend the House amendment, S-5369, to Senate File  
2 2329, as passed by the Senate, as follows:  
3 1. Page 1, by striking line 50 and inserting the  
4 following: "805.8, subsection 2, paragraph "ac".  
5 Sec. \_\_\_\_ NEW SECTION. 327G.25 CLOSING OF  
6 CROSSING FOR REPAIR OR UPGRADE.  
7 A railway corporation shall not close a railway  
8 crossing to the traveling public for more than thirty  
9 days for the purpose of repairing or upgrading the  
10 crossing. A railway corporation violating this  
11 section shall, upon conviction, be subject to a  
12 schedule "one" penalty."  
13 2. Page 2, line 15, by inserting after the word  
14 "provisions," and inserting the following:  
15 "regulating the closing of railway crossings,".  
16 3. By renumbering as necessary.

JACK RIFE

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2491

S-5379

1 Amend the Senate amendment, H-8757, to House File  
2 2491, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by inserting after line 31, the  
5 following:  
6 " \_\_\_\_ "Life science by-product" means a commodity,

7 other than a life science product, if the commodity  
8 derives from the production of a life science product  
9 and the commodity is not intended or used for human  
10 consumption."

11 2. Page 2, by striking lines 32 through 42, and  
12 inserting the following:

13 " \_\_\_\_\_. The sale of life science products.

14 \_\_\_\_\_. The sale of cull livestock kept on the  
15 agricultural land, surplus commodities produced as  
16 feed for livestock kept on the agricultural land, or  
17 life science by-products."

18 3. Page 5, by inserting after line 20, the  
19 following:

20 " \_\_\_\_\_. Title page, line 2, by inserting after the  
21 word "penalties" the following: "and an effective  
22 date"."

HOUSE AMENDMENT TO  
SENATE FILE 2395

S-5380

1 Amend Senate File 2395, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 4, line 18, by inserting after the figure  
4 "8D.3" the following: ", with respect to information  
5 technology that is unique to the Iowa communications  
6 network".

7 2. Page 4, by inserting after line 20 the  
8 following:

9 " \_\_\_\_\_. "Value-added services" means government  
10 information which requires special sorts or  
11 formatting, or other action to provide such  
12 information, or to provide access to government  
13 information which is responsive to special requests  
14 for multiple government records in customized  
15 formats."

16 3. Page 5, line 4, by inserting after the word  
17 "Developing" the following: "and implementing".

18 4. Page 5, line 8, by inserting after the word  
19 "chapter." the following: "The department shall  
20 implement information technology standards as  
21 established pursuant to this chapter which are  
22 applicable to information technology procurements for  
23 participating agencies."

24 5. Page 5, line 9, by inserting after the word  
25 "Recommending" the following: "and implementing".

26 6. Page 5, line 24, by inserting after the word  
27 "chapter." the following: "The information technology  
28 department shall review a request for information  
29 technology submitted by a participating agency for  
30 purposes of determining whether such request meets the

31 applicable standards established pursuant to this  
32 chapter. Upon a determination that the request meets  
33 such standards, the information technology shall be  
34 procured for the participating agency by the  
35 department of general services. Nothing in this  
36 chapter shall be construed to prohibit or limit a  
37 participating agency from entering into an agreement  
38 or contract for information technology with a  
39 qualified private entity."  
40 7. Page 6, by striking lines 3 through 6 and  
41 inserting the following:  
42 "3. SERVICE CHARGES. The department shall render  
43 a statement to a participating agency or other  
44 governmental entity for a reasonable and necessary  
45 amount for information technology provided by the  
46 department to such agency or entity. An amount  
47 indicated on a statement rendered to a participating  
48 agency or other governmental entity shall be paid by  
49 such agency or entity in a manner determined by the  
50 department of revenue and finance. Amounts charged

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1 and paid pursuant to this".  
2 8. Page 6, line 9, by striking the words "as  
3 fees".  
4 9. Page 8, by striking lines 21 and 22 and  
5 inserting the following:  
6 "(1) The director of the information technology  
7 department."  
8 10. Page 8, line 29, by striking the words "chief  
9 operating officer" and inserting the following:  
10 "executive director".  
11 11. Page 8, line 30, by striking the words "chief  
12 operating officer's" and inserting the following:  
13 "executive director's".  
14 12. Page 9, line 26, by inserting after the word  
15 "shall" the following: "annually".  
16 13. Page 9, line 27, by inserting after the word  
17 "council" the following: "other than the director of  
18 the information technology department".  
19 14. Page 10, by inserting after line 34 the  
20 following:  
21 "2A. WAIVER. The information technology council,  
22 upon the written request of a participating agency and  
23 for good cause shown, may grant a waiver from a  
24 requirement otherwise applicable to a participating  
25 agency relating to an information technology standard  
26 established by the information technology council."  
27 15. Page 12, line 9, by inserting after the word  
28 "governor." the following: "An administrator shall  
29 report to the director regarding the day-to-day

30 operations of the division headed by the  
31 administrator, and the performance of the  
32 administrator's duties."

33 16. Page 12, line 24, by striking the word  
34 "director" and inserting the following: "governor".

35 17. Page 12, line 29, by inserting after the word  
36 "made," the following: "The administrator shall  
37 report to the director regarding the day-to-day  
38 operations of the bureau and the performance of the  
39 administrator's duties."

40 18. Page 13, by striking lines 27 through 30 and  
41 inserting the following: "purpose of guiding such  
42 procurements. Such standards, unless waived by the  
43 council, shall apply to all information technology  
44 procurements for participating agencies."

45 19. Page 14, by inserting after line 1 the  
46 following:

47 "Sec. \_\_\_\_ NEW SECTION. 14B.108 PROCUREMENT OF  
48 INFORMATION TECHNOLOGY.

49 1. Notwithstanding the provisions of this section,  
50 the information technology department and the

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1 department of general services shall enter into an  
2 interagency agreement regarding the division of  
3 responsibilities between the departments associated  
4 with the procurement of information technology which  
5 is acceptable to both departments. The interagency  
6 agreement shall be subject to renegotiation at least  
7 every two years, unless an earlier time is provided  
8 for in the interagency agreement. If the departments  
9 are unable to agree on the terms of an interagency  
10 agreement or upon a failure of either department to  
11 satisfy the terms of the agreement, the departments  
12 shall inform the department of management that an  
13 agreement has not been reached or that one of the  
14 departments has failed to satisfy the terms of the  
15 agreement. The department of management, upon receipt  
16 and review of such information, may direct the  
17 information technology department to proceed with the  
18 procurement of information technology as provided in  
19 subsections 2 through 5.

20 2. a. Standards established by the council,  
21 unless waived pursuant to section 14B.104, shall apply  
22 to all information technology procurements for  
23 participating agencies.

24 b. A participating agency shall submit a request  
25 to the department for the procurement of any  
26 information technology. The department, prior to any  
27 acquisition of such information technology, shall make  
28 a determination whether the requested information

29 technology complies with the information technology  
30 standards established by the information technology  
31 council.

32 The information technology department, at the  
33 request of a participating agency other than a  
34 participating agency that is granted independent  
35 procurement authority, shall acquire the information  
36 technology for the participating agency requesting  
37 such information technology if it is determined to be  
38 compliant with the standards established by the  
39 information technology council.

40 A participating agency that is granted independent  
41 procurement authority, upon a determination by the  
42 information technology department that a proposed  
43 information technology acquisition complies with the  
44 information technology standards established by the  
45 information technology council, may proceed with such  
46 acquisition. The information technology department  
47 shall provide advice to such participating agency  
48 regarding the procurement of such information  
49 technology, including any opportunity to aggregate  
50 such purchases with other participating agencies.

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1 c. If a determination is made that the information  
2 technology does not comply with such standards, the  
3 department shall disapprove the request and such  
4 information technology shall not be procured unless a  
5 waiver is granted pursuant to section 14B.104.

6 3. The information technology department, by rule,  
7 may implement a prequalification procedure for  
8 contractors which the department has entered or  
9 intends to enter into agreements regarding the  
10 procurement of information technology.

11 4. Notwithstanding the provisions of chapter 18,  
12 the department may procure information technology as  
13 provided in this section. The department may  
14 cooperate with other governmental entities in the  
15 procurement of information technology in an effort to  
16 make such procurements in a cost-effective, efficient  
17 manner as provided in this section. The department,  
18 as deemed appropriate and cost-effective, may procure  
19 information technology using any of the following  
20 methods:

21 a. Cooperative procurement agreement. The  
22 department may enter into a cooperative procurement  
23 agreement with another governmental entity for the  
24 purpose of pooling funds for the purchase of  
25 information technology, whether such information  
26 technology is for the use of the department or  
27 multiple governmental entities. The cooperative

28 procurement agreement shall clearly specify the  
29 purpose of the agreement and the method by which such  
30 purpose will be accomplished. Any power exercised  
31 under such agreement shall not exceed the power  
32 granted to any party to the agreement.

33 b. Negotiated contract. The department may enter  
34 into an agreement for the purchase of information  
35 technology if any of the following applies:

36 (1) The contract price, terms, and conditions are  
37 pursuant to the current federal supply contract, and  
38 the purchase order adequately identifies the federal  
39 supply contract under which the procurement is to be  
40 made.

41 (2) The contract price, terms, and conditions are  
42 no less favorable than the contractor's current  
43 federal supply contract price, terms, and conditions;  
44 the contractor has indicated in writing a willingness  
45 to extend such price, terms, and conditions to the  
46 department; and the purchase order adequately  
47 identifies the contract relied upon.

48 (3) The contract is with a vendor which has a  
49 current exclusive or nonexclusive price agreement with  
50 the state for the information technology to be

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1 procured, and such information technology meets the  
2 same standards and specifications as the items to be  
3 procured and both of the following apply:

4 (a) The quantity purchased does not exceed the  
5 quantity which may be purchased under the applicable  
6 price agreement.

7 (b) The purchase order adequately identifies the  
8 price agreement relied upon.

9 c. Contracts let by another government entity.  
10 The department, on its own behalf or on the behalf of  
11 another participating agency, may procure information  
12 technology under a contract let by another state  
13 agency or political subdivision of this state, or  
14 approve such procurement in the same manner by a  
15 participating agency.

16 d. Reverse auction.

17 (1) The department may enter into an agreement for  
18 the purchase of information technology utilizing a  
19 reverse auction process. Such process shall result in  
20 the purchase of information technology from the vendor  
21 submitting the lowest responsible bid amount for the  
22 information technology to be acquired. The  
23 department, in establishing a reverse auction process  
24 shall do all of the following:

25 (a) Determine the specifications and requirements  
26 of the information technology to be acquired.

27 (b) Identify and provide notice to potential  
28 vendors concerning the proposed acquisition.  
29 (c) Establish prequalification requirements to be  
30 met by a vendor to be eligible to participate in the  
31 reverse auction.  
32 (d) Conduct the reverse auction in a manner as  
33 deemed appropriate by the department, and consistent  
34 with rules adopted by the department.  
35 (2) Prior to conducting a reverse auction, the  
36 department shall establish a threshold amount which  
37 shall be the maximum amount which the department is  
38 willing to pay for the information technology to be  
39 acquired.  
40 (3) The department shall enter into an agreement  
41 with a vendor who is the lowest responsible bidder  
42 which meets the specifications or description of the  
43 information technology to be procured, or the  
44 department may reject all bids and begin the process  
45 again. In determining the lowest responsible bidder,  
46 the department may consider various factors,  
47 including, but not limited to, the past performance of  
48 the vendor relative to quality of product or service,  
49 the past experience of the department in relation to  
50 the product or service, the relative quality of

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1 products or services, the proposed terms of delivery,  
2 and the best interest of the state.  
3 e. Competitive bidding. The department may enter  
4 into an agreement for the purchase of information  
5 technology in the same manner as provided under  
6 section 18.6, with respect to the department of  
7 general services.  
8 f. In addition to the competitive bidding  
9 procedure provided for under paragraph "e", the  
10 information technology department may enter into an  
11 agreement for the purchase, disposal, or other  
12 disposition of information technology in any other  
13 manner provided under chapter 18, in the same manner  
14 and subject to the same limitations as the department  
15 of general services. The information technology  
16 department, by rule, shall provide for such  
17 procedures.  
18 5. The department shall adopt rules pursuant to  
19 chapter 17A to implement the procurement methods  
20 provided for in subsections 2 through 4."  
21 20. Page 14, lines 10 and 11, by striking the  
22 words "access, including enhanced access," and  
23 inserting the following: "access".  
24 21. Page 14, line 13, by striking the words  
25 "enhanced access" and inserting the following:



26 "value-added services".  
27 22. Page 14, line 14, by striking the word  
28 "accessing" and inserting the following: "creating  
29 and organizing".  
30 23. Page 14, by striking lines 16 through 19.  
31 24. Page 16, line 35, by inserting after the word  
32 "shall" the following: "annually".  
33 25. Page 17, line 21, by inserting after the word  
34 "agency." the following: "However, the commission is  
35 subject to the general operations practices and  
36 procedures which are generally applicable to other  
37 state agencies.  
38 PARAGRAPH DIVIDED.  
39 26. Page 19, by inserting after line 6 the  
40 following:  
41 "Sec. \_\_\_\_ . IOWA COMMUNICATIONS NETWORK STATUS. It  
42 is the intent of the general assembly that the general  
43 assembly, during the 2002 regular session, review the  
44 operations of the Iowa communications network and the  
45 information technology department for the purpose of  
46 determining whether the oversight and administration  
47 of the network should be under the authority of the  
48 department."  
49 27. Page 19, by inserting after line 25 the  
50 following:

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1 "Sec. \_\_\_\_ . EFFECTIVE DATE. This Act, being deemed  
2 of immediate importance, takes effect upon enactment."  
3 28. Title page, line 2, by inserting after the  
4 word "changes" the following: "and providing an  
5 effective date".  
6 29. By renumbering, relettering, or redesignating  
7 and correcting internal references as necessary.

S-5381

1 Amend House File 2477, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking page 1, line 1, through page 2,  
4 line 22.  
5 2. Page 3, by striking lines 31 through 33 and  
6 inserting the following:  
7 "Sec. \_\_\_\_ . LIMITATION ON EXPENDITURE OF FUNDS FOR  
8 PASSENGER RAIL SERVICE. It is the intent of the  
9 general assembly that moneys directed to be deposited  
10 in the road use tax fund under section 312.1 shall not  
11 be used for loans, grants, or other financial  
12 assistance for passenger rail service."  
13 3. Title page, line 1, by striking the words  
14 "public improvements and" and inserting the following:

- 15 "nonhighway".  
16 4. Title page, line 2, by striking the words  
17 "procedures for condemnation and highway projects,".  
18 5. Title page, line 3, by striking the words  
19 "service, and" and inserting the following:  
20 "service."  
21 6. Title page, by striking line 4.  
22 7. By renumbering as necessary.

RICHARD F. DRAKE  
MATT McCOY  
TOM FLYNN  
MARY LOU FREEMAN  
STEVE HANSEN

S-5382

- 1 Amend SJR 2006 as follows:  
2 1. Page 1, line 8, by inserting after the word  
3 "raises" the following: "or lowers".  
4 2. Page 1, line 11, by inserting after the word  
5 "raises" the following: "or lowers".  
6 3. Page 1, line 16, by inserting after the word  
7 "raises" the following: "or lowers".  
8 4. Page 1, line 19, by inserting after the word  
9 "raises" the following: "or lowers".

PATRICIA HARPER

HOUSE AMENDMENT TO  
SENATE FILE 2126

S-5383

- 1 Amend Senate File 2126, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 8, by inserting after the word  
4 "devices" the following: "which prevent conception  
5 and which are".  
6 2. Page 1, line 15, by inserting after the word  
7 "services" the following: "which are provided for the  
8 purpose of preventing conception".

S-5384

- 1 Amend House File 2433, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 20, by striking the words  
4 "certified annual report with the".  
5 2. Page 1, line 29, by striking the word "eleven"  
6 and inserting the following: "thirteen".  
7 3. Page 2, by striking lines 16 through 18 and

- 8 inserting the following:  
9 "( ) The Iowa association of school boards shall  
10 appoint one member.  
11 ( ) The Iowa state education association shall  
12 appoint one member.  
13 ( ) The Iowa association of business and industry  
14 shall appoint one member."  
15 4. Page 2, by striking lines 24 through 31 and  
16 inserting the following: "education for approval and  
17 adoption."  
18 5. Page 3, by inserting after line 19 the  
19 following:  
20 "\_\_\_\_. A plan to improve sharing of data on student  
21 academic performance and career planning between  
22 school districts and community colleges. The plan  
23 shall be developed utilizing community college  
24 personnel and the bureau of community colleges.  
25 \_\_\_\_\_. A report on strategic planning transmitted to  
26 the senate and house standing committees on education  
27 and the joint appropriations subcommittee on education  
28 by January 15, 2001."  
29 6. By striking page 3, line 20 through page 4,  
30 line 5.  
31 7. By renumbering as necessary.

MIKE SEXTON  
MICHAEL W. CONNOLLY  
WALLY E. HORN  
JOHN P. KIBBIE

S-5385

- 1 Amend Senate File 2448 as follows:  
2 1. Page 7, by striking lines 1 through 15, and  
3 inserting the following:  
4 "\_\_\_\_. Except as provided in this section, the  
5 following shall apply:  
6 a. A retail dealer, on or after January 1, 2001,  
7 shall not sell conventional gasoline from a motor  
8 vehicle fuel pump, unless the retail dealer also sells  
9 renewable reformulated gasoline from at least one pump  
10 at the same site.  
11 b. A retail dealer, on or after January 1, 2002,  
12 shall not sell conventional gasoline from a motor  
13 vehicle fuel pump, unless the retail dealer also sells  
14 from at least one pump renewable reformulated gasoline  
15 which has an octane level that equals the lowest  
16 octane level of conventional gasoline sold at the same  
17 site on July 1, 2001. However, at no time shall the  
18 retail dealer sell conventional gasoline with a lower

19 octane level than the retail dealer sells renewable  
20 reformulated gasoline from at least one pump at the  
21 site."

MERLIN E. BARTZ

S-5386

1 Amend Senate File 2448 as follows:

2 1. Page 3, line 8, by striking the word "valid"

3 and inserting the following: "redeemed".

4 2. Page 3, line 9, by inserting after the word

5 "completion," the following: "However, in no case

6 shall a tax credit certificate be redeemed earlier

7 than July 1, 2002."

8 3. Page 9, line 30, by striking the word "a" and

9 inserting the following: "the".

10 4. Page 9, by striking lines 31 and 32 and

11 inserting the following: "same as defined in section

12 214A.1."

13 5. Page 12, by inserting after line 22 the

14 following:

15 "Sec. \_\_\_\_ INTERIM STUDY. The legislative council

16 is requested to establish an interim study committee.

17 The study committee shall consider the availability of

18 motor vehicle fuel with levels of octane customarily

19 used to combine with alcohol in order to produce

20 renewable reformulated gasoline as provided in chapter

21 214A as amended by this Act. The study committee is

22 directed to submit its findings, together with any

23 recommendations, in a report to the general assembly

24 which convenes in January 2001, as required by the

25 legislative council."

26 6. Page 12, by striking lines 23 through 25.

MERLIN E. BARTZ

HOUSE AMENDMENT TO  
SENATE FILE 2435

S-5387

1 Amend Senate File 2435, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 6, line 9, by inserting after the word

4 "costs," the following: "The grant requirements shall

5 include provision for local match in the form of cash,

6 in-kind services, or other support."

7 2. Page 6, by inserting after line 27 the

8 following:

9 "e. The application for any of the grants

10 described in the lettered paragraphs of this

- 11 subsection shall not exceed two pages in length."  
12 3. Page 18, line 17, by striking the figure  
13 "422,451,028" and inserting the following:  
14 "422,129,000".  
15 4. Page 20, line 31, by inserting after the word  
16 "disabilities," the following: "the department shall  
17 aggressively pursue options to expand the waiver to  
18 100 openings and in implementing the expanded waiver".  
19 5. Page 20, line 35, by striking the words "The  
20 openings" and inserting the following: "Priority  
21 shall be given to those persons who are no longer  
22 eligible for the ill and handicapped waiver due to  
23 becoming eligible for federal supplemental security  
24 income, otherwise the openings".  
25 6. Page 21, by striking lines 34 and 35 and  
26 inserting the following: "mental illness under the  
27 medical assistance program, using county funding as a  
28 match for the federal funding except for individuals  
29 with state case status, for whom state funding shall  
30 provide the match."  
31 7. Page 22, by striking lines 1 through 27.  
32 8. Page 23, by striking lines 3 through 20.  
33 9. Page 23, by inserting after line 27 the  
34 following:  
35 "\_\_\_\_. The department shall aggressively pursue  
36 options for providing medical assistance or other  
37 assistance to individuals with special needs who  
38 become ineligible to continue receiving services under  
39 the early and periodic, screening, diagnosis, and  
40 treatment program under the medical assistance program  
41 due to becoming 21 years of age, who have been  
42 approved for additional assistance through the  
43 department's exception to policy provisions, but who  
44 have health care needs in excess of the funding  
45 available through the exception to policy process."  
46 10. Page 23, by inserting after line 27 the  
47 following:  
48 "\_\_\_\_. The department shall adopt emergency rules  
49 providing for reimbursement under medical assistance  
50 of a family or pediatric nurse practitioner's

**Page 2**

- 1 employing provider for services provided by the nurse  
2 practitioner, regardless of whether the nurse  
3 practitioner is under the supervision of or associated  
4 with a physician or other health care provider.  
5 \_\_\_\_\_. Of the funds appropriated in this section,  
6 \$100,000 is allocated for development of a plan for  
7 implementation of a personal assistance services  
8 program as described in House File 2380, as introduced  
9 in the Seventy-eighth General Assembly, 2000 Session.

10 The target date used in the plan for implementation of  
11 the program shall be July 1, 2002.  
12 The department, in consultation with the department  
13 of elder affairs, the Iowa department of public  
14 health, the department of workforce development, the  
15 department of education, division of vocational  
16 rehabilitation, the department of economic  
17 development, the Iowa state association of counties,  
18 Iowa creative employment options, the community  
19 services affiliate of the Iowa state association of  
20 counties, and the personal assistance and family  
21 support services council, shall convene a planning  
22 committee, which includes consumers and family  
23 members, advocates of consumers, providers of services  
24 to consumers, and the entities consulted with, to  
25 assist in the development of a plan for a personal  
26 assistance services program based on principles and  
27 standards described in this chapter. The membership  
28 of the planning committee shall be appointed in a  
29 manner so there are relatively equal proportions of  
30 members with involvement in service management,  
31 purchasing or approval, and members with an interest  
32 in or involvement as a service consumer or advocate.  
33 The planning committee shall also include four members  
34 of the general assembly to serve in an ex officio,  
35 nonvoting capacity with one each appointed by the  
36 following: senate majority leader, senate minority  
37 leader, speaker of the house of representatives, and  
38 minority leader of the house of representatives. The  
39 department may contract for services to support the  
40 planning committee. At a minimum, the plan shall  
41 include options to accomplish all of the following:  
42     a. Designate a lead agency to be responsible for  
43     administering the personal assistance services  
44     program.  
45     b. Provide that the personal assistance and family  
46     support services policy council assist in the design,  
47     implementation, marketing, and evaluation of the  
48     state's personal assistance services program.  
49     c. Provide a consumer-level administrative  
50     oversight and technical assistance mechanism relating

### Page 3

1 to the planning, administrative rules development, and  
2 implementation of the personal assistance services  
3 program.  
4     d. Provide for a transition process, with action  
5 steps and time lines, describing how the state will  
6 make personal assistance services a viable option that  
7 is more cost-effective and responsive to the needs and  
8 preferences of consumers.

- 9 e. Describe a process for consolidating all
- 10 noninstitutional personal assistance services programs
- 11 funded through the medical assistance program.
- 12 f. Describe the type of personal assistance
- 13 services to be provided under the program.
- 14 g. Describe the method of delivery of personal
- 15 assistance services and how such services will be
- 16 delivered statewide.
- 17 h. Evaluate the feasibility of further reducing
- 18 costs and addressing consumer needs and preferences
- 19 through the provision of auxiliary services such as
- 20 assistive technology and home modifications.
- 21 i. Describe a program intake process that will be
- 22 uniform throughout the state.
- 23 j. Review and consolidate the eligibility
- 24 requirements, intake processes, assessment tools, and
- 25 other relevant processes of all existing personal
- 26 assistance services waiver and pilot programs into a
- 27 single, comprehensive system.
- 28 k. Describe the standards and mechanisms for
- 29 copayments or cost-sharing and the methods used to
- 30 determine income eligibility of persons with
- 31 disabilities.
- 32 l. Determine quality assurance outcomes and
- 33 safeguards against physical, emotional, or financial
- 34 abuse and exploitation.
- 35 m. Describe the appeal process.
- 36 n. Describe how the barriers and disincentives
- 37 that currently discourage people from becoming
- 38 personal assistants can be removed.
- 39 o. Address the issues of provider and consumer
- 40 liability.
- 41 p. Describe acceptable methods whereby independent
- 42 personal assistance services providers may pool
- 43 resources to ensure adequate coverage provisions for
- 44 health insurance, liability insurance, and workers'
- 45 compensation insurance.
- 46 q. Consult with the health care financing
- 47 administration of the United States department of
- 48 health and human services, in reviewing and completing
- 49 a plan for consolidation and coordination of funding
- 50 mechanisms and expenditures relative to health care

**Page 4**

- 1 facility services, intermediate care facilities for
- 2 persons with mental retardation services, all covered
- 3 home and community-based services provided under
- 4 section 1915(c) of the federal Social Security Act,
- 5 services provided under the personal care option of
- 6 the medical assistance program, and frail elderly
- 7 program services. The plan shall provide for

8 consolidation and coordination of funding mechanisms  
9 and expenditures in order to provide funding for the  
10 personal assistance services described in this  
11 subsection and shall address the costs and potential  
12 cost offsets in implementing the personal care option  
13 under the medical assistance program.  
14 r. Develop options to capitalize on and leverage  
15 federal funding to the maximum extent possible under  
16 the federal Ticket to Work and Work Incentives  
17 Improvement Act of 1999, Pub. L. No. 106-170 and the  
18 federal Workforce Investment Act of 1998, Pub. L. No.  
19 105-220.  
20 Sec. \_\_\_\_ PHARMACEUTICAL CASE MANAGEMENT STUDY.  
21 There is appropriated from the general fund of the  
22 state to the department of human services for the  
23 fiscal year beginning July 1, 2000, and ending June  
24 30, 2001, the following amount or so much thereof as  
25 is necessary, to be used for implementation of a  
26 disease-specific pharmaceutical case management study  
27 to measure the effects of case management for medical  
28 assistance recipients identified by the department as  
29 high risk for medication-related problems. The funds  
30 shall be used to equally reimburse physician-  
31 pharmacist teams who participate in the study. An  
32 advisory committee whose membership consists of  
33 representatives of the Iowa medical society, the Iowa  
34 pharmacy association, and the department of human  
35 services shall establish and implement the  
36 pharmaceutical case management study. The university  
37 of Iowa college of public health, in conjunction with  
38 the colleges of medicine and pharmacy, shall perform  
39 an evaluation of the study at no cost to the state and  
40 shall submit a final report of the findings of the  
41 evaluation and any recommendations to the general  
42 assembly by December 15, 2002. The department shall  
43 submit a progress report by December 15, 2001, and a  
44 final report by December 15, 2002, to the general  
45 assembly. The department shall adopt rules to  
46 implement this section which comply with the notice of  
47 intended action requirements of section 17A.4,  
48 subsection 1, and which may be adopted as emergency  
49 rules pursuant to section 17A.5, subsection 2, after  
50 notice is provided. The rules shall be reevaluated by

**Page 5**

1 the department of human services with input from the  
2 Iowa medical society and the Iowa pharmacy  
3 association, upon submission of the final report or by  
4 December 15, 2002, whichever occurs first:  
5 .....\$ 414,000"  
6 11. Page 24, line 23, by striking the words



"administrative contractor" and inserting the following: "department".

12. Page 24, by inserting after line 31, the following:

"\_\_\_\_. The department of human services shall seek a waiver from the health care financing administration of the United States department of health and human services to permit families with children who are eligible for medical assistance to elect to participate under the HAWK-I program in lieu of participation in the medical assistance program. If the waiver is approved, the department shall implement the provision."

13. Page 25, line 5, by inserting after the word "into" the following: "or extended".

14. Page 25, line 7, by inserting after the word "treatment" the following: "provided at the state mental health institute at Mount Pleasant".

15. Page 25, by inserting after line 10, the following:

"Of the funds appropriated in this section, \$50,000 shall be used to continue the recruitment and retention strategies project to provide additional training and support for certified nurse aides employed by nursing facilities."

16. By striking page 28, line 34 through page 29, line 15.

17. Page 29, line 23, by striking the figure "6,296,956" and inserting the following: "6,305,133".

18. Page 29, line 34, by striking the figure "10,381,263" and inserting the following: "10,405,336".

19. Page 30, line 23, by striking the figure "108,788,161" and inserting the following: "108,780,000".

20. Page 36, by striking lines 21 through 28, and inserting the following:

"\_\_\_\_. Of the funds appropriated in this section, the department shall use \$687,876 for day treatment and aftercare services for juvenile females with provider selection made through a request for proposals process. The goal of providing the services is to ensure permanency, safety, and self-sufficiency for juvenile females."

## Page 6

21. Page 37, line 13, by striking the words "A final".

22. Page 37, by striking lines 14 through 18.

23. Page 38, by inserting after line 2 the following:

6 " \_\_\_\_\_. Any unanticipated federal funding that is  
7 received during the fiscal year due to improvements in  
8 the hours counted by the judicial branch under the  
9 claiming process for federal Title IV-E funding are  
10 appropriated to the department to be used for  
11 additional or expanded services and support for court-  
12 ordered services pursuant to section 232.141.  
13 Notwithstanding section 8.33, moneys appropriated in  
14 this subsection that remain unencumbered or  
15 unobligated at the close of the fiscal year shall not  
16 revert but shall remain available for expenditure for  
17 the purposes designated until the close of the  
18 succeeding fiscal year."

19 24. Page 39, line 30, by striking the figure  
20 "7,219,958" and inserting the following: "7,220,487".

21 25. Page 40, line 1, by striking the figure  
22 "17,448,229" and inserting the following:  
23 "17,497,584".

24 26. Page 41, line 23, by striking the word  
25 "voluntary".

26 27. Page 42, line 4, by inserting after the word  
27 "state" the following: "or a county".

28 28. Page 42, by striking lines 23 and 24 and  
29 inserting the following: "support, maintenance, and  
30 miscellaneous purposes:"

31 29. Page 42, by striking line 26.

32 30. Page 42, by striking lines 28 and 29 and  
33 inserting the following: "support, maintenance, and  
34 miscellaneous purposes:"

35 31. Page 42, line 30, by striking the figure  
36 "1,708,814" and inserting the following: "1,709,949".

37 32. Page 42, by striking line 31.

38 33. Page 44, by inserting after line 16 the  
39 following:

40 " \_\_\_\_\_. If the department's administration and the  
41 department of management concur with a finding by a  
42 state hospital-school's superintendent that projected  
43 revenues can reasonably be expected to pay the salary  
44 and support costs for a new employee position, or that  
45 such costs for adding a particular number of new  
46 positions for the fiscal year would be less than the  
47 overtime costs if new positions would not be added,  
48 the superintendent may add the new position or  
49 positions. If the vacant positions available to a  
50 hospital-school do not include the position

## Page 7

- 1 classification desired to be filled, the hospital-
- 2 school's superintendent may reclassify any vacant
- 3 position as necessary to fill the desired position.
- 4 The superintendents of the hospital-schools may, by

5 mutual agreement, pool vacant positions and position  
6 classifications during the course of the fiscal year  
7 in order to assist one another in filling necessary  
8 positions."

9 34. Page 45, line 18, by striking the word  
10 "amount" and inserting the following: "amounts".

11 35. Page 45, line 19, by striking the word  
12 "purpose" and inserting the following: "purposes".

13 36. Page 45, line 20, by striking the word "For"  
14 and inserting the following:

15 "1. For".

16 37. Page 45, line 24, by striking the figure  
17 "\$13,600,000" and inserting the following:  
18 "\$13,000,000".

19 38. Page 45, by inserting after line 30 the  
20 following:

21 "2. For transfer to the appropriation in this Act  
22 for medical assistance to be used for payment of the  
23 state portion of the nonfederal share of medical  
24 assistance reimbursement for services provided to  
25 eligible persons by certain qualified intermediate  
26 care facilities for persons with mental retardation  
27 (ICFMR) in accordance with this subsection:

28 .....\$ 300,000

29 For the purposes of this subsection, "eligible  
30 persons" means persons with a brain or head injury who  
31 are determined by the Iowa foundation for medical care  
32 to meet entrance requirements for services at the  
33 ICFMR level. The reimbursement rate for services  
34 provided to eligible persons by those qualified ICFMRs  
35 established and issued a certificate of need by the  
36 health facilities council, on or before June 30, 1999,  
37 for the primary purpose of serving persons with a head  
38 or brain injury, shall be the facility's actual cost,  
39 as determined from the annual actual cost reports  
40 submitted to the department. The cost reports shall  
41 be subject to annual audit by the department.  
42 Responsibility for payment of the nonfederal share of  
43 reimbursement paid for services provided to eligible  
44 persons shall be as follows: the county of legal  
45 settlement is responsible for an amount equal to the  
46 nonfederal share of the 80th percentile of ICFMR  
47 services and the state is responsible for the  
48 remainder."

49 39. Page 45, by inserting before line 31 the  
50 following:

## Page 8

1 "3. For transfer to the department for the blind  
2 to be used for establishment of statewide access to  
3 the newslines for the blind furnished by the national

4 federation of the blind:  
5 .....\$ 25,000  
6 4. For transfer to the department for the blind to  
7 be used to enable blind individuals to independently  
8 access newspapers through the operations of the Iowa  
9 radio reading information service:  
10 .....\$ 25,000"  
11 40. Page 48, line 23, by striking the figure  
12 "1,177,366" and inserting the following: "1,179,178".  
13 41. Page 48, by striking line 24, and inserting  
14 the following:  
15 ".....FTEs 20.00"  
16 42. Page 49, line 4, by striking the figure  
17 "44,222,546" and inserting the following:  
18 "44,370,000".  
19 43. Page 49, by inserting after line 7 the  
20 following:  
21 "The amount appropriated in this section includes  
22 increased funding of \$147,454 to address staffing  
23 issues in regard to child abuse assessment staff,  
24 social workers, and support staff performing related  
25 functions and for increased activities to improve  
26 cooperation between field staff, law enforcement,  
27 county attorneys, and mandatory reporters in  
28 addressing reports of child abuse."  
29 44. Page 49, line 11, by striking the figure  
30 "5,659,370" and inserting the following: "5,540,000".  
31 45. Page 49, line 21, by striking the figure  
32 "13,623,100" and inserting the following:  
33 "13,530,112".  
34 46. Page 49, line 22, by striking the figure  
35 "358.13" and inserting the following: "359.13".  
36 47. Page 50, by striking lines 3 through 9 and  
37 inserting the following:  
38 "Sec. \_\_\_\_ STATE-COUNTY ASSISTANCE FUNCTIONS.  
39 There is appropriated from the general fund of the  
40 state to the department of human services for the  
41 fiscal year beginning July 1, 2000, and ending June  
42 30, 2001, the following amount, or so much thereof as  
43 is necessary, to be used for the purposes designated:  
44 For contracting with a statewide association  
45 representing county elected and appointed officials to  
46 perform the state-county assistance team functions and  
47 provide support to the state-county management  
48 committee:  
49 .....\$ 209,664"  
50 48. Page 50, by inserting before line 10 the

## Page 9

1 following:  
2 "\_\_\_\_. The general assembly is supportive of the

3 department's stated purposes in its efforts to review  
4 the services administered by the department and the  
5 reimbursement methodologies for those services. The  
6 general assembly anticipates the department continuing  
7 its review and consultation activities during the 2000  
8 legislative interim in order to submit recommendations  
9 and proposals for legislative consideration during the  
10 2001 legislative session and the department shall not  
11 implement changes in the reimbursement methodologies  
12 without legislative approval."

13 49. Page 52, line 1, by inserting after the word  
14 "system," the following: "In developing the case-mix  
15 reimbursement methodology, the department shall work  
16 with nursing facilities and patient advocates in  
17 examining administrative costs."

18 50. Page 52, by striking lines 4 through 7, and  
19 inserting the following: "additional documentation as  
20 required by rule.

21 c. The cost report required to be submitted by  
22 rule by nursing facilities reimbursed under the  
23 medical assistance program shall also include a line  
24 itemization of expenses attributable to the home or  
25 principal office or headquarters of the nursing  
26 facility, including but not limited to home-office  
27 costs and management fees, within the administrative  
28 cost line item.

29 d. All nursing facilities reimbursed under the  
30 medical assistance program that are under common  
31 ownership, management, or control shall utilize the  
32 same fiscal accounting period. All cost reports  
33 submitted by such facilities shall comply with all  
34 cost report requirements under this subsection and as  
35 required by rule."

36 51. Page 54, line 17, by striking the figure  
37 "145.74" and inserting the following: "147.20".

38 52. Page 59, by inserting after line 9 the  
39 following:

40 "Sec. 100. 1991 Iowa Acts, chapter 169, section 9,  
41 as amended by 1996 Iowa Acts, chapter 1071, section 1,  
42 is repealed.

43 On or before December 15, 2000, the prevention of  
44 disabilities policy council shall submit a report to  
45 the governor and the general assembly providing  
46 findings and recommendations regarding the activities  
47 and duties of the commission and the need for its  
48 continuation."

49 53. Page 60, by inserting after line 1 the  
50 following:

**Page 10**

1 "Sec. 101. NEW SECTION. 225B.8 REPEAL.  
2 This chapter is repealed June 30, 2001."  
3 54. Page 61, by inserting after line 13 the  
4 following:  
5 "3. The state training school shall name any other  
6 newly constructed facilities to be dedicated at the  
7 state training school during the fiscal year beginning  
8 July 1, 1999, or July 1, 2000, as deemed appropriate  
9 by the state training school administration to  
10 properly recognize individuals who have made  
11 significant contributions to the juvenile justice  
12 system in general or the state training school in  
13 particular."  
14 55. Page 62, by inserting after line 28 the  
15 following:  
16 "\_\_\_\_. Sections 100 and 101, repealing 1991 Iowa  
17 Acts, chapter 169, section 9, as amended, and enacting  
18 new Code section 225B.8."  
19 56. Page 62, by inserting before line 29 the  
20 following:  
21 "\_\_\_\_. Section 39, subsection 3, authorizing the  
22 state training school administration to name certain  
23 facilities to be dedicated during fiscal year 1999-  
24 2000 or fiscal year 2000-2001."  
25 57. By renumbering, relettering, or redesignating  
26 and correcting internal references as necessary.

S-5388

1 Amend Senate File 2448 as follows:  
2 1. By striking page 6, line 34, through page 8,  
3 line 23, and inserting the following:  
4 "Sec. \_\_\_\_ NEW SECTION. 214A.16A RENEWABLE  
5 REFORMULATED GASOLINE-- AVAILABILITY REQUIRED.  
6 1. Except as provided in this section, a retail  
7 dealer shall not sell conventional gasoline at a site,  
8 unless the retail dealer also sells renewable  
9 reformulated gasoline at that site. A retail dealer  
10 required to sell renewable reformulated gasoline must  
11 operate at least one motor vehicle fuel pump that  
12 dispenses renewable reformulated gasoline at the same  
13 site where the retail dealer operates a motor vehicle  
14 fuel pump that dispenses conventional gasoline.  
15 2. a. This section does not apply to the extent  
16 that a retail dealer cannot sell renewable  
17 reformulated gasoline at a site because the motor  
18 vehicle fuel storage tank equipment located on the  
19 site is not compatible with storing and dispensing  
20 renewable reformulated gasoline.  
21 b. This section does not require a retail dealer

to sell renewable reformulated gasoline at a site if the site has only one single undivided motor vehicle fuel storage tank.

c. This section does not require a retail dealer to cease selling conventional gasoline during any period when the retail dealer cannot sell renewable reformulated gasoline due to any of the following: (1) A wholesale dealer fails to supply the retail dealer with renewable reformulated gasoline on a timely basis. This subparagraph does not apply if the retail dealer and the wholesale dealer are the same person.

(2) A temporary depletion of the retail dealer's renewable reformulated gasoline inventory. This subparagraph does not apply if the retail dealer stores renewable reformulated gasoline in the depleted tank.

(3) A communication, including the issuance of an order or letter, by a federal or state agency, including the United States environmental protection agency, the department of natural resources, or the department of agriculture and land stewardship, requiring or requesting that the retail dealer cease using a motor vehicle fuel storage tank storing renewable reformulated gasoline or related motor vehicle fuel storage tank equipment. This subparagraph does not apply once the terms of the communication have expired.

(4) A motor vehicle fuel storage tank used to

## Page 2

store renewable reformulated gasoline or related motor vehicle fuel storage tank equipment cannot function because of repair, replacement, or maintenance. This subparagraph does not apply after the tank or related equipment has been repaired, replaced, or maintained or should have been repaired, replaced, or maintained within a period customary for that type of repair, replacement, or maintenance.

3. The department shall adopt pursuant to chapter 17A all rules necessary in order to administer this section."

2. By renumbering as necessary.

JEFF ANGELO  
H. KAY HEDGE  
MATT McCOY

S-5389

- 1 Amend Senate File 2448 as follows:  
2 1. Page 8, by inserting before line 24 the  
3 following:  
4 "Sec. \_\_\_, NEW SECTION. 214A.16B RENEWABLE  
5 REFORMULATED GASOLINE -- PRICE.  
6 A wholesale dealer or retail dealer shall not sell  
7 renewable reformulated gasoline in this state at a  
8 price which is greater than one cent less than the  
9 price charged for conventional gasoline, if the  
10 renewable reformulated gasoline and the conventional  
11 gasoline have the same level of octane."  
12 2. By renumbering as necessary.

BETTY A. SOUKUP  
JOHN JUDGE  
JOHN P. KIBBIE

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 723

S-5390

- 1 Amend the Senate amendment, H-8746, to House File  
2 723, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by inserting after line 4, the  
5 following:  
6 "Section 1. Section 232.8, subsection 1, paragraph  
7 c, Code 1999, is amended to read as follows:  
8 c. Violations by a child, age sixteen or older,  
9 which subject the child to the provisions of section  
10 124.401, subsection 1, paragraph "e" or "f", or  
11 violations of section 723A.2 which involve a violation  
12 of chapter 724, or violation of chapter 724 which  
13 constitutes a felony, or violations which constitute a  
14 forcible felony are excluded from the jurisdiction of  
15 the juvenile court and shall be prosecuted as  
16 otherwise provided by law unless the court transfers  
17 jurisdiction of the child to the juvenile court upon  
18 motion and for good cause. A child over whom  
19 jurisdiction has not been transferred to the juvenile  
20 court, and who is convicted of a violation excluded  
21 from the jurisdiction of the juvenile court under this  
22 paragraph, shall be sentenced pursuant to section  
23 124.401B, 902.9, or 903.1. Notwithstanding any other  
24 provision of the Code to the contrary, the court may  
25 accept from a child a plea of guilty, or may instruct  
26 the jury on a lesser included offense to the offense  
27 excluded from the jurisdiction of the juvenile court



under this section, in the same manner as regarding an adult. However, the juvenile court shall have exclusive original jurisdiction in a proceeding concerning an offense of livestock torture as provided in section 717.3 or animal torture as provided in section 717B.3A alleged to have been committed by a child under the age of seventeen.

Sec. \_\_\_\_ Section 232.8, subsection 3, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This subsection does not apply in a proceeding concerning an offense of livestock torture as provided in section 717.3 or animal torture as provided in section 717B.3A alleged to have been committed by a child under the age of seventeen."

2. Page 1, by striking lines 5 through 41.

3. Page 1, by striking lines 45 through 47, and inserting the following: "animal, if the person inflicts upon the animal severe physical pain with a depraved or sadistic intent to cause prolonged suffering or death."

4. Page 2, by striking lines 33 through 40, and

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inserting the following:

"\_\_\_\_. The following shall apply to a person who commits animal torture:

(1) For the first conviction, the person is guilty of an aggravated misdemeanor. The sentencing order shall provide that the person submit to psychological evaluation and treatment according to terms required by the court. The costs of the evaluation and treatment shall be paid by the person. In addition, the sentencing order shall provide that the person complete a community work requirement, which may include a work requirement performed at an animal shelter or pound, as defined in section 162.2, according to terms required by the court.

(2) For a second or subsequent conviction, the person is guilty of a class "D" felony. The sentencing order shall provide that the person submit to psychological evaluation and treatment according to terms required by the court. The costs of the psychological evaluation and treatment shall be paid by the person.

b. The juvenile court shall have exclusive original jurisdiction in a proceeding concerning a child who is alleged to have committed animal torture, in the manner provided in section 232.8. The juvenile court shall not waive jurisdiction in a proceeding

27 concerning an offense alleged to have been committed  
28 by a child under the age of seventeen."  
29 5. By renumbering, relettering, or redesignating  
30 and correcting internal references as necessary.

S-5391

- 1 Amend Senate File 2450 as follows:
- 2 1. Page 5, line 8, by inserting after the word
- 3 "commerce," the following: "state public defender,".

MARY E. KRAMER

S-5392

- 1 Amend Senate File 2448 as follows:
- 2 1. Page 1, by inserting after line 19, the
- 3 following:
- 4 " \_\_\_\_\_. It is the intent of the general assembly
- 5 that on and after July 1, 2007, the excise tax imposed
- 6 on renewable reformulated gasoline as provided in
- 7 section 452A.3 shall remain at the same rate as the
- 8 general rate for conventional gasoline, if on average
- 9 within a calculation period as provided in that
- 10 section, more than fifty percent of the total excise
- 11 tax receipts collected by the department is attributed
- 12 to the sale of renewable reformulated gasoline."
- 13 2. Page 9, by inserting after line 10, the
- 14 following:
- 15 "Sec. \_\_\_\_\_. NEW SECTION. 307.50 DEPARTMENTAL
- 16 ANALYSIS -- REPORT.
- 17 On July 1, 2004, or three months following the
- 18 federal surface transportation funding reauthorization
- 19 to the state, whichever occurs earlier, the department
- 20 shall submit a report to the governor and general
- 21 assembly. The report shall analyze federal
- 22 transportation funding to the state, including funding
- 23 based on federal excise taxes collected in this state,
- 24 and any reduction in federal funding that has been
- 25 caused because of this Act in relation to federal
- 26 excise tax receipts. If the department determines
- 27 that there has been a reduction in federal funding,
- 28 the report shall provide for alternative methods by
- 29 which lost federal revenues may be replaced by the
- 30 general assembly.
- 31 Sec. \_\_\_\_\_. Section 452A.3, subsection 2, paragraph
- 32 b, Code 1999, is amended to read as follows:
- 33 b. For the privilege of operating motor vehicles
- 34 in this state, as the following shall apply to
- 35 renewable reformulated gasoline as provided in chapter
- 36 214A which is used for any purpose except as otherwise
- 37 provided in this division.

38 (1) An excise tax of nineteen cents per gallon  
39 until through June 30, 2007, is imposed upon the use  
40 of motor fuel containing at least ten percent alcohol  
41 distilled from cereal grains grown in the United  
42 States and used for any purpose except as otherwise  
43 provided in this division renewable reformulated  
44 gasoline, until adjusted as provided in this  
45 paragraph. On and after January 1, 2001, through June  
46 30, 2007, the excise tax imposed upon renewable  
47 reformulated gasoline is subject to adjustment as  
48 follows:  
49 (a) The excise tax is twenty cents, if on average  
50 for a calculation period, fifty-five percent or more

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1 of the total excise tax receipts collected by the  
2 department is attributed to the sale of renewable  
3 reformulated gasoline, as determined by the  
4 department.  
5 (b) The excise tax is nineteen cents, if on  
6 average for a calculation period, less than fifty-five  
7 percent of the total excise tax receipts collected by  
8 the department is attributable to the sale of  
9 renewable reformulated gasoline, as determined by the  
10 department.  
11 (2) As used in this paragraph "b", a calculation  
12 period begins on January 1 and ends on December 31.  
13 The department shall make a determination whether the  
14 excise tax must be adjusted at the end of each  
15 calculation period. An adjusted excise tax shall  
16 become applicable on July 1 following the department's  
17 determination that an adjustment is necessary, and  
18 shall continue at the same rate until adjusted again.  
19 through June 30, 2007. The department shall provide  
20 notice to persons remitting the excise tax that will  
21 be in effect beginning on July 1 of each year, through  
22 June 30, 2007."

RICHARD F. DRAKE  
MATT McCOY  
MERLIN E. BARTZ  
JOANN JOHNSON  
DERRYL McLAREN  
PATRICIA HARPER  
STEWART E. IVERSON, Jr.  
MICHAEL E. GRONSTAL

S-5393

1 Amend the amendment, S-5388, to Senate File 2448,  
2 as follows:

- 3 1. Page 1, line 37, by striking the words
- 4 "renewable reformulated" and inserting the following:
- 5 "conventional".

JEFF ANGELO

S-5394

- 1 Amend the amendment, S-5388, to Senate File 2448 as
- 2 follows:
- 3 1. Page 2, by inserting after line 11, the
- 4 following:
- 5 " \_\_\_\_\_. Page 12, by inserting after line 22 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. INTERIM STUDY. The legislative council
- 8 is requested to establish an interim study committee.
- 9 The study committee shall consider the availability of
- 10 motor vehicle fuel with levels of octane customarily
- 11 used to combine with alcohol in order to produce
- 12 renewable reformulated gasoline as provided in chapter
- 13 214A as amended by this Act. The study committee is
- 14 directed to submit its findings, together with any
- 15 recommendations, in a report to the general assembly
- 16 which convenes in January 2001, as required by the
- 17 legislative council.""

LARRY McKIBBEN

S-5395

- 1 Amend Senate File 2448 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. HEAVEN INITIATIVE. This Act shall be
- 5 known and may be cited as the "healthy environmental
- 6 and value-added energy initiative."
- 7 1. The general assembly finds and declares all of
- 8 the following:
- 9 a. A significant amount of this state's air
- 10 pollution is caused by vehicles emitting a variety of
- 11 petroleum-based pollutants, including benzene and
- 12 other aromatics, nitrous oxides, particulate matter in
- 13 the forms of smoke and soot, carbon monoxide, and
- 14 carbon dioxide.
- 15 b. Motor vehicle fuel that contains three and five
- 16 tenths percent oxygen enhances octane levels and
- 17 provides more oxygen for fuel combustion resulting in
- 18 reduced levels of hazardous emissions such as carbon
- 19 monoxide and providing citizens of this state with
- 20 healthier air to breathe.
- 21 c. The state must capture the greatest benefit
- 22 from opportunities created by industries manufacturing
- 23 high value-added products derived from abundant

resources of this state, which may be used to transform alternative motor vehicle fuels into conventional motor vehicle fuels.

2. The purpose of this Act is to protect the public health, preserve this state's natural environment, and encourage the manufacture of compatible value-added products.

Sec. 2. Section 15.333, subsection 1, Code Supplement 1999, is amended to read as follows:

1. An eligible business may claim a corporate tax credit up to a maximum of ten percent of the new investment which is directly related to new jobs created by the location or expansion of an eligible business under the program. Any credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs earlier. Subject to prior approval by the department of economic development in consultation with the department of revenue and finance, an eligible business whose project primarily involves the production of value-added agricultural products may elect to transfer all or a portion of an unused tax credit to any other person. A tax credit shall only be transferred once and the transferee shall not make a subsequent transfer of the tax credit. The transferee may use the amount of the tax credit transferred against a tax

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liability imposed under chapter 422, division II, III, or V for any tax year the original transferor could have claimed the credit. If the business is a partnership, subchapter S corporation, limited liability company, or estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, subchapter S corporation, limited liability company, or estate or trust. For purposes of this section, "new investment directly related to new jobs created by the location or expansion of an eligible business under the program" means the cost of machinery and equipment, as defined in section 427A.1, subsection 1, paragraphs "e" and "j", purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, and the cost of improvements made to real property which is used in the operation of the eligible business and which receives a partial

23 property tax exemption for the actual value added  
24 under section 15.332.  
25 1A. Any consideration received for a transfer of a  
26 tax credit pursuant to subsection 1 shall not be  
27 included as income under chapter 422, division II,  
28 III, or V. Any consideration paid for a transfer of a  
29 tax credit pursuant to subsection 1 shall not be  
30 deducted from income under chapter 422, division II,  
31 III, or V. The amount of the new investment directly  
32 related to new jobs created by the location or  
33 expansion of an eligible business under the program  
34 which equals the tax credit claimed shall not be  
35 deducted by the transferor from income under chapter  
36 422, division II, III, or V.  
37 1B. An eligible business whose project primarily  
38 involves the production of value-added agricultural  
39 products shall apply to the department of economic  
40 development for tax credit certificates. An eligible  
41 business whose project primarily involves the  
42 production of value-added agricultural products shall  
43 not claim a tax credit under this section unless a tax  
44 credit certificate issued by the department of  
45 economic development is attached to the taxpayer's tax  
46 return for the tax year during which the tax credit is  
47 claimed. A tax credit certificate shall not be valid  
48 until the tax year following the date of the project  
49 completion. A tax credit certificate shall contain  
50 the taxpayer's name, address, tax identification

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1 number, the date of project completion, the amount of  
2 the tax credit, other information required by the  
3 department of revenue and finance, and a place for the  
4 name and tax identification number of a transferee and  
5 the amount of the tax credit being transferred. The  
6 department of economic development shall not issue tax  
7 credit certificates which total more than four million  
8 dollars during a fiscal year.

9 Sec. 3. Section 159A.6, subsection 2, unnumbered  
10 paragraph 2, Code 1999, is amended to read as follows:

11 The committee shall develop standards for ~~decals~~ a  
12 decal required pursuant to section 214A.16, which  
13 shall be designed to promote the advantages of using  
14 ~~renewable fuels~~ diesel fuel containing more than one  
15 percent soybean oil by volume. The standards may be  
16 incorporated within a model decal adopted by the  
17 committee and approved by the office.

18 Sec. 4. Section 214A.1, Code 1999, is amended to  
19 read as follows:

20 214A.1 DEFINITIONS.

21 The following definitions shall apply to the

various terms used in this chapter:

1. "A.S.T.M." means the American society for testing and materials.

2. "Motor vehicle fuel" means a substance or combination of substances which is intended to be or is capable of being used for the purpose of propelling or running by combustion any internal combustion engine and is kept for sale or sold for that purpose. The products commonly known as kerosene and distillate or petroleum products of lower gravity (Baume scale), when not used to propel a motor vehicle or for compounding or combining with a motor vehicle fuel, are exempt from this chapter except as provided in section 214A.2A.

2. "Dealer" means a retail dealer or a wholesale dealer.

3. "Gasoline" means a motor vehicle fuel which is not any of the following:

a. Diesel fuel.

b. Aviation gasoline or special fuel as defined in section 452A.2.

4. "Gasoline station" means the location of a profit or nonprofit business where gasoline is offered for sale by a retail dealer.

5. "Motor vehicle" means a self-propelled vehicle that operates using gasoline, including but not limited to any of the following:

a. An automobile as defined in section 321.1.

b. A motor truck as defined in section 321.1.

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c. A motor bus as used in section 452A.57.

d. A motorcycle as defined in section 321.1.

e. A watercraft as defined in section 462A.2.

f. An off-road vehicle which is a snowmobile or an all-terrain vehicle as defined in section 321G.1.

6. "Motor vehicle fuel" means the same as defined in section 214.1.

7. "Motor vehicle fuel container" means a container used for the temporary storage of motor vehicle fuel by the consumer of that motor vehicle fuel.

8. "Motor vehicle fuel pump" or "pump" means the same as defined in section 214.1.

9. "Offer for sale" means to make an offer to sell motor vehicle fuel on a retail basis.

10. "Oxygenate octane enhancer" means oxygen-containing compounds, including but not limited to alcohols, ethers, or ethanol.

11. "Oxygenated gasoline" means gasoline that contains an oxygenate octane enhancer as provided in

21 section 214A.2.  
22 12. "Qualified motor vehicle" means a motor  
23 vehicle that is any of the following:  
24 a. A watercraft.  
25 b. A motorcycle.  
26 c. An antique vehicle registered under section  
27 321.115.  
28 d. An off-road vehicle that is a snowmobile or an  
29 all-terrain vehicle.  
30 13. "Raceway" means an enclosed area in which  
31 there is located a public or private road used for  
32 racing.  
33 4. 14. "Retail dealer" shall mean and include any  
34 means a person, firm, partnership, association, or  
35 corporation who operates, maintains, or conducts,  
36 either in person, or by any agent, employee, or  
37 servant, any place of business, filling station, pump  
38 station, or tank wagon, from which any motor vehicle  
39 fuel, as defined herein, is sold or offered for sale,  
40 at retail, or to the final or ultimate consumer.  
41 5. 15. "Wholesale dealer" shall mean and include  
42 any means a person, firm, partnership, association, or  
43 corporation, other than a retail dealers as defined in  
44 subsection 3 of this section, who sells, keeps, or  
45 holds, for sale, or purchase, dealer who provides motor  
46 vehicle fuel for the purpose of sale within this  
47 state, any motor vehicle fuel.  
48 16. "Unoxygenated gasoline" means gasoline other  
49 than oxygenated gasoline.  
50 Sec. 5. Section 214A.2, subsection 1, Code

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1 Supplement 1999, is amended to read as follows:  
2 1. a. The secretary department shall adopt rules  
3 pursuant to chapter 17A for carrying out this chapter.  
4 The rules may shall include, but are not limited to,  
5 establishing specifications relating to motor vehicle  
6 fuel or oxygenate octane enhancers.  
7 b. In the interest of uniformity, the secretary  
8 department shall adopt rules, by reference or  
9 otherwise, to establish specifications relating to  
10 tests and standards for motor vehicle fuel or  
11 oxygenate octane enhancers, established. The  
12 specifications shall be based on those established by  
13 the American society for testing and materials  
14 (A.S.T.M.), unless the secretary department determines  
15 that those specifications are inconsistent with this  
16 chapter or are not appropriate to the conditions which  
17 exist in this state.  
18 c. The department shall not use Reid vapor  
19 pressure tests more frequently to test oxygenated



gasoline than customarily required to test  
unoxygenated gasoline.

Sec. 6. Section 214A.2, Code Supplement 1999, is amended by adding the following new subsection:  
NEW SUBSECTION. 1A. An oxygenated gasoline must contain at least three and five-tenths percent oxygen by weight.

Sec. 7. Section 214A.2A, Code 1999, is amended to read as follows:

214A.2A KEROSENE LABELING AND LOW GRAVITY PETROLEUM PRODUCTS.

1. Except as provided in subsection 2, products commonly known as kerosene and distillate or petroleum products of lower gravity (Baume scale), when not used to propel a motor vehicle or for compounding or combining with a motor vehicle fuel, are exempt from this chapter.

2. Fuel which is sold or is kept, offered, or exposed for sale as kerosene shall be labeled as kerosene. The label shall include the word "kerosene" and a designation as either "K1" or "K2", and shall indicate that the kerosene is in compliance with the standard specification adopted by the A.S.T.M. in specification D-3699 (1982).

Sec. 8. Section 214A.4, Code 1999, is amended to read as follows:

214A.4 INTRASTATE SHIPMENTS.

A ~~wholesale dealer or retail dealer~~ shall not receive or sell or hold for sale, within this state, any motor vehicle fuel or an oxygenate octane enhancer for which specifications are prescribed in this

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chapter, unless the all of the following apply:

1. The motor vehicle fuel is subject to specifications required in this chapter, other than standards relating to the oxygen content of oxygenated gasoline as provided pursuant to section 214A.2.

2. The dealer ~~first secures~~ receives from the refiner or producer of the motor vehicle fuel or oxygenate octane enhancer, a certified statement, ~~verified by the oath of~~ by a competent chemist qualified according to requirements of the department, who is employed by or ~~representing~~ represents the refiner or producer, ~~showing. The statement shall certify that the true standards and tests of the motor vehicle fuel or oxygenate octane enhancer, obtained by the methods referred to~~ satisfies specifications for the motor vehicle fuel or oxygenate octane enhancer as required by the department pursuant to section 214A.2.  
The statement shall be based on tests and standards

19 approved by the department as provided in section  
20 214A.2. The ~~verified tests are required and statement~~  
21 must accompany the bill of lading or shipping  
22 documents representing the shipment of the motor  
23 vehicle fuel or oxygenate octane enhancer into this  
24 state before the shipment can be received and  
25 unloaded, and shall be included with any cargo  
26 documents required pursuant to section 452A.12.  
27 Sec. 9. Section 214A.16, Code 1999, is amended to  
28 read as follows:  
29 214A.16 NOTICE OF BLENDED FUEL — DECAL ON MOTOR  
30 VEHICLE FUEL PUMPS.  
31 1. All motor vehicle fuel kept, offered, or  
32 exposed for sale, or sold at retail containing over  
33 one percent ethanol, methanol, or any combination of  
34 oxygenate octane enhancers shall be identified as  
35 "with" either "ethanol", "methanol",  
36 "ethanol/methanol", or similar wording on A retail  
37 dealer shall place a decal on a motor vehicle fuel  
38 pump that dispenses motor vehicle fuel as required in  
39 this section. The decal shall identify the motor  
40 vehicle fuel as follows:  
41 a. If the motor vehicle fuel is unoxxygenated  
42 gasoline, the decal shall state the following:  
43 "Nonoxxygenated gasoline only for use in antique  
44 vehicles, off-road vehicles, motorcycles, watercraft,  
45 or small engines."  
46 b. All If the motor vehicle fuel is diesel fuel  
47 kept, offered, or exposed for sale, or sold at retail  
48 containing over more than one percent soybean oil by  
49 volume the decal shall be identified identify the  
50 diesel fuel as "with soydiesel" or similar wording on

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1 a decal.  
2 2. The design and location of the decals shall be  
3 prescribed by rules adopted by the department. The  
4 department shall adopt the rules to be effective by  
5 January 1, 1995. A decal identifying a renewable  
6 diesel fuel containing more than one percent soybean  
7 oil by volume shall be consistent with standards  
8 adopted pursuant to section 159A.6. Until the  
9 department establishes standards for decals, the  
10 wording shall be on a white adhesive decal with black  
11 letters at least one half inch high and at least one-  
12 quarter inch wide placed between thirty and forty  
13 inches above the driveway level on the front sides of  
14 any container or pump from which the motor fuel is  
15 sold. The department may approve an application to  
16 place a decal in a special location on a pump or  
17 container or use a decal with special lettering or

colors, if the decal appears clear and conspicuous to the consumer. The application shall be made in writing pursuant to procedures adopted by the department. ~~Designs for a decal identifying a renewable fuel shall be consistent with standards adopted pursuant to section 159A.6.~~

Sec. 10. NEW SECTION. 214A.21 GASOLINE REQUIREMENTS.

1. Except as provided in this section, a person shall not offer for sale gasoline other than oxygenated gasoline in this state.

2. This section shall not apply to gasoline used to operate any of the following:

- a. An aircraft as defined in section 328.1.
- b. A motor vehicle used exclusively for motor sports, including a raceway, if the motor vehicle cannot operate on a highway as provided in chapter 321 or rules adopted by the state department of transportation.

3. A person may offer for sale unoxygenated gasoline only as provided in this subsection. All unoxygenated gasoline offered for sale in this state must be unleaded gasoline as provided in section 214A.2. The unoxygenated gasoline shall only be offered for sale for one of the following purposes:

- a. The operation of a qualified motor vehicle or a small engine.
- b. The temporary storage of unoxygenated gasoline in a small motor vehicle fuel container. The small motor vehicle fuel container shall meet all of the following requirements:

(1) It shall comply with the standards set forth in section 214A.15, or rules adopted by the

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department.

(2) It shall have a capacity of not more than six gallons.

c. A retail dealer shall only offer for sale unoxygenated gasoline at a gasoline station.

Sec. 11. Section 452A.3, subsection 2, Code Supplement 1999, is amended to read as follows:

2. ~~a.~~ For the privilege of operating aircraft in this state an excise tax of eight cents per gallon is imposed on the use of all aviation gasoline.

~~b. For the privilege of operating motor vehicles in this state, an excise tax of nineteen cents per gallon until June 30, 2007, is imposed upon the use of motor fuel containing at least ten percent alcohol distilled from cereal grains grown in the United States and used for any purpose except as otherwise~~

17 ~~provided in this division.~~

18 Sec. 12. Section 452A.12, Code 1999, is amended to  
19 read as follows:

20 452A.12 LOADING AND DELIVERY EVIDENCE ON  
21 TRANSPORTATION EQUIPMENT.

22 1. As used in this section, unless the context  
23 otherwise requires:

24 a. "Cargo document" means a manifest or loading  
25 and delivery evidence as provided in this section.

26 b. "Gasoline" means the same as defined in section  
27 214A.1.

28 c. "Oxygenated gasoline" means the same as defined  
29 in section 214A.1.

30 d. "Oxygenate octane enhancer" means the same as  
31 defined in section 214A.1.

32 2. A cargo document shall describe any  
33 transportation of motor fuel as required in this  
34 section.

35 2A. a. ~~A serially numbered manifest cargo~~  
36 document shall be carried on every vehicle, except  
37 small tank wagons, while in use in transportation  
38 ~~service, on which shall be entered the following. The~~  
39 cargo document shall be a serially numbered manifest.  
40 The manifest shall include information as to about the  
41 cargo of motor fuel or special fuel being moved in the  
42 vehicle as required by the department, including all  
43 of the following:

44 (1) The date and place of loading, and the place  
45 to be unloaded, the of unloading the cargo.

46 (2) The person for whom it the cargo is to be  
47 delivered, the.

48 (3) The nature and kind of product, the being  
49 delivered. The manifest shall state whether the motor  
50 fuel is gasoline or another type of motor fuel.

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1 (4) The amount of product, and other information  
2 required by the department including the number of  
3 gallons of motor fuel being delivered.

4 (5) If the motor fuel is gasoline, the manifest  
5 shall include provisions required in subsection 4.

6 b. The manifest for small tank wagons shall be  
7 retained at the home office. The manifest covering  
8 each load transported, upon consummation of the  
9 delivery, shall be completed by showing the date and  
10 place of actual delivery and the person to whom  
11 actually delivered and shall be kept as a permanent  
12 record for a period of three years. ~~However, the~~ The  
13 record of the manifest of past cargoes need is not  
14 required to be carried on the conveyance but shall be  
15 preserved by the carrier for inspection by the

department. A carrier subject to this subsection when distributing for a licensee may with the approval of the department substitute the loading and delivery evidence required in subsection 2 ~~for 3~~ in lieu of the manifest.

~~2. 3.~~ A person while transporting motor fuel or undyed special fuel from a refinery or marine or pipeline terminal in this state or from a point outside this state over the highways of this state in service other than that under subsection 4 ~~2A~~ shall carry in the vehicle a ~~loading invoice~~ cargo document which shall be loading and delivery evidence showing all of the following:

a. ~~The~~ name and address of the seller or consignor; ~~the;~~

b. ~~The~~ date and place of loading; ~~and the;~~

c. ~~The~~ kind and quantity of motor fuel or special fuel loaded, ~~together with invoices. The loading and delivery evidence shall state whether the motor fuel is gasoline or another type of motor fuel.~~

d. ~~Invoices~~ showing the kind and quantity of each delivery and the name and address of each purchaser or consignee. If the motor fuel is gasoline, the invoice shall state the number of gallons of gasoline being delivered. The loading invoice shall include provisions required in subsection 4.

4. a. Except as provided in paragraph "b", if the cargo is gasoline, the cargo document shall identify the volume percentage or gallons of oxygenate octane enhancers in the gasoline, and the octane number for the gasoline as provided in section 214A.2. The cargo document shall include a statement printed in at least ten-point boldface type. The statement shall provide as follows:

(1) If the motor fuel is oxygenated gasoline, the

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statement shall provide: "This motor fuel is oxygenated gasoline legal for sale in this state as provided by Iowa Code chapter 214A."

(2) If the motor fuel is not oxygenated gasoline, the statement shall provide: "This motor fuel is nonoxygenated gasoline legal for restricted retail sale in this state as provided in Iowa Code chapter 214A."

b. This subsection shall not apply to the transport of gasoline between refineries, between terminals, or between a refinery and a terminal.

Sec. 13. Section 455G.9, subsection 1, Code Supplement 1999, is amended by adding the following new paragraph:

15 NEW PARAGRAPH. k. Up to one hundred percent of  
16 the costs necessary to reimburse the owner or operator  
17 for costs associated with converting a fiberglass  
18 motor vehicle fuel storage tank or storage tank piping  
19 used to transport oxygenated gasoline from a  
20 fiberglass storage tank to a pump as required pursuant  
21 to chapter 214A, pursuant to section 455G.23.  
22 However, the owner or operator shall not be reimbursed  
23 more than ten thousand dollars for converting a  
24 fiberglass storage tank or more than three thousand  
25 dollars for converting storage tank piping.  
26 Sec. 14. NEW SECTION. 455G.23 CONVERSION  
27 NECESSARY TO STORE AND DISPENSE OXYGENATED GASOLINE.  
28 1. As used in this section:  
29 a. "Fiberglass storage tank" means a storage tank  
30 that is fiberglass or fiberglass-lined when  
31 manufactured.  
32 b. "Oxygenated gasoline" means oxygenated gasoline  
33 as defined in section 214A.1.  
34 c. "Storage tank" means a storage container that  
35 is a fixture on the surface or underground on the  
36 premises of a gasoline station as defined in section  
37 214A.1 that is used to store and dispense gasoline to  
38 customers on a retail basis.  
39 d. "Storage tank equipment" means a storage tank  
40 or storage tank piping.  
41 e. "Storage tank piping" means any rigid or  
42 flexible piping used to transport motor fuel from a  
43 storage tank to a motor vehicle fuel pump as defined  
44 in section 214A.1.  
45 2. The board shall establish a program to  
46 reimburse the owner or operator of a site for costs  
47 necessary to convert a fiberglass storage tank or  
48 storage tank piping for use in storing or dispensing  
49 oxygenated gasoline as provided pursuant to chapter  
50 214A. The conversion may be the replacement of

## Page 11

1 storage tank equipment or modifications necessary for  
2 the storage and dispensing of oxygenated gasoline.  
3 3. In order to be eligible for reimbursement, all  
4 of the following must apply:  
5 a. The site must be located at a gasoline station  
6 as defined in section 214A.1.  
7 b. The site must comply with federal and state  
8 standards governing new or upgraded storage tank  
9 equipment.  
10 4. The owner or operator shall apply to the board  
11 in a manner and according to procedures required by  
12 the board. The application shall contain all  
13 information required by the board and shall at least

14 include all of the following:

15     a. The name of the owner or operator and the  
16 address of the gasoline station.

17     b. A detailed description of the storage tank  
18 equipment, including all of the following:

19         (1) The location of the storage tank equipment on  
20 the premises of the gasoline station.

21         (2) The date that the storage tank equipment was  
22 installed on the premises of the gasoline station.

23         (3) The model number of the storage tank  
24 equipment, if available.

25         (4) A statement that the conversion necessary to  
26 store oxygenated fuel in the fiberglass storage tank  
27 or dispense oxygenated fuel using storage tank piping  
28 has not begun or been completed since the date of  
29 installation.

30     c. One of the following:

31         (1) A statement certified by the manufacturer of  
32 the storage tank equipment verifying that the storage  
33 tank equipment is not warranted for the storage or  
34 dispensing of oxygenated fuel.

35         (2) A letter signed by an agent or representative  
36 of two property and casualty insurers of petroleum  
37 equipment recognized by the board. Each letter must  
38 state that the storage tank equipment is not insurable  
39 for the storage or dispensing of oxygenated fuel under  
40 policies customarily issued by the insurer covering  
41 storage tank equipment.

42     5. A site classified as a no further action site  
43 pursuant to a certificate issued by the department  
44 under section 455B.474 shall retain its classification  
45 following modifications necessary to store and  
46 dispense oxygenated gasoline, and the owner operator  
47 shall not be required to perform a new site assessment  
48 unless the site causes a clear, present, and impending  
49 danger to the public health or the environment.

50     Sec. 15. STUDY -- ALTERNATIVE FUELS.

## Page 12

1     1. As used in this section, "alternative fuels"  
2 means electricity, compressed natural gas, liquefied  
3 natural gas, biodiesel fuels, gasoline containing a  
4 mixture of eighty-five or more percent ethanol, and  
5 gasoline containing eighty-five percent or more  
6 methanol.

7     2. The department of revenue and finance, in  
8 consultation with the state department of  
9 transportation, shall conduct a study regarding  
10 methods to tax alternative fuels, including the amount  
11 of revenue raised from such methods, in order to  
12 ensure that such fuels are taxed on the same basis as

13 conventional motor vehicle fuels.

14 3. The department of revenue and finance shall  
15 submit its report to the general assembly not later  
16 than January 10, 2001.

17 Sec. 16. This Act is repealed July 1, 2008. The  
18 Code editor is directed to recodify the Code  
19 provisions amended in this Act, returning them to the  
20 form in which they appeared in the 1999 Code or 1999  
21 Code Supplement.

22 Sec. 17. EFFECTIVE DATES.

23 1. Except as provided in subsection 2, this Act  
24 takes effect on October 21, 2002.

25 2. Section 15, relating to a fuel study, takes  
26 effect July 1, 2000. Section 15.333, as amended by  
27 this Act, takes effect on July 1, 2000.

28 Sec. 18. APPLICABILITY. The amendment to section  
29 15.333 in this Act applies to tax years beginning on  
30 and after July 1, 2000."

31 2. Title page, line 1, by striking the words  
32 "health enhancement" and inserting the following:  
33 "healthy environmental".

34 3. Title page, line 3, by inserting after the  
35 word "penalties" the following: "and effective  
36 dates".

PATRICIA HARPER  
BETTY A. SOUKUP  
JOHN P. KIBBIE  
MARK SHEARER  
JOHN JUDGE

S-5396

1 Amend House File 2557, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 15 and 16 and  
4 inserting the following: "of issue, for four years  
5 after the date of filing."

COMMITTEE ON WAYS AND MEANS  
JOANN JOHNSON, Chairperson

S-5397

1 Amend the amendment, S-5385, to Senate File 2448 as  
2 follows:

3 1. Page 1, by striking line 17 and inserting the  
4 following: "site. However, at no time on or after  
5 January 1, 2002, shall the".

MERLIN E. BARTZ



HOUSE AMENDMENT TO  
SENATE FILE 466

S-5398

1 Amend Senate File 466, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 3, line 30, by striking the word "eight"  
4 and inserting the following: "seven voting".

5 2. Page 3, by striking lines 32 and 33, and  
6 inserting the following:

7 "\_\_\_\_. Two public members who shall include the  
8 following:

9 ( ) The secretary of agriculture or the  
10 secretary's designee.

11 ( ) The director of the department of natural  
12 resources, or the director's designee."

13 3. Page 3, line 34, by striking the words "Six  
14 voting" and inserting the following: "Five".

15 4. Page 4, line 5, by striking the words "Two  
16 members who are" and inserting the following: "One  
17 member who is".

18 5. Page 4, by striking lines 19 and 20.

19 6. Page 5, by inserting after line 15, the  
20 following:

21 "\_\_\_\_. Execute remediation agreements with eligible  
22 persons as provided in section 161.9."

23 7. Page 5, by striking lines 20 through 22, and  
24 inserting the following: "five percent of the fund on  
25 the day of the year of its greatest balance or one  
26 hundred fifty thousand dollars, whichever is less."

27 8. Page 5, by striking lines 33 and 34.

28 9. Page 6, by inserting after line 1, the  
29 following:

30 "\_\_\_\_. Approve any contract with a person for  
31 assuring that remediation is performed in accordance  
32 with the provisions of a remediation agreement as  
33 provided in section 161.9."

34 10. Page 6, line 7, by inserting before the word  
35 "In" the following: "The department shall establish  
36 standards based, to every degree practicable, on rules  
37 adopted by the department of natural resources  
38 required to clean up sites from contamination under  
39 chapter 455H."

40 11. By striking page 9, line 10 through page 10,  
41 line 32.

42 12. Page 11, by striking line 7, and inserting  
43 the following:

44 "\_\_\_\_. Moneys in the fund are appropriated  
45 exclusively to support".

46 13. Page 11, line 9, by striking the figure  
47 "455L.10" and inserting the following: "161.10".

48 14. Page 11, by striking lines 28 through 31, and  
49 inserting the following:  
50 "Sec. \_\_\_\_ NEW SECTION. 161.9 REMEDIATION

**Page 2**

1 AGREEMENT.

2 1. A person is not required to comply with the  
3 requirements of this chapter, including the  
4 remediation of a site, unless the person is a  
5 responsible person who executes a remediation  
6 agreement with the board, as provided in this section.  
7 The remediation agreement shall provide for all of the  
8 following:

9 a. The terms and conditions required to perform  
10 remediation under a plan of remediation as provided in  
11 this section, and the payment of claims as provided in  
12 section 161.10.

13 b. A plan for remediation of a site where  
14 contamination has been discovered. The plan shall  
15 provide procedures for a remediation of the  
16 contaminated site, a schedule for providing for the  
17 remediation of the site according to remediation  
18 standards provided in section 161.5, and the  
19 classification and prioritization of sites as provided  
20 in section 161.6. The plan may be amended at any  
21 time, if approved by the department, if the amendment  
22 to the agreement is executed by the responsible person  
23 and the board. The plan shall be developed by the  
24 responsible person and approved by the department for  
25 each site subject to the agreement. The plan shall  
26 include all of the following:

27 (1) A determination as to the extent of the  
28 existing soil, groundwater, or surface water  
29 contamination.

30 (2) The proximity of the contamination and the  
31 likelihood that the contamination will affect a  
32 drinking water well.

33 (3) The characteristics of the site and the  
34 potential for migration of the contamination.

35 (4) Whether the site is classified as a high,  
36 medium, or low priority site, as provided in section  
37 161.6.

38 The department may require that an initial plan of  
39 remediation be submitted prior to execution of a  
40 remediation agreement. The department may require  
41 that the initial plan recommend whether a site be  
42 classified as a high or medium priority site. The  
43 department may require further investigation be  
44 conducted to determine the extent of the remediation  
45 which should be conducted on the site.

46 2. a. The department, upon approval of the board,

47 may contract with a person in order to do any of the  
48 following:  
49 (1) Consult with the department and the board in  
50 reviewing a remediation agreement, including but not

**Page 3**

1 limited to investigating a site or recommending  
2 approval or denial of a plan for remediation.  
3 (2) Ensure compliance with the plan for  
4 remediation as provided in this section. The person  
5 may be authorized to provide a statement to a  
6 responsible person, stating that the person is  
7 eligible for payment of a claim submitted from the  
8 fund as provided in section 161.10.  
9 b. The department may execute the contract with a  
10 private individual or entity or a state and local  
11 government as provided in chapter 28E.  
12 3. a. A responsible person is eligible to execute  
13 a remediation agreement under this section, if the  
14 board".  
15 15. Page 12, by striking lines 25 through 31.  
16 16. Page 13, line 2, by striking the word  
17 "established" and inserting the following: "contained  
18 in a remediation agreement executed by the board and  
19 the eligible person and rules adopted".  
20 17. Page 13, line 3, by inserting after the words  
21 "The person" the following: "who has executed a  
22 remediation agreement with the board and is".  
23 18. Page 13, line 18, by striking the word  
24 "board" and inserting the following: "department".  
25 19. Page 13, by striking lines 25 and 26.  
26 20. Page 14, by inserting after line 10, the  
27 following:  
28 " \_\_\_\_\_. Withholding a portion of the payment as  
29 provided in the remediation agreement, for final  
30 payment when the department determines that the site  
31 has been monitored for a period necessary to ensure  
32 that remediation has been successful."  
33 21. Page 15, line 2, by striking the figure  
34 "455L.9" and inserting the following: "161.9".  
35 22. By striking page 15, line 25 through page 16,  
36 line 1.  
37 23. Page 16, line 4, by striking the figure  
38 "1999" and inserting the following: "2000".  
39 24. Page 16, line 5, by striking the figure  
40 "2000" and inserting the following: "2001".  
41 25. Page 16, line 10, by striking the figure  
42 "1999" and inserting the following: "2000".

- 43 26. Title page, line 2, by striking the words  
44 "providing for fees,".  
45 27. By renumbering, relettering, or redesignating  
46 and correcting internal references as necessary.

## S-5399

- 1 Amend Senate File 2449 as follows:  
2 1. Page 14, by inserting after line 29, the  
3 following:  
4 "Sec. \_\_\_\_ STATE CAPITOL – SMOKE-FREE. In order  
5 to comply with section 142A.1 and to demonstrate a  
6 firm commitment to the tobacco use prevention and  
7 control partnership and to provide a positive model  
8 for youth, specifically, and the people of Iowa, in  
9 general, the general assembly and the executive branch  
10 shall declare the state capitol a smoke-free  
11 environment. The general assembly shall adopt any  
12 rules necessary to require that all areas controlled  
13 by the general assembly or either chamber are smoke-  
14 free upon the effective date of this Act."  
15 2. By renumbering as necessary.

MICHAEL W. CONNOLLY

## S-5400

- 1 Amend Senate File 2450 as follows:  
2 1. Page 7, line 10, by striking the figure  
3 "42,173,997" and inserting the following:  
4 "42,632,356".  
5 2. Page 8, line 5, by inserting after the word  
6 "unit." the following: "Of the funds appropriated in  
7 this section, \$468,359, or so much thereof as is  
8 necessary, shall be allocated among the judicial  
9 district departments of correctional services to fund  
10 probation/parole officer II salary adjustments  
11 negotiated pursuant to chapter 20."

ROBERT E. DVORSKY  
GENE FRAISE  
DICK DEARDEN

## S-5401

- 1 Amend amendment, S-5348, to House File 2548, as  
2 passed by the House, as follows:  
3 1. Page 1, by striking line 38 through 41 and  
4 inserting the following:  
5 "\_\_\_\_. Page 20, by striking lines 19 and 20 and  
6 inserting the following: "be subject to tax at the  
7 rate of forty-four percent of the wholesale sales

8 price of the moist snuff. The tax on tobacco  
9 products, excluding little cigars,".  
10 \_\_\_\_\_. Page 20, line 26, by striking the words "1  
11 except moist snuff.".  
12 \_\_\_\_\_. Page 20, line 28, by inserting after the  
13 word "products" the following: "1, except that the  
14 rate of tax on moist snuff is forty-four percent of  
15 the cost of the moist snuff".  
16 \_\_\_\_\_. By striking page 20, line 29, through page  
17 21, line 17, and inserting the following:  
18 "Sec. 42. Section 453A.43, subsection 2, paragraph  
19 b, Code 1999, is amended to read as follows:  
20 b. Less than 10 oz. moist snuff, snuff, 1 or snuff  
21 powder."  
22 \_\_\_\_\_. By striking page 21, line 24, through page  
23 22, line 15."

JOE BOLKCOM

S-5402

1 Amend House File 2378, as passed by the House, as  
2 follows:  
3 1. Page 3, by striking lines 23 through 34.  
4 2. Page 5, by striking lines 5 through 23 and  
5 inserting the following:  
6 "Sec. \_\_\_\_\_. Section 283A.2, subsection 3, paragraph  
7 b, unnumbered paragraph 1, and paragraph c, as enacted  
8 by 1999 Iowa Acts, chapter 147, section 1, are amended  
9 to read as follows:  
10 The board of directors of a school district that  
11 wishes to provide safe, reasonable student access to a  
12 school breakfast program, rather than operate or  
13 provide for the operation of a school breakfast  
14 program at a specific attendance center within the  
15 school district shall develop an alternative site plan  
16 to operate the school breakfast program at another  
17 attendance center or other site within the school  
18 district and shall annually certify to the department  
19 that the plan meets the following criteria:  
20 c. The board of directors of a school district  
21 that wishes to provide access to a school breakfast  
22 program in accordance with paragraph "b", shall notify  
23 the parent, guardian, or legal or actual custodian of  
24 a child enrolled in the district of the school  
25 district's intention to develop and implement a plan  
26 to provide school breakfast programs ~~only in certain~~  
27 attendance centers at an alternative site. At any  
28 time in which the school district proposes to make  
29 substantive changes to a plan certified with the

30 department of education, the notification requirements  
31 of this paragraph shall apply."  
32 3. By renumbering as necessary.

E. THURMAN GASKILL

S-5403

- 1 Amend House File 2378, as passed by the House, as
- 2 follows:
- 3 1. Page 3, by striking lines 23 through 34.
- 4 2. Page 5, by striking lines 5 through 23.
- 5 3. Title page, line 2, by striking the words ",
- 6 and providing an effective date".
- 7 4. By renumbering as necessary.

E. THURMAN GASKILL

S-5404

- 1 Amend Senate File 2448 as follows:
- 2 1. Page 4, by inserting after line 16 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 214A.2, subsection 1, Code
- 5 Supplement 1999, is amended to read as follows:
- 6 1. The ~~secretary~~ department shall adopt rules
- 7 pursuant to chapter 17A for carrying out this chapter.
- 8 The rules may include, but are not limited to,
- 9 specifications relating to motor ~~vehicle~~ fuel or
- 10 oxygenate octane enhancers. In the interest of
- 11 uniformity, the ~~secretary~~ department shall adopt by
- 12 reference or otherwise specifications relating to
- 13 tests and standards for motor fuel or oxygenate octane
- 14 enhancers, established by the American society for
- 15 testing and materials (A.S.T.M.), unless the ~~secretary~~
- 16 ~~department~~ determines those specifications are
- 17 inconsistent with this chapter or are not appropriate
- 18 to the conditions which exist in this state. The
- 19 department may adopt by rule requirements that
- 20 gasoline sold in this state contain a percentage of an
- 21 oxygenate octane enhancer as identified by the
- 22 department."

MERLIN E. BARTZ

S-5405

- 1 Amend Senate File 2448 as follows:
- 2 1. Page 4, by inserting after line 16 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 214A.2, subsection 1, Code
- 5 Supplement 1999, is amended by striking the subsection

6 and inserting in lieu thereof the following:

7 1. a. The department shall adopt rules pursuant  
8 to chapter 17A necessary for carrying out this  
9 chapter. The rules may include, but are not limited  
10 to, providing for specifications requirements for  
11 oxygenate octane enhancers in motor vehicle fuel.  
12 b. In the interest of uniformity, the department  
13 shall adopt by reference or otherwise, specifications  
14 relating to tests and standards for motor vehicle fuel  
15 or oxygenate octane enhancers, established by the  
16 American society for testing and materials (A.S.T.M.),  
17 unless the department determines that those  
18 specifications are inconsistent with other provisions  
19 of this chapter or are not appropriate to the health  
20 and economic conditions which exist in this state."

MERLIN E. BARTZ

S-5406

1 Amend House File 2378, as passed by the House, as  
2 follows:

3 1. Page 3, by inserting after line 34 the  
4 following:

5 "Sec. \_\_\_\_ Section 296.6, Code 1999, is amended to  
6 read as follows:

7 296.6 BONDS.

8 If the vote in favor of the issuance of such bonds  
9 is equal to at least sixty percent of the total vote  
10 cast for and against said proposition at said  
11 election, the board of directors shall issue the same  
12 and make provision for payment thereof. The bonds may  
13 be sold at public or private sale at a price as may be  
14 determined by the board of directors."

JEFF LAMBERTI

S-5407

1 Amend Senate File 2450 as follows:

2 1. Page 7, line 10, by striking the figure  
3 "42,173,997" and inserting the following:  
4 "53,973,997".

5 2. Page 9, by striking lines 19 and 20 and  
6 inserting the following:

7 "Sec. 9. STATE EMPLOYEES-- STATE BOARD OF  
8 REGENTS. Of the funds appropriated in section 7 of  
9 this Act, \$30,000,000 shall be".

ROBERT E. DVORSKY  
JOE BOLKCOM  
JOHNIE HAMMOND

S-5408

- 1 Amend House File 2548, as passed by the House, as
- 2 follows:
- 3 1. Page 20, line 33, by striking the word "forty-
- 4 two" and inserting the following: "eighty-four".
- 5 2. Page 21, line 11, by striking the word "forty-
- 6 two" and inserting the following: "eighty-four".

JOE BOLKCOM

S-5409

- 1 Amend House File 2548, as passed by the House, as
- 2 follows:
- 3 1. Page 20, by striking lines 19 and 20 and
- 4 inserting the following: "be subject to tax at the
- 5 rate of forty-four percent of the wholesale sales
- 6 price of the moist snuff. The tax on tobacco
- 7 products, excluding little cigars,".
- 8 2. Page 20, line 26, by striking the words ",
- 9 except moist snuff.".
- 10 3. Page 20, line 28, by inserting after the word
- 11 "products" the following: "except that the rate of
- 12 tax on moist snuff is forty-four percent of the cost
- 13 of the moist snuff".
- 14 4. By striking page 20, line 29, through page 21,
- 15 line 17, and inserting the following:
- 16 "Sec. 42. Section 453A.43, subsection 2, paragraph
- 17 b, Code 1999, is amended to read as follows:
- 18 b. Less than 10 oz. moist snuff, snuff, or snuff
- 19 powder."
- 20 5. By striking page 21, line 24, through page 22,
- 21 line 15.

JOE BOLKCOM

S-5410

- 1 Amend Senate File 2448 as follows:
- 2 1. Page 4, by inserting after line 16 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 214A.2, subsection 1, Code
- 5 Supplement 1999, is amended by striking the subsection
- 6 and inserting in lieu thereof the following:
- 7 1. a. The department shall adopt rules pursuant
- 8 to chapter 17A necessary for carrying out this
- 9 chapter. The rules may include, but are not limited
- 10 to, providing for specifications and requirements
- 11 relating to motor vehicle fuel and specifications and
- 12 requirements regarding the percentages of oxygenate
- 13 octane enhancers.



14 b. In the interest of uniformity, the department  
15 shall adopt by reference or otherwise, specifications  
16 relating to tests and standards for motor vehicle fuel  
17 or oxygenate octane enhancers, established by the  
18 American society for testing and materials (A.S.T.M.),  
19 unless the department determines that those  
20 specifications are inconsistent with other provisions  
21 of this chapter or are not appropriate to the health  
22 and economic conditions which exist in this state."

MERLIN E. BARTZ

S-5411

1 Amend Senate File 2452 as follows:  
2 1. Page 11, by inserting after line 22 the  
3 following:  
4 "Sec. \_\_\_\_ Section 322.3, subsection 14, paragraph  
5 b, unnumbered paragraph 1, as enacted by 2000 Iowa  
6 Acts, House File 2106, section 1, is amended to read  
7 as follows:  
8 A manufacturer or importer from temporarily owning  
9 an interest in a motor vehicle dealership for the  
10 purpose of enhancing opportunities for persons who  
11 lack the financial resources to purchase the motor  
12 vehicle dealership without such assistance. A  
13 manufacturer or importer may temporarily own an  
14 interest in a motor vehicle dealership pursuant to  
15 this paragraph only if the manufacturer or importer  
16 enters into a contract with a person pursuant to ~~whom~~  
17 which all of the following apply:"  
18 2. By renumbering as necessary.

RICHARD F. DRAKE  
JOHN P. KIBBIE

S-5412

1 Amend House File 2548, as passed by the House, as  
2 follows:  
3 1. Page 19, by inserting after line 4 the  
4 following:  
5 "Sec. 200. Section 453A.1, subsection 26, Code  
6 1999, is amended to read as follows:  
7 26. "Tobacco products" means cigars; little cigars  
8 as defined in section 453A.42, ~~subsection 5~~; cheroots;  
9 stogies; periques; granulated; plug cut, crimp cut,  
10 ready rubbed, and other smoking tobacco; moist snuff  
11 as defined in section 453A.42; snuff, snuff flour;  
12 cavendish; plug and twist tobacco; fine-cut and other  
13 chewing tobaccos; shorts; or refuse scraps, clippings,  
14 cuttings and sweepings of tobacco, and other kinds and

15 forms of tobacco, prepared in such manner as to be  
16 suitable for chewing or smoking in a pipe or  
17 otherwise, or both for chewing and smoking; but does  
18 not mean cigarettes."

19 2. Page 19, by inserting after line 25 the  
20 following:

21 "Sec. 202. Section 453A.42, Code 1999, is amended  
22 by adding the following new subsection:

23 NEW SUBSECTION. 6A. "Moist snuff" means any  
24 finely cut, ground, or powdered tobacco intended to be  
25 placed in the oral cavity, except dry snuff.

26 Sec. 203. Section 453A.42, subsection 14, Code  
27 1999, is amended to read as follows:

28 14. "Tobacco products" means cigars; little cigars  
29 ~~as defined herein~~; cheroots; stogies; periques;  
30 granulated, plug cut, crimp cut, ready rubbed, and  
31 other smoking tobacco; moist snuff; snuff; snuff  
32 flour; cavendish; plug and twist tobacco; fine-cut and  
33 other chewing tobaccos; shorts; refuse scraps,  
34 clippings, cuttings and sweepings to tobacco, and  
35 other kinds and forms of tobacco, prepared in such  
36 manner as to be suitable for chewing or smoking in a  
37 pipe or otherwise, or both for chewing and smoking;  
38 but shall not include cigarettes as defined in section  
39 453A.1, ~~subsection 3.~~

40 Sec. 204. Section 453A.43, subsection 1,  
41 unnumbered paragraph 1, Code 1999, is amended to read  
42 as follows:

43 A tax is imposed upon all tobacco products in this  
44 state and upon any person engaged in business as a  
45 distributor of tobacco products, at the rate of  
46 twenty-two percent of the wholesale sales price of the  
47 tobacco products, except little cigars ~~as defined in~~  
48 ~~section 453A.42~~ and moist snuff. Little cigars shall  
49 be subject to the same rate of tax imposed upon  
50 cigarettes in section 453A.6, payable at the time and

## Page 2

1 in the manner provided in section 453A.6; and stamps  
2 shall be affixed as provided in division I of this  
3 chapter. Moist snuff shall be subject to tax at the  
4 rate of forty-four percent of the wholesale sales  
5 price of the moist snuff. The tax on tobacco  
6 products, excluding little cigars, shall be imposed at  
7 the time the distributor does any of the following:

8 Sec. 205. Section 453A.43, subsection 2,  
9 unnumbered paragraph 1, Code 1999, is amended to read  
10 as follows:

11 A tax is imposed upon the use or storage by  
12 consumers of tobacco products in this state, and upon  
13 the consumers, at the rate of twenty-two percent of

the cost of the tobacco products, except that the rate of tax on moist snuff is forty-four percent of the cost of the moist snuff.

Sec. 206. Section 453A.43, subsection 2, paragraph b, Code 1999, is amended to read as follows:

b. Less than 10 oz. moist snuff, snuff, or snuff powder.

Sec. 207. Section 453A.45, subsection 5, paragraph a, Code Supplement 1999, is amended to read as follows:

a. The transportation of not more than fifty cigars, not more than ten ounces of moist snuff, snuff, or snuff powder, or not more than one pound of smoking or chewing tobacco or other tobacco products not specifically mentioned herein÷"

3. Page 22, by inserting after line 25 the following:

"\_\_\_\_. Section 200 and sections 202 through 207 of this Act, amending Code sections 453A.1, 453A.42, 453A.43, and 453A.45, take effect January 1, 2001."

JOE BOLKCOM

S-5413

Amend Senate File 2449 as follows:

1. Page 1, by striking line 13, and inserting the following: "youth to make healthy choices. The initiative shall allow extensive".

2. Page 1, line 17, by striking the words "evolve to create" and inserting the following: "foster".

3. Page 1, line 20, by striking the word "norms," and inserting the following: "norms".

4. Page 1, by striking line 22, and inserting the following: "less accessible to youth. The intent of the general assembly shall be".

5. Page 1, by striking lines 31 and 32.

6. Page 2, by striking lines 7 and 8.

7. Page 2, by striking line 12.

8. Page 2, by striking lines 15 and 16.

9. Page 3, by striking lines 9 through 14, and inserting the following:

"a. Three members who are active with nonprofit health organizations that emphasize tobacco use prevention or who are active as health services providers, at the local level.

b. One member who is a retailer."

10. Page 3, line 15, by striking the letter "d" and inserting the following: "c".

11. Page 3, by striking line 19, and inserting the following:

"The".

- 28 12. Page 3, line 22, by striking the word  
29 "section" and inserting the following: "sections".  
30 13. Page 3, line 22, by inserting after the  
31 figure "69.19." the following: "At least one member  
32 appointed under this subsection shall be a member of a  
33 racial minority."  
34 14. Page 3, line 24, by striking the word "five"  
35 and inserting the following: "three".  
36 15. Page 3, by striking lines 27 through 29, and  
37 inserting the following: "youth membership  
38 appointments are not subject to section 69.16 or  
39 69.16A. However, the selection process shall provide  
40 for diversity among the members and at least one of  
41 the youth members shall be a female. These members  
42 shall also serve three-year staggered terms."  
43 16. By striking page 3, line 34, through page 4,  
44 line 4, and inserting the following: "political  
45 party. The majority leader of the senate and the  
46 minority leader of the senate shall each appoint one  
47 of the senate members. The majority leader of the  
48 house and the minority leader of the house of  
49 representatives shall each appoint one of the house  
50 members."

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- 1 17. Page 4, by inserting after line 16, the  
2 following:  
3 "e. The alcoholic beverages division of the  
4 department of commerce."  
5 18. Page 4, line 25, by striking the word "shall"  
6 and inserting the following: "may".  
7 19. Page 5, line 20, by striking the word  
8 "evolution" and inserting the following:  
9 "implementation".  
10 20. Page 5, line 23, by inserting after the word  
11 "Provide" the following: "for".  
12 21. Page 6, line 35, by inserting after the word  
13 "budget." the following: "Beginning July 1, 2005, the  
14 commission shall also perform a comprehensive review  
15 of the initiative and shall submit a report of its  
16 findings to the governor and the general assembly on  
17 or before December 15, 2005."  
18 22. Page 7, by striking lines 24 through 26, and  
19 inserting the following: "initiative. The commission  
20 shall adopt rules prohibiting the acceptance of gifts  
21 from a manufacturer of tobacco products."  
22 23. Page 8, line 10, by inserting after the word  
23 "division." the following: "The division  
24 administrator shall report to and shall serve at the  
25 pleasure of the director."  
26 24. Page 8, line 12, by striking the word

27 "enforcement" and inserting the following: "control".  
28 25. Page 8, by striking lines 19 through 22, and  
29 inserting the following: "of tobacco laws and  
30 regulations. Such contracts shall require that  
31 enforcement efforts include training of local  
32 authorities who issue retailer permits and education  
33 of retailers."  
34 26. Page 8, line 26, inserting after the word  
35 "tobacco" the following: "use".  
36 27. Page 8, line 34, by striking the word  
37 "enforcement" and inserting the following: "control".  
38 28. Page 9, line 16, by striking the words "women  
39 who" and inserting the following: "women."  
40 29. Page 9, by striking lines 17 and 18.  
41 30. Page 9, line 27, by striking the word  
42 "activities," and inserting the following:  
43 "activities;".  
44 31. Page 9, line 29, by striking the word  
45 "substances," and inserting the following:  
46 "substances;".  
47 32. Page 9, line 31, by striking the word "shall"  
48 and inserting the following: "may".  
49 33. Page 9, line 33, by inserting after the word  
50 "unhealthy" the following: "youth".

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1 34. Page 10, by striking lines 11 through 14, and  
2 inserting the following:  
3 "5. Procurement of goods and services necessary to  
4 implement the initiative is subject to approval of the  
5 commission. Notwithstanding chapter 18 or any other  
6 provision of law to the contrary, such procurement may  
7 be accomplished by the commission under its own  
8 competitive bidding process which shall provide for  
9 consideration of such factors as price, bidder  
10 competence, and expediency in procurement."  
11 35. Page 10, line 27, by striking the word  
12 "initiative" and inserting the following: "statewide  
13 initiative".  
14 36. Page 10, line 28, by inserting after the word  
15 "Ongoing" the following: "statewide".  
16 37. Page 10, by striking lines 31 through 33, and  
17 inserting the following: "strategy. The initial  
18 baseline used to measure the effectiveness of the  
19 initiative shall be developed using existing,  
20 available indicators. Following".  
21 38. Page 11, by striking lines 2 through 12, and  
22 inserting the following: "accurately provide for  
23 measurement of such effectiveness. Primary emphasis  
24 in data assessment shall be on data relating to  
25 tobacco usage and may include data demonstrating the

26 prevalence of tobacco use among youth and pregnant  
27 women, and the prevalence of the use of alcohol and  
28 other substances among youth. Sources of data  
29 considered shall include but are not limited to the  
30 centers for disease control and prevention of the  
31 United States department of health and human services  
32 and the Iowa youth tobacco survey, and may include the  
33 Iowa youth risk survey conducted by the department or  
34 the youth risk behavior survey.".

35 39. Page 11, by inserting before line 13, the  
36 following:  
37 "e. A tobacco use prevention and control education  
38 program.  
39 f. An enforcement program."

40 40. Page 11, line 24, by inserting after the word  
41 "involvement," the following: "The community  
42 partnership or its designee shall act as the fiscal  
43 agent for moneys administered by the community  
44 partnership."

45 41. Page 11, line 27, by striking the words "or  
46 community empowerment area" and inserting the  
47 following: "economic development enterprise zone that  
48 meets the requirements of an urban or rural enterprise  
49 community under Title XIII of the federal Omnibus  
50 Budget Reconciliation Act of 1993, or community

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1 empowerment area".

2 42. Page 12, by inserting after line 6 the  
3 following:  
4 "e. Evaluation of the program."

5 43. Page 12, lines 28 and 29, by striking the  
6 words "In addition, the state" and inserting the  
7 following: "State".

8 44. Page 12, by striking lines 32 through 34 and  
9 inserting the following: "communications program;  
10 education efforts; and other aspects of the initiative  
11 including evaluation, collaboration, and enforcement."

12 45. Page 13, line 18, by striking the figure  
13 "2005" and inserting the following: "2010".

14 46. Page 13, line 24, by striking the word  
15 "Three" and inserting the following: "Two".

16 47. Page 13, line 25, by striking the word  
17 "Three" and inserting the following: "Two".

18 48. Page 13, line 26, by striking the word "Four"  
19 and inserting the following: "Three".

20 49. Page 13, line 29, by striking the words "Two  
21 members" and inserting the following: "One member".

22 50. Page 13, line 30, by striking the words "Two  
23 members" and inserting the following: "One member".

24 51. By striking page 13, line 34, through page

25 14, line 4, and inserting the following: "members  
26 shall be made by the governor. The legislative  
27 council may compile a list of individuals based on  
28 recommendations received from members of the general  
29 assembly, following public input, and submit the list  
30 to the governor to assist efforts in identifying  
31 qualified and capable candidates for initial  
32 appointments."

33 52. Page 14, line 10, by striking the word  
34 "beverage" and inserting the following: "beverages".

35 53. Page 14, by inserting after line 16, the  
36 following:

37 "Sec. \_\_\_\_ ADMINISTRATOR – INITIAL HIRING. The  
38 provisions of section 142A.4 relating to the  
39 commission providing advice and consultation with  
40 regard to the hiring of the administrator do not apply  
41 to the initial hiring of an administrator if the  
42 commission is not operational at the time that a  
43 potential candidate for the position of administrator  
44 is formally offered the administrator position.  
45 However, under such circumstances, the director shall  
46 consult with the ex officio members of the commission,  
47 if appointed at the time such a formal offer is  
48 extended."

49 54. By renumbering, relettering, or redesignating  
50 and correcting internal references as necessary.

COMMITTEE ON HUMAN RESOURCES,  
NANCY BOETTGER, Chairperson

S-5414

1 Amend House File 2540, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 1, line 1, through page 2,  
4 line 7.

5 2. Page 2, line 27, by striking the words "which  
6 a" and inserting the following: "which an insurance  
7 premium".

8 3. Page 2, line 28, by striking the word "income"  
9 and inserting the following: "insurance premium".

10 4. Page 3, by inserting after line 12 the  
11 following:

12 "Sec. \_\_\_\_ Section 15E.192, Code 1999, is amended  
13 by adding the following new subsection:

14 NEW SUBSECTION. 2A. A city or county, which would  
15 otherwise not be eligible to establish an enterprise  
16 zone, may establish a value-added agricultural  
17 enterprise zone of up to five hundred acres in size.  
18 In order to be eligible for incentives and assistance  
19 under section 15E.196, a business locating or  
20 expanding its operations in an enterprise zone

21 established pursuant to this subsection, must invest  
22 at least ten million dollars in plant or equipment  
23 costs in the enterprise zone and must, within the  
24 enterprise zone, derive at least fifty percent of its  
25 revenue from value-added agricultural products. The  
26 basic inputs of the value-added agricultural products  
27 shall consist of commodity crop or livestock products  
28 grown in this state. In order to be eligible for  
29 incentives and assistance under section 15E.196, a  
30 business locating or expanding in an enterprise zone  
31 established under this subsection must have a minimum  
32 of twenty-five percent ownership by agricultural  
33 producers. The department of economic development may  
34 approve up to a maximum of five value-added  
35 agricultural products enterprise zones in the state  
36 before July 1, 2001."

37 5. Page 4, by striking lines 3 through 7 and  
38 inserting the following:  
39 "NEW PARAGRAPH. e. Information showing the total  
40 costs and sources of project financing that will be  
41 utilized for the new investment directly related to  
42 housing for which the business is seeking approval for  
43 a tax credit provided in subsection 6, paragraph "a)."  
44 6. Page 4, by inserting after line 29 the  
45 following:  
46 "Sec. \_\_\_\_ Section 15E.193B, Code 1999, is amended  
47 by adding the following new subsection:  
48 NEW SUBSECTION. 9. The amount of the tax credits  
49 determined pursuant to section 15E.193B, subsection 6,  
50 paragraph "a", for each project shall be approved by

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1 the department of economic development. The  
2 department shall utilize the financial information  
3 required to be provided under section 15E.193B,  
4 subsection 5, paragraph "e", to determine the tax  
5 credits allowed for each project. In determining the  
6 amount of tax credits to be allowed for a project, the  
7 department shall not include the portion of the  
8 project cost financed through federal, state, and  
9 local government tax credits, grants, and forgivable  
10 loans."

11 7. Page 4, line 31, by striking the word  
12 "subsections" and inserting the following:  
13 "subsection".

14 8. By striking page 4, line 32, through page 5,  
15 line 14.

16 9. By striking page 5, line 31, through page 8,  
17 line 22.

18 10. Page 8, line 25, by striking the word and  
19 figures "6, and 10" and inserting the following: "and



20 6".

21 11. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS  
JOANN JOHNSON, Chairperson

HOUSE AMENDMENT TO  
SENATE FILE 2429

S-5415

- 1 Amend Senate File 2429, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, line 20, by striking the words
- 4 "GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE" and inserting
- 5 the following: "GOVERNOR'S OFFICE OF DRUG CONTROL
- 6 POLICY".
- 7 2. Page 3, line 22, by striking the words
- 8 "governor's alliance on substance abuse" and inserting
- 9 the following: "governor's office of drug control
- 10 policy".
- 11 3. Page 4, line 10, by striking the figure
- 12 "1,360,907" and inserting the following: "2,360,907".
- 13 4. Page 10, by inserting after line 4 the
- 14 following:
- 15 "h. For the fiscal year beginning July 1, 2000,
- 16 and ending June 30, 2001, the board of dental
- 17 examiners may retain and expend not more than \$133,282
- 18 for the costs of 2.00 additional FTEs from revenues
- 19 generated from the registration of dental assistants
- 20 pursuant to 2000 Iowa Acts, House File 686, as enacted
- 21 by the Seventy-eighth General Assembly, for the
- 22 purposes set forth in House File 686. For the fiscal
- 23 year beginning July 1, 2001, and ending June 30, 2002,
- 24 the board of dental examiners shall include in their
- 25 budget request an amount of funding determined
- 26 necessary to support the ongoing registration of
- 27 dental assistants. Fees retained by the board
- 28 pursuant to this lettered paragraph are appropriated
- 29 to the Iowa department of public health to be used for
- 30 the purposes specified in this lettered paragraph."
- 31 5. Page 12, line 15, by striking the figure
- 32 "329,313" and inserting the following: "338,634".
- 33 6. Page 12, line 26, by striking the figure
- 34 "200,769" and inserting the following: "202,869".
- 35 7. Page 12, line 32, by striking the figure
- 36 "170,472" and inserting the following: "172,272".
- 37 8. Page 13, line 6, by striking the figure
- 38 "424,064" and inserting the following: "426,464".
- 39 9. Page 13, line 17, by striking the figure
- 40 "129,375" and inserting the following: "131,175".
- 41 10. Page 16, line 32, by inserting after the word

42 "project." the following: "Funds allocated in this  
43 subsection shall be utilized pursuant to a plan  
44 approved by the HAWK-I board."  
45 11. Page 17, by inserting after line 5 the  
46 following:  
47 "Sec. \_\_\_\_ CHILDHOOD LEAD POISONING PREVENTION  
48 PROGRAM AND SUPPLEMENTAL PUBLIC HEALTH PROGRAM  
49 FUNDING. For the fiscal year beginning July 1, 2000,  
50 and ending June 30, 2001, from the tax revenue

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1 received by the state racing and gaming commission  
2 pursuant to section 99D.15, subsections 1, 3, and 4,  
3 an amount equal to three-tenths of one percent of the  
4 gross sum wagered by the pari-mutuel method is  
5 appropriated to the Iowa department of public health.  
6 Of the moneys appropriated pursuant to this section,  
7 not more than \$50,000 shall be used to supplement  
8 amounts otherwise budgeted for the childhood lead  
9 poisoning prevention program. Remaining moneys  
10 appropriated pursuant to this section shall be used  
11 for costs associated with the child fatality review  
12 committee provisions under section 135.43, as enacted  
13 by 2000 Iowa Acts, House File 2377, the expansion of  
14 the age range for child death case review provisions  
15 as enacted under 2000 Iowa Acts, House File 2365, and  
16 the Iowa domestic abuse death review team provisions  
17 as enacted under 2000 Iowa Acts, House File 2362."  
18 12. Page 17, by inserting after line 25 the  
19 following:  
20 "Sec. \_\_\_\_ CHILDHOOD LEAD POISONING STUDY AND  
21 REPORT.  
22 1. The director of public health, in consultation  
23 with an ad hoc committee appointed by the director and  
24 comprised of public health officials, health care  
25 providers, consumer groups, educators, early childhood  
26 development specialists, housing officials, property  
27 owners, real estate interests, representatives from  
28 the environmental health chapter team of Healthy  
29 Iowans 2010, and other members deemed appropriate by  
30 the director, shall conduct a study regarding  
31 prevention of lead poisoning among children in the  
32 state. The study shall include, but is not limited  
33 to, the following:  
34 a. An assessment of the incidence and prevalence  
35 of lead poisoning in the state, including the  
36 determination of any geographic, social, or economic  
37 patterns or other common characteristics which  
38 identify vulnerable populations in the state who are  
39 at-risk of lead poisoning.  
40 b. An evaluation of the effectiveness of current

41 childhood lead screening efforts and voluntary options  
42 and alternatives to increase lead screening, including  
43 incorporating lead screening information and efforts  
44 into ongoing immunization programs and activities.  
45 The study shall also identify opportunities to  
46 increase and enhance efforts that focus on preventing  
47 lead poisoning in children.  
48 c. A review of current federal, state, and local  
49 laws, rules and regulatory programs, including  
50 standards and other requirements associated with

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1 federal, state, and local housing programs. The  
2 review shall include an evaluation of options and  
3 alternatives to encourage the adoption of more uniform  
4 standards across the state.  
5 d. An effort to identify additional federal  
6 funding sources and opportunities to enhance medical  
7 assistance match dollars to address lead poisoning  
8 prevention, screening, medical case management, and  
9 environmental remediation.  
10 e. An evaluation of the availability and  
11 effectiveness of current resources, programs, and  
12 efforts to address lead poisoning in children.  
13 f. Consideration of the findings and  
14 recommendations of Healthy Iowans 2010 relating to  
15 lead poisoned children.  
16 2. The director shall submit a report of the  
17 study's recommendations to the governor and the  
18 general assembly by January 1, 2001, and shall present  
19 recommendations to a joint meeting of the human  
20 resources committees of the senate and house of  
21 representatives during the 2001 legislative session."  
22 13. Page 18, by inserting after line 6 the  
23 following:  
24 "Sec. 100. Section 232.190, Code 1999, is amended  
25 to read as follows:  
26 232.190 COMMUNITY GRANT FUND.  
27 1. A community grant fund is established in the  
28 state treasury under the control of the division of  
29 criminal and juvenile justice planning of the  
30 department of human rights for the purposes of  
31 awarding grants under this section. The criminal and  
32 juvenile justice planning advisory council and the  
33 juvenile justice advisory council shall assist the  
34 division in administering grants awarded under this  
35 section. The departments of education, human  
36 services, public health, and public safety, and the  
37 governor's alliance on substance abuse shall advise  
38 the division on grant application and selection award  
39 criteria and performance measures for the programs.

40 Not more than five percent of the moneys appropriated  
41 to the fund shall be used for administrative purposes.  
42 2. ~~A city, county, or entity organized under~~  
43 ~~chapter 28E. Any decategorization governance board~~  
44 ~~organized in accordance with section 232.188~~ may apply  
45 to the division for a grant ~~on a matching basis to~~  
46 fund juvenile crime prevention programs that emphasize  
47 positive youth development. ~~The match may be obtained~~  
48 ~~from private sources, other state programs, or federal~~  
49 ~~programs.~~ The division shall adopt rules establishing  
50 ~~required matching fund levels that progressively~~

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1 increase as applicants receive a second or subsequent  
2 year of consecutive funding through the community  
3 grant fund. The division shall not accept an  
4 application for a fourth or subsequent consecutive  
5 year of funding. However, cities, counties, or  
6 entities organized under chapter 28E receiving grants  
7 prior to July 1, 1998, may apply and receive funding  
8 for an additional two consecutive years beyond June  
9 30, 1998 for awarding of grant moneys, including but  
10 not limited to data factors and a methodology for use  
11 in allocating moneys among the decategorization  
12 projects based upon a project's proportion of the  
13 state's population of children.  
14 3. Applications for moneys from the community  
15 grant fund ~~shall define the geographical boundaries of~~  
16 ~~the site chosen to benefit from the funds from this~~  
17 ~~program and shall demonstrate a collaborative effort~~  
18 ~~by all relevant local government and school officials~~  
19 ~~and service agencies with authority, responsibilities,~~  
20 ~~or other interests within the chosen site~~  
21 decategorization project area. Proposed plans set  
22 forth in the applications shall reflect a community-  
23 wide consensus in how to remediate community problems  
24 related to juvenile crime ~~and shall describe how the~~  
25 ~~funds from this program will be used in a manner~~  
26 ~~consistent with the human investment strategy of the~~  
27 ~~state as developed pursuant to section 8A.1.~~ Services  
28 provided under a grant through this program shall be  
29 comprehensive, preventive, community-based, and shall  
30 utilize flexible delivery systems and promote youth  
31 development. ~~The division shall establish a point~~  
32 ~~system for determining eligibility for grants from the~~  
33 ~~fund based upon the nature and breadth of the proposed~~  
34 ~~community juvenile crime prevention plans and the~~  
35 ~~extent to which the proposals include viable plans to~~  
36 ~~sustain the funding and local governance of the~~  
37 ~~proposed juvenile crime prevention services and~~  
38 ~~activities following the proposed grant period.~~ A

plan for grant moneys under this section shall be a part of or be consistent with the annual child welfare services plan developed by the governance board of the decategorization project area and submitted to the department of human services and Iowa empowerment board pursuant to section 232.188.

4. The division shall provide ~~potential applicants for grant moneys~~ decategorization governance boards with information describing comprehensive community planning techniques and performance measures for this program ~~and. The division shall establish a~~ monitoring system for this program that requires age 5

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~~participating cities, counties, and entities organized under chapter 28E, decategorization governance boards to report information with which to measure program performance. The division shall solicit input from cities, counties, and service providing agencies on the establishment of program performance measures and the structure of the program monitoring system.~~

Applications for grant moneys shall state specific results sought to be obtained by any service or activity funded by a grant under this section and shall describe how their desired results are related to the program's performance measures.

5. This section is repealed effective June 30, ~~2000~~ 2005. The division of criminal and juvenile justice planning shall annually submit ~~an annual a~~ report to the general assembly by January 15 regarding the program's performance measures and the effectiveness of the services and activities funded under this section."

14. Page 18, lines 14 and 15 by striking the words "governor's alliance on substance abuse" and inserting the following: "governor's office of drug control policy".

15. Page 19, by inserting after line 7 the following:

"4. Section 100 of this Act, relating to the community grant fund, being deemed of immediate importance, takes effect upon enactment."

16. Title page, lines 4 and 5, by striking the words "governor's alliance on substance abuse" and inserting the following: "governor's office of drug control policy".

17. By renumbering, relettering, or redesignating and correcting internal references as necessary.

S-5416

- 1 Amend House File 2206, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by inserting after line 3 the
- 4 following:
- 5 "Sec. \_\_\_\_ Executive order number 11, enacted by
- 6 the governor on September 14, 1999, is declared null
- 7 and void."
- 8 2. By renumbering as necessary.

STEVE KING  
JEFF LAMBERTI

S-5417

- 1 Amend House File 2496, as passed by the House, as
- 2 follows:
- 3 1. By striking page 6, line 2 through page 7,
- 4 line 22, and inserting the following:
- 5 "4. AT-RISK PROGRAMS AND ALTERNATIVE SCHOOLS.
- 6 a. In order to provide additional funding to
- 7 school districts for programs serving at-risk pupils
- 8 and alternative school pupils in secondary schools, a
- 9 supplementary weighting plan for at-risk pupils is
- 10 adopted. A supplementary weighting of forty-eight
- 11 ten-thousandths per pupil shall be assigned to the
- 12 percentage of pupils in a school district enrolled in
- 13 grades one through six, as reported by the school
- 14 district on the basic educational data survey for the
- 15 base year, who are eligible for free and reduced price
- 16 meals under the federal National School Lunch Act and
- 17 the federal Child Nutrition Act of 1966, 42 U.S.C. }
- 18 1751-1785, multiplied by the budget enrollment in the
- 19 school district; and a supplementary weighting of one
- 20 hundred fifty-six one-hundred-thousandths per pupil
- 21 shall be assigned to pupils included in the budget
- 22 enrollment of the school district. Amounts received
- 23 as supplementary weighting for at-risk pupils shall be
- 24 utilized by a school district to develop or maintain
- 25 at-risk pupils' programs, which may include
- 26 alternative school programs.
- 27 b. Notwithstanding paragraph "a", a school
- 28 district which received supplementary weighting for an
- 29 alternative high school program for the school budget
- 30 year beginning July 1, 1999, shall receive an amount
- 31 of supplementary weighting for the next three school
- 32 budget years as follows:
- 33 (1) For the budget year beginning July 1, 2000,
- 34 the greater of the amount of supplementary weighting
- 35 determined pursuant to paragraph "a", or sixty-five
- 36 percent of the amount received for the budget year

37 beginning July 1, 1999.  
38 (2) For the budget year beginning July 1, 2001,  
39 the greater of the amount of supplementary weighting  
40 determined pursuant to paragraph "a", or forty percent  
41 of the amount received for the budget year beginning  
42 July 1, 1999.  
43 (3) For the budget year beginning July 1, 2002,  
44 and succeeding budget years, the amount of  
45 supplementary weighting determined pursuant to  
46 paragraph "a".  
47 If a school district receives an amount pursuant to  
48 this paragraph "b" which exceeds the amount the  
49 district would otherwise have received pursuant to  
50 paragraph "a", the department of management shall

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1 annually determine the amount of the excess that would  
2 have been state aid and the amount that would have  
3 been property tax if the school district had generated  
4 that amount pursuant to paragraph "a", and shall  
5 include the amounts in the state aid payments and  
6 property tax levies of school districts. The  
7 department of management shall recalculate the  
8 supplementary weighting amount received each year to  
9 reflect the amount of the reduction in funding from  
10 one budget year to the next pursuant to subparagraphs  
11 (1) through (3). It is the intent of the general  
12 assembly that when weights are recalculated under this  
13 subsection, the total amounts generated by each weight  
14 shall be approximately equal.  
15 c. If the amount to be received under paragraph  
16 "a" or "b" by a school district or a consortium of  
17 school districts is less than fifty thousand dollars  
18 and the school district or consortium received funds  
19 under section 279.51, subsection 1, paragraph "c" or  
20 "e", Code 1999, for school-based youth services during  
21 the budget year beginning July 1, 1999, such school  
22 district or consortium shall receive a total amount  
23 under this subsection of fifty thousand dollars for  
24 each of the budget years beginning July 1, 2000, and  
25 July 1, 2001. The department of management shall  
26 adjust the supplementary weighting of a school  
27 district or the school district acting as the fiscal  
28 agent for a consortium eligible under this paragraph  
29 in a manner to assure that the district or the  
30 consortium receives the total sum of fifty thousand  
31 dollars as guaranteed in this paragraph. If the  
32 consortium elects not to continue a school based youth  
33 service program, the funds shall be distributed  
34 equally to the school districts in the consortium.  
35 This paragraph is repealed effective July 1, 2002, for

36 budget years beginning on or after that date. To the  
37 extent possible, the total amount of moneys generated  
38 by the enactment of this subsection, including this  
39 paragraph, shall be equivalent to the amount generated  
40 under this subsection without the inclusion of this  
41 paragraph. The department of management shall adjust  
42 the weighting assigned in this subsection to reflect  
43 this intent."

44 2. Page 7, by inserting after line 33 the  
45 following:

46 "7. SCHOOL FINANCE APPROPRIATIONS REPORT. The  
47 department of education shall annually prepare a  
48 report regarding school finance provisions or programs  
49 receiving a standing appropriation, including  
50 supplementary weighting programs. The report shall

### Page 3

1 provide information regarding amounts received or  
2 accessed by school districts pursuant to the  
3 provisions or programs, whether the amounts received  
4 represent an increase or decrease over amounts  
5 received during the previous budget year and the  
6 percentage increase or decrease, conclusions regarding  
7 the adequacy of amounts received by school districts  
8 and whether the amounts received are equitable between  
9 school districts based upon input from the school  
10 districts and analysis by the department, and the  
11 rationale for current trends being observed by the  
12 department and projections regarding possible trends  
13 in the future. The report shall be submitted to the  
14 general assembly by January 1 each year, and copies of  
15 the report shall be forwarded to the chairpersons and  
16 members of the committee on education in the senate  
17 and in the house of representatives."

18 3. Page 7, by inserting before line 34 the  
19 following:

20 "Sec. \_\_\_\_ Section 279.51, subsection 1,  
21 unnumbered paragraph 1, Code Supplement 1999, is  
22 amended to read as follows:

23 There is appropriated from the general fund of the  
24 state to the department of education for the fiscal  
25 year beginning July 1, ~~1998~~ 2000, and each succeeding  
26 fiscal year, the sum of ~~fifteen~~ twelve million ~~three~~  
27 five hundred sixty thousand dollars.

28 Sec. \_\_\_\_ Section 279.51, subsection 1, paragraphs  
29 c and e, Code Supplement 1999, are amended by striking  
30 the paragraphs.

31 Sec. \_\_\_\_ Section 279.51, subsection 3, Code



32 Supplement 1999, is amended by striking the  
33 subsection."  
34 4. By renumbering as necessary.

DONALD B. REDFERN

S-5418

1 Amend Senate File 2447 as follows:  
2 1. Page 6, by inserting after line 30 the  
3 following:  
4 "0A. "Community incentive designation" means a  
5 designation achieved by an applicant which has  
6 satisfied all of the criteria provided in section  
7 15F.303, subsection 3, and, in addition, has  
8 demonstrated local or private financial or  
9 nonfinancial support in an amount equal to two-thirds  
10 of any amount, up to fifty million dollars, requested  
11 by the applicant above seventy-five million dollars."  
12 2. Page 9, by striking lines 12 through 15 and  
13 inserting the following:  
14 "b. For a project that has previously received  
15 assistance under the program, unless the applicant  
16 demonstrates either of the following:  
17 (1) The assistance would be used for a significant  
18 expansion of a project.  
19 (2) The project has a particular international or  
20 global focus that could result in broader recognition  
21 of the state's recreational or educational prominence  
22 or the applicant achieves a community incentive  
23 designation."  
24 3. Page 13, line 18, by striking the word "An",  
25 and inserting the following: "Except for an applicant  
26 who has achieved a community incentive designation,  
27 an".  
28 4. By renumbering as necessary.

MARY A. LUNDBY  
ANDY McKEAN  
WALLY E. HORN  
ROBERT E. DVORSKY

S-5419

1 Amend Senate File 2447 as follows:  
2 1. Page 9, by inserting after line 15 the  
3 following:  
4 "5. If moneys are appropriated for purposes of the  
5 vision Iowa fund established in section 12.72, up to  
6 two million dollars may be used by the board for  
7 community planning grants during the first fiscal year  
8 of the program to assist applicants in planning for

9 proposed projects. A community planning grant awarded  
10 to an applicant under this subsection shall not exceed  
11 four hundred thousand dollars and shall utilize the  
12 same application process provided for an applicant  
13 under the vision Iowa program. Moneys that are  
14 allocated for community planning grants are exempt  
15 from the award limitation provided in section 12.72,  
16 subsection 1, and an applicant receiving a community  
17 planning grant shall not be deemed to have previously  
18 received assistance under the vision Iowa program."

MARY A. LUNDBY  
ANDY McKEAN  
WALLY E. HORN  
ROBERT E. DVORSKY  
JOE BOLKCOM

S-5420

1 Amend Senate File 2447 as follows:  
2 1. Page 7, line 29, by striking the words "school  
3 district" and inserting the following: "school  
4 corporation".

MARY A. LUNDBY  
ANDY McKEAN  
WALLY E. HORN  
ROBERT E. DVORSKY  
JOE BOLKCOM

S-5421

1 Amend Senate File 2447 as follows:  
2 1. Page 9, by striking lines 12 through 15 and  
3 inserting the following:  
4 "b. For a project that has previously received  
5 assistance under the program, unless the applicant  
6 demonstrates either of the following:  
7 (1) The assistance would be used for a significant  
8 expansion of a project.  
9 (2) The project has a particular international or  
10 global focus that could result in broader recognition  
11 of the state's recreational or educational  
12 prominence."

MARY A. LUNDBY  
ANDY McKEAN  
WALLY E. HORN  
JOE BOLKCOM  
ROBERT E. DVORSKY

S-5422

- 1 Amend the amendment, S-5417, to House File 2496, as  
2 passed by the House, as follows:
- 3 1. Page 2, by striking lines 15 through 43.  
4 2. Page 3, by striking lines 18 through 33 and  
5 inserting the following:  
6 "Sec. \_\_\_\_ Section 279.51, subsection 1,  
7 paragraphs c and e, Code Supplement 1999, are amended  
8 to read as follows:  
9 c. For each of the fiscal years during the fiscal  
10 period beginning July 1, 1996, and ending June 30,  
11 ~~2000~~ 2002, two million eight hundred thousand dollars  
12 of the funds appropriated shall be allocated for the  
13 school-based youth services education program  
14 established in subsection 3. For each of the fiscal  
15 years during the fiscal period beginning July 1, 1994,  
16 and ending June 30, ~~2000~~ 2002, twenty thousand dollars  
17 of the funds allocated in this paragraph shall be  
18 expended for staff development, research, and the  
19 development of strategies for coordination with  
20 community-based youth organizations and agencies. A  
21 school that received a grant during the fiscal year  
22 beginning July 1, 1993, or July 1, 1997, is ineligible  
23 to receive a grant under this paragraph. Subject to  
24 the approval of the state board of education, the  
25 allocation made in this paragraph may be renewed for  
26 additional four-year periods of time.  
27 e. Notwithstanding paragraph "c", for each of the  
28 fiscal years during the fiscal period beginning July  
29 1, 1998, and ending June 30, ~~2000~~ 2002, fifty thousand  
30 dollars of the funds allocated in paragraph "c" shall  
31 be granted to each of the schools that received grants  
32 under subsection 3 during the fiscal year beginning  
33 July 1, 1993, or July 1, 1997, to allow for expansion  
34 and to include identified minimum services if the  
35 school submits a program plan pursuant to subsection  
36 3."  
37 3. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5423

- 1 Amend the amendment, S-5417, to House File 2496, as  
2 passed by the House, as follows:
- 3 1. Page 1, by inserting after line 46 the  
4 following:  
5 "For the purposes of this paragraph "b", the amount  
6 received for the budget year beginning July 1, 1999,  
7 shall be adjusted according to the provisions of  
8 section 257.6 based upon reports filed under section

9 11.6. The adjusted amount shall be used as the basis  
10 for any guarantees or reductions."

BILL FINK

S-5424

1 Amend the amendment, S-5417, to House File 2496, as  
2 passed by the House, as follows:

3 1. By striking page 1, line 5, through page 3,  
4 line 34, and inserting the following:

5 "4. AT-RISK PROGRAMS.

6 a. In order to provide additional funding to  
7 school districts for programs serving at-risk pupils  
8 in grades nine through twelve, a supplementary  
9 weighting plan for at-risk pupils is adopted. A  
10 supplementary weighting of one hundred twenty-eight  
11 ten-thousandths per pupil shall be assigned to the  
12 percentage of pupils in a school district enrolled in  
13 grades one through six, as reported by the school  
14 district on the basic educational data survey for the  
15 base year, who are eligible for free and reduced price  
16 meals under the federal National School Lunch Act and  
17 the federal Child Nutrition Act of 1966, 42 U.S.C. }  
18 1751-1785, multiplied by the budget enrollment in the  
19 school district. Amounts received as supplementary  
20 weighting for at-risk pupils shall be utilized by a  
21 school district to develop or maintain alternative  
22 programs or an at-risk pupils' program, including  
23 alternative high school programs, and shall be in  
24 addition to and not supplanting moneys appropriated in  
25 section 279.51 and moneys otherwise appropriated by  
26 law to supplement that funding.

27 b. Notwithstanding paragraph "a", a school  
28 district which received supplementary weighting for an  
29 alternative high school program offered by a community  
30 college for the school budget year beginning July 1,  
31 1999, shall receive an amount of supplementary  
32 weighting for the next five school budget years as  
33 follows:

34 (1) For the budget year beginning July 1, 2000,  
35 the greater of the amount of supplementary weighting  
36 determined pursuant to paragraph "a", or one hundred  
37 percent of the amount received for the budget year  
38 beginning July 1, 1999.

39 (2) For the budget year beginning July 1, 2001,  
40 the greater of the amount of supplementary weighting  
41 determined pursuant to paragraph "a", or seventy-five  
42 percent of the amount received for the budget year  
43 beginning July 1, 1999.

44 (3) For the budget year beginning July 1, 2002,  
45 the greater of the amount of supplementary weighting

46 determined pursuant to paragraph "a", or fifty percent  
47 of the amount received for the budget year beginning  
48 July 1, 1999.  
49 (4) For the budget year beginning July 1, 2003,  
50 the greater of the amount of supplementary weighting

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1 determined pursuant to paragraph "a", or twenty-five  
2 percent of the amount received for the budget year  
3 beginning July 1, 1999.  
4 (5) For the budget year beginning July 1, 2004,  
5 and succeeding budget years, the amount of  
6 supplementary weighting determined pursuant to  
7 paragraph "a".  
8 If a school district receives an amount pursuant to  
9 this paragraph "b" which exceeds the amount the  
10 district would otherwise have received pursuant to  
11 paragraph "a", the department of management shall  
12 annually determine the amount of the excess that would  
13 have been state aid and the amount that would have  
14 been property tax if the school district had generated  
15 that amount pursuant to paragraph "a", and shall  
16 include the amounts in the state aid payments and  
17 property tax levies of school districts. The  
18 department of management shall recalculate the  
19 supplementary weighting amount received each year to  
20 reflect the amount of the reduction in funding from  
21 one budget year to the next pursuant to subparagraphs  
22 (1) through (5)."

MICHAEL W. CONNOLLY  
MICHAEL E. GRONSTAL  
BILL FINK  
ROBERT E. DVORSKY  
BETTY A. SOUKUP  
PATRICIA HARPER  
STEVE HANSEN

S-5425

1 Amend House File 2548, as passed by the House, as  
2 follows:  
3 1. Page 3, by inserting after line 31 the  
4 following:  
5 "Sec. \_\_\_\_ Section 422.45, subsection 20, Code  
6 Supplement 1999, is amended to read as follows:  
7 20. The gross receipts from sales or services  
8 rendered, furnished, or performed by a county or city  
9 including services provided by a city or county  
10 through a management contract. This exemption does  
11 not apply to the tax specifically imposed under

12 section 422.43 on the gross receipts from the sales,  
13 furnishing, or service of gas, electricity, water,  
14 heat, pay television service, and communication  
15 service to the public by a municipal corporation in  
16 its proprietary capacity; does not apply to the sales,  
17 furnishing, or service of solid waste collection and  
18 disposal service to nonresidential commercial  
19 operations; and does not apply to the sales,  
20 furnishing, or service of sewage service for  
21 nonresidential commercial operations; ~~and does not~~  
22 ~~apply to fees paid to cities and counties for the~~  
23 ~~privilege of participating in any athletic sports."~~

JOHN REDWINE

S-5426

1 Amend House File 2496, as passed by the House, as  
2 follows:  
3 1. Page 7, line 33, by inserting after the word  
4 "section," the following: "A pupil attending an  
5 alternative program or an at-risk pupils' program,  
6 including alternative high school programs, is not  
7 eligible for supplementary weighting under subsection  
8 2."

DONALD B. REDFERN

S-5427

1 Amend Senate File 2452 as follows:  
2 1. Page 2, by inserting after line 9 the  
3 following:  
4 "Sec. 100. Section 426B.5, subsection 3, paragraph  
5 c, subparagraph (4), Code 1999, is amended to read as  
6 follows:  
7 (4) A county receiving risk pool assistance in a  
8 fiscal year in which the county did not levy the  
9 maximum amount allowed for the county's mental health,  
10 mental retardation, and developmental disabilities  
11 services fund under section 331.424A shall be required  
12 to repay the risk pool assistance ~~in~~ during the two  
13 succeeding fiscal year years. The repayment amount  
14 shall be limited to the amount by which the actual  
15 amount levied was less than the maximum amount  
16 allowed.  
17 Sec. \_\_\_\_ EFFECTIVE DATE. Section 100 of this  
18 division of this Act, being deemed of immediate  
19 importance, takes effect upon enactment."

20 2. Title page, line 2, by striking the words "an  
21 effective date" and inserting the following:  
22 "effective dates".

NEAL SCHUERER

S-5428

1 Amend House File 2548, 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 15.331A, subsection 2, Code  
6 1999, is amended to read as follows:  
7 2. The eligible business or a supporting business  
8 shall, not more than ~~six months~~ one year after project  
9 completion, make application to the department for any  
10 refund of the amount of the taxes paid pursuant to  
11 chapter 422 or 423 upon any goods, wares, or  
12 merchandise, or services rendered, furnished, or  
13 performed, including water, sewer, gas, and electric  
14 utility services. The application shall be made in  
15 the manner and upon forms to be provided by the  
16 department, and the department shall audit the claim  
17 and, if approved, issue a warrant to the eligible  
18 business or supporting business in the amount of the  
19 sales or use tax which has been paid to the state of  
20 Iowa under a contract. A claim filed by the eligible  
21 business or a supporting business in accordance with  
22 this section shall not be denied by reason of a  
23 limitation provision set forth in chapter 421, 422, or  
24 423.  
25 Sec. 2. Section 404.4, unnumbered paragraph 2,  
26 Code 1999, is amended to read as follows:  
27 An application shall be filed for each new  
28 exemption claimed. The first application for an  
29 exemption shall be filed by the owner of the property  
30 with the governing body of the city or county in which  
31 the property is located by February 1 of the  
32 assessment year for which the exemption is first  
33 claimed, but not later than the year in which all  
34 improvements included in the project are first  
35 assessed for taxation, unless, upon the request of the  
36 owner at any time, the governing body of the city or  
37 county provides by resolution that the owner may file  
38 an application by February 1 of any other assessment  
39 year selected by the governing body in which case the  
40 exemption is allowed for the number of years remaining  
41 in the exemption schedule selected. The application  
42 shall contain, but not be limited to, the following  
43 information: The nature of the improvement, its cost,  
44 the estimated or actual date of completion, the

45 tenants that occupied the owner's building on the date  
46 the city or county adopted the resolution referred to  
47 in section 404.2, subsection 1, and which exemption in  
48 section 404.3 or in the different schedule, if one has  
49 been adopted, will be elected.

50 Sec. 3. Section 421.17, subsection 16, Code

## Page 2

1 Supplement 1999, is amended to read as follows:

2 16. To call upon ~~any a state department agency ' or~~  
3 institution for technical advice and data which may be  
4 of value in connection with the work of assessment and  
5 taxation the department.

6 Sec. 4. NEW SECTION. 421.46 TAX AGREEMENTS WITH  
7 INDIAN TRIBES.

8 1. "Indian country" means the Indian country as  
9 defined in 18 U.S.C. } 1151, and includes trust land  
10 as defined by the United States secretary of the  
11 interior.

12 2. The department and the governing council of an  
13 Indian tribe may enter into an agreement to provide  
14 for the collection and distribution or refund by the  
15 department within Indian country of any tax or fee  
16 imposed by the state and administered by the  
17 department.

18 An agreement may also provide for the collection  
19 and distribution by the department of any tribal tax  
20 or fee imposed by tribal ordinance. The agreement may  
21 provide for the retention of an administrative fee by  
22 the department which fee shall be an agreed upon  
23 percentage of the gross revenue of the tribal tax or  
24 fee collected.

25 3. The provisions of this section shall not be  
26 construed to establish or relinquish any jurisdiction  
27 the state or an Indian tribe might have to levy or  
28 collect from any person any tax or fee within or  
29 without Indian country.

30 Sec. 5. Section 421.60, subsection 2, Code 1999,  
31 is amended by adding the following new paragraph:

32 NEW PARAGRAPH. m. (1) The director may abate  
33 unpaid state sales and use taxes and local sales and  
34 services taxes owed by a retailer in the event that  
35 the retailer failed to collect tax from the purchaser  
36 as a result of erroneous written advice issued by the  
37 department that was specially directed to the retailer  
38 by the department and the retailer is unable to  
39 collect the tax, interest, or penalties from the  
40 purchaser. Before the tax, interest, and penalties  
41 shall be abated on the basis of erroneous written  
42 advice, the retailer must present a copy of the  
43 retailer's request for written advice to the



44 department and a copy of the department's reply. The  
45 department shall not maintain a position against the  
46 retailer that is inconsistent with the erroneous  
47 written advice, except on the basis of subsequent  
48 written advice sent by the department to that  
49 retailer, or a change in state or federal law, a  
50 reported court case to the contrary, a contrary rule

### Page 3

1 adopted by the department, a change in material facts  
2 or circumstances relating to the retailer, or the  
3 retailer's misrepresentation or incomplete or  
4 inadequate representation of material facts and  
5 circumstances in requesting the written advice.

6 (2) The director shall abate the unpaid state  
7 sales and use taxes and any local sales and services  
8 taxes owed by a retailer where the retailer failed to  
9 collect the tax from the purchaser on the charges paid  
10 for access to on-line computer services as a result of  
11 erroneous written advice issued by the department  
12 regarding the taxability of charges paid for access to  
13 on-line computer services. To qualify for the  
14 abatement under this subparagraph, the erroneous  
15 written advice shall have been issued by the  
16 department prior to July 1, 1999, and shall have been  
17 specially directed to the retailer by the department.

18 (3) The director shall prepare quarterly reports  
19 summarizing each case in which abatement of tax,  
20 interest, or penalties was made. However, the report  
21 shall not disclose the identity of the taxpayer. An  
22 abatement authorized by this paragraph to a retailer  
23 shall not preclude the department from proceeding to  
24 collect the liability from a purchaser.

25 Sec. 6. Section 422.45, subsection 56, Code  
26 Supplement 1999, is amended to read as follows:

27 56. The gross receipts from charges paid to a  
28 provider for access to on-line computer services. For  
29 purposes of this subsection, "on-line computer  
30 service" means a service that provides or enables  
31 computer access by multiple users to the internet or  
32 to other information made available through a computer  
33 server.

34 Sec. 7. Section 422.47, subsection 2, Code  
35 Supplement 1999, is amended by striking the  
36 subsection.

37 Sec. 8. Section 422.52, subsection 6, paragraph a,  
38 Code Supplement 1999, is amended to read as follows:

39 a. If a purchaser fails to pay tax imposed by this  
40 division to the retailer required to collect the tax,  
41 then in addition to all of the rights, obligations,  
42 and remedies provided, the tax is payable by the

43 purchaser directly to the department, and sections  
44 422.50, 422.51, 422.52, 422.54, 422.55, 422.56,  
45 422.57, 422.58, and 422.59 apply to the purchaser.  
46 For failure, the retailer and purchaser are liable,  
47 unless the circumstances described in section 421.60,  
48 subsection 2, paragraph "m", or section 422.47,  
49 subsection 3, paragraph "b" or "e", or subsection 4,  
50 paragraph "b" or "d", are applicable.

#### Page 4

1 Sec. 9. Section 422.53, subsection 3, Code  
2 Supplement 1999, is amended to read as follows:  
3 3. The department shall grant and issue to each  
4 applicant a permit for each place of business within  
5 the state. A permit is not assignable and is valid  
6 only for the person in whose name it is issued and for  
7 the transaction of business at the place designated or  
8 a place of relocation within the state if the  
9 ownership remains the same.  
10 Sec. 10. Section 422.110, unnumbered paragraph 1,  
11 Code Supplement 1999, is amended to read as follows:  
12 In lieu of the fuel tax refund provided in section  
13 452A.17, a person or corporation subject to taxation  
14 under divisions II or III of this chapter may elect to  
15 receive an income tax credit. The person or  
16 corporation which elects to receive an income tax  
17 credit shall cancel its refund permit obtained under  
18 section 452A.18 within thirty days after the first day  
19 of its tax year or the permit becomes invalid at that  
20 time. For the purposes of this section, "person"  
21 includes a person claiming a tax credit based upon the  
22 person's pro rata share of the earnings from a  
23 partnership, limited liability company, or corporation  
24 which is not subject to a tax under division II or III  
25 of this chapter as a partnership, limited liability  
26 company, or corporation. If the election to receive  
27 an income tax credit has been made, it remains  
28 effective for at least one tax year, and for  
29 subsequent tax years unless a change is requested and  
30 a new refund permit applied for within thirty days  
31 after the first day of the person's or corporation's  
32 tax year. The income tax credit shall be the amount  
33 of the Iowa fuel tax paid on fuel purchased by the  
34 person or corporation and is subject to the conditions  
35 provided in section 452A.17 with the exception that  
36 the income tax credit is not available for refunds  
37 relating to casualty losses, transport diversions,  
38 pumping credits, blending errors, idle time, power  
39 takeoffs, reefer units, and exports by eligible  
40 purchasers distributors.  
41 Sec. 11. Section 422A.1, Code 1999, is amended by

42 adding the following new unnumbered paragraph after  
43 unnumbered paragraph 1:  
44 NEW UNNUMBERED PARAGRAPH. Within ten days of the  
45 election at which a majority of those voting on the  
46 question favors the imposition, repeal, or change in  
47 the rate of the hotel and motel tax, the county  
48 auditor shall give written notice by sending a copy of  
49 the abstract of votes from the favorable election to  
50 the director of revenue and finance.

**Page 5**

1 Sec. 12. Section 422B.8, unnumbered paragraph 1,  
2 Code Supplement 1999, is amended to read as follows:  
3 A local sales and services tax at the rate of not  
4 more than one percent may be imposed by a county on  
5 the gross receipts taxed by the state under chapter  
6 422, division IV. A local sales and services tax  
7 shall be imposed on the same basis as the state sales  
8 and services tax or in the case of the use of natural  
9 gas, natural gas service, electricity, or electric  
10 service on the same basis as the state use tax and  
11 shall not be imposed on the sale of any property or on  
12 any service not taxed by the state, except the tax  
13 shall not be imposed on the gross receipts from the  
14 sale of motor fuel or special fuel as defined in  
15 chapter 452A which is consumed for highway use or in  
16 watercraft or aircraft if the fuel tax is paid on the  
17 transaction and a refund has not or will not be  
18 allowed, on the gross receipts from the rental of  
19 rooms, apartments, or sleeping quarters which are  
20 taxed under chapter 422A during the period the hotel  
21 and motel tax is imposed, on the gross receipts from  
22 the sale of equipment by the state department of  
23 transportation, on the gross receipts from the sale of  
24 self-propelled building equipment, pile drivers,  
25 motorized scaffolding, or attachments customarily  
26 drawn or attached to self-propelled building  
27 equipment, pile drivers, and motorized scaffolding,  
28 including auxiliary attachments which improve the  
29 performance, safety, operation, or efficiency of the  
30 equipment and replacement parts and are directly and  
31 primarily used by contractors, subcontractors, and  
32 builders for new construction, reconstruction,  
33 alterations, expansion, or remodeling of real property  
34 or structures, and on the gross receipts from the sale  
35 of a lottery ticket or share in a lottery game  
36 conducted pursuant to chapter 99E and except the tax  
37 shall not be imposed on the gross receipts from the  
38 sale or use of natural gas, natural gas service,  
39 electricity, or electric service in a city or county  
40 where the gross receipts from the sale of natural gas

41 or electric energy are subject to a franchise fee or  
42 user fee during the period the franchise or user fee  
43 is imposed. A local sales and services tax is  
44 applicable to transactions within those incorporated  
45 and unincorporated areas of the county where it is  
46 imposed and shall be collected by all persons required  
47 to collect state gross receipts taxes. However, a  
48 person required to collect state retail sales tax  
49 under chapter 422, division IV, is not required to  
50 collect local sales and services tax on transactions

## Page 6

1 delivered within the area where the local sales and  
2 services tax is imposed unless the person has physical  
3 presence in that taxing area. All cities contiguous  
4 to each other shall be treated as part of one  
5 incorporated area and the tax would be imposed in each  
6 of those contiguous cities only if the majority of  
7 those voting in the total area covered by the  
8 contiguous cities favor its imposition.  
9 Sec. 13. Section 422E.3, subsection 2, Code  
10 Supplement 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 or in the case of the  
13 use of natural gas, natural gas service, electricity,  
14 or electric service on the same basis as the state use  
15 tax and shall not be imposed on the sale of any  
16 property or on any service not taxed by the state,  
17 except the tax shall not be imposed on the gross  
18 receipts from the sale of motor fuel or special fuel  
19 as defined in chapter 452A which is consumed for  
20 highway use or in watercraft or aircraft if the fuel  
21 tax is paid on the transaction and a refund has not or  
22 will not be allowed, on the gross receipts from the  
23 rental of rooms, apartments, or sleeping quarters  
24 which are taxed under chapter 422A during the period  
25 the hotel and motel tax is imposed, on the gross  
26 receipts from the sale of equipment by the state  
27 department of transportation, on the gross receipts  
28 from the sale of self-propelled building equipment,  
29 pile drivers, motorized scaffolding, or attachments  
30 customarily drawn or attached to self-propelled  
31 building equipment, pile drivers, and motorized  
32 scaffolding, including auxiliary attachments which  
33 improve the performance, safety, operation, or  
34 efficiency of the equipment, and replacement parts and  
35 are directly and primarily used by contractors,  
36 subcontractors, and builders for new construction,  
37 reconstruction, alterations, expansion, or remodeling  
38 of real property or structures, and on the gross  
39 receipts from the sale of a lottery ticket or share in

40 a lottery game conducted pursuant to chapter 99E and  
41 except the tax shall not be imposed on the gross  
42 receipts from the sale or use of natural gas, natural  
43 gas service, electricity, or electric service in a  
44 city or county where the gross receipts from the sale  
45 of natural gas or electric energy are subject to a  
46 franchise fee or user fee during the period the  
47 franchise or user fee is imposed.  
48 Sec. 14. Section 423.4, subsection 9, Code  
49 Supplement 1999, is amended to read as follows:  
50 9. Vehicles subject to registration which are

**Page 7**

1 transferred from a business or individual conducting a  
2 business within this state as a sole proprietorship,  
3 ~~or partnership, or limited liability company~~ to a  
4 corporation formed by the sole proprietorship, ~~or~~  
5 partnership, ~~or limited liability company~~ for the  
6 purpose of continuing the business when all of the  
7 stock of the corporation so formed is owned by the  
8 sole proprietor and the sole proprietor's spouse, ~~or~~  
9 by all the partners in the case of a partnership, or  
10 by all of the members in the case of a limited  
11 liability company. This exemption is equally  
12 available where the vehicles subject to registration  
13 are transferred from a corporation to a sole  
14 proprietorship, ~~or partnership, or limited liability~~  
15 company formed by that corporation for the purpose of  
16 continuing the business when all of the incidents of  
17 ownership are owned by the same person or persons who  
18 were stockholders of the corporation.  
19 This exemption also applies where the vehicles  
20 subject to registration are transferred from a  
21 corporation as part of the liquidation of the  
22 corporation to its stockholders if within three months  
23 of such transfer the stockholders retransfer those  
24 vehicles subject to registration to a sole  
25 proprietorship, partnership, or limited liability  
26 company for the purpose of continuing the business of  
27 the corporation when all of the incidents of ownership  
28 are owned by the same person or persons who were  
29 stockholders of the corporation.  
30 Sec. 15. Section 424.10, subsections 1 and 3, Code  
31 Supplement 1999, are amended to read as follows:  
32 1. As soon as practicable after a return is filed  
33 and in any event within ~~five~~ three years after the  
34 return is filed the department shall examine it,  
35 assess and determine the charge due if the return is  
36 found to be incorrect, and give notice to the  
37 depositor of ~~such~~ the assessment and determination as  
38 provided in subsection 2. The period for the

39 examination and determination of the correct amount of  
40 the charge is unlimited in the case of a false or  
41 fraudulent return made with the intent to evade the  
42 charge or in the case of a failure to file a return.  
43 If the determination that a return is incorrect is the  
44 result of an audit of the books and records of the  
45 depositor, the charge, or additional charge, if any is  
46 found due, shall be assessed and determined and the  
47 notice to the depositor shall be given by the  
48 department within one year after the completion of the  
49 examination of the books and records.  
50 3. If the amount paid is greater than the correct

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1 charge, penalty, and interest due, the department  
2 shall refund the excess, with interest after sixty  
3 days from the date of payment at the rate in effect  
4 under section 421.7, pursuant to rules prescribed by  
5 the director. However, the director shall not allow a  
6 claim for refund that has not been filed with the  
7 department within ~~five~~ three years after the charge  
8 payment upon which a refund is claimed became due, or  
9 one year after the charge payment was made, whichever  
10 time is later. A determination by the department of  
11 the amount of charge, penalty, and interest due, or  
12 the amount of refund for any excess amount paid, is  
13 final unless the person aggrieved by the determination  
14 appeals to the director for a revision of the  
15 determination within sixty days from the date of the  
16 notice of determination of charge, penalty, and  
17 interest due or refund owing. The director shall  
18 grant a hearing, and upon hearing the director shall  
19 determine the correct charge, penalty, and interest  
20 due or refund owing, and notify the appellant of the  
21 decision by mail. The decision of the director is  
22 final unless the appellant seeks judicial review of  
23 the director's decision under section 424.13.  
24 Sec. 16. Section 424.10, subsection 2, Code  
25 Supplement 1999, is amended to read as follows:  
26 2. If a return required by this chapter is not  
27 filed, or if a return when filed is incorrect or  
28 insufficient and the maker fails to file a corrected  
29 or sufficient return within twenty days after the  
30 return is required by notice from the department, the  
31 department shall determine the amount of charge due  
32 from information as the department may be able to  
33 obtain and, if necessary, may estimate the charge on  
34 the basis of external indices or factors. The  
35 department shall give notice of the determination to  
36 the person liable for the charge. The determination  
37 shall fix the charge unless the person against whom it

38 is assessed shall, within sixty days after the date of  
39 the notice of the determination, apply to the director  
40 for a hearing or unless the ~~taxpayer~~ person against  
41 whom it is assessed contests the determination by  
42 paying the ~~tax~~ charge, interest, and penalty and  
43 timely filing a claim for refund. At the hearing  
44 evidence may be offered to support the determination  
45 or to prove that it is incorrect. After the hearing  
46 the director shall give notice of the decision to the  
47 person liable for the charge.

48 If a depositor's, receiver's, or other person's  
49 challenge relates to the diminution rate, the burden  
50 of proof upon the challenger shall only be satisfied

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1 by clear and convincing evidence.

2 Sec. 17. Section 424.12, Code 1999, is amended to  
3 read as follows:

4 424.12 RECORDS REQUIRED.

5 It ~~shall be~~ is the duty of every depositor required  
6 to make a report and pay any charge under this  
7 chapter, to preserve such records as the director may  
8 require, and it ~~shall be~~ is the duty of every  
9 depositor to preserve for a period of ~~five~~ three years  
10 all invoices and other records; and all such books,  
11 invoices, and other records shall be open to  
12 examination at any time by the department, and shall  
13 be made available within this state for ~~such~~  
14 examination upon reasonable notice when the director  
15 shall so order. When requested to do so by any person  
16 from whom a charge payer is seeking credit, or with  
17 whom the charge payer is negotiating the sale of any  
18 personal property, or by any other person having a  
19 legitimate interest in such information, the director,  
20 upon being satisfied that such a situation exists,  
21 shall inform ~~such that~~ that person as to the amount of  
22 unpaid charges due by the charge payer under ~~the~~  
23 ~~provisions of~~ this chapter. The giving of ~~such~~  
24 information under such circumstances shall not be  
25 deemed a violation of section 422.72 as applied to  
26 this chapter.

27 Section 422.72 applies to this chapter as if the  
28 environmental protection charge were a tax.

29 Sec. 18. Section 424.13, subsection 2, Code 1999,  
30 is amended to read as follows:

31 2. For cause and upon a showing by the director  
32 that collection of the ~~tax~~ charge in dispute is in  
33 doubt, the court may order the petitioner to file with  
34 the clerk a bond for the use of the respondent, with  
35 sureties approved by the clerk, in the amount of ~~tax~~  
36 the charge appealed from, conditioned that the

37 petitioner shall perform the orders of the court.  
38 Sec. 19. Section 424.15, unnumbered paragraph 1,  
39 Code 1999, is amended to read as follows:  
40 If it appears that, as a result of mistake, an  
41 amount of a charge, penalty, or interest has been paid  
42 which was not due under ~~the provisions of this~~  
43 chapter, then ~~such that~~ amount shall be refunded to  
44 ~~such person the charge payer~~ by the department. A  
45 claim for refund that has not been filed with the  
46 department within ~~five~~ three years after the charge  
47 payment upon which a refund is claimed became due, or  
48 one year after ~~such that~~ charge payment was made,  
49 whichever time is the later, shall not be allowed by  
50 the director.

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1 Sec. 20. Section 427.1, subsection 14, unnumbered  
2 paragraph 1, Code Supplement 1999, is amended to read  
3 as follows:  
4 A society or organization claiming an exemption  
5 under subsection 5 or subsection 8 shall file with the  
6 assessor not later than ~~April 15~~ February 1 a  
7 statement upon forms to be prescribed by the director  
8 of revenue and finance, describing the nature of the  
9 property upon which the exemption is claimed and  
10 setting out in detail any uses and income from the  
11 property derived from the rentals, leases, or other  
12 uses of the property not solely for the appropriate  
13 objects of the society or organization. Upon the  
14 filing and allowance of the claim, the claim shall be  
15 allowed on the property for successive years without  
16 further filing as long as the property is used for the  
17 purposes specified in the original claim for  
18 exemption. When the property is sold or transferred,  
19 the county recorder shall provide notice of the  
20 transfer to the assessor. The notice shall describe  
21 the property transferred and the name of the person to  
22 whom title to the property is transferred.  
23 Sec. 21. Section 427.1, subsection 16, Code  
24 Supplement 1999, is amended to read as follows:  
25 16. REVOKING OR MODIFYING EXEMPTION. Any taxpayer  
26 or any taxing district may make application to the  
27 director of revenue and finance for revocation or  
28 modification for any exemption, based upon alleged  
29 violations of this chapter. The director of revenue  
30 and finance may also on the director's own motion set  
31 aside or modify any exemption which has been granted  
32 upon property for which exemption is claimed under  
33 this chapter. The director of revenue and finance  
34 shall give notice by mail to the taxpayer or taxing  
35 district applicant and to the societies or



36 organizations claiming an exemption upon property,  
37 exemption of which is questioned before or by the  
38 director of revenue and finance, and shall hold a  
39 hearing prior to issuing any order for revocation or  
40 modification. An order made by the director of  
41 revenue and finance revoking or modifying an exemption  
42 shall be applicable to the tax year commencing with  
43 the tax year in which the application is made to the  
44 ~~director of revenue and finance or the tax year~~  
45 commencing with the tax year in which the director's  
46 own motion is filed. An order made by the director of  
47 revenue and finance revoking or modifying an exemption  
48 is subject to judicial review in accordance with  
49 chapter 17A, the Iowa administrative procedure Act.  
50 Notwithstanding the terms of that Act, petitions for

## Page 11

1 judicial review may be filed in the district court  
2 having jurisdiction in the county in which the  
3 property is located, and must be filed within thirty  
4 days after any order revoking or modifying an  
5 exemption is made by the director of revenue and  
6 finance.  
7 Sec. 22. Section 427.1, subsection 20, Code  
8 Supplement 1999, is amended to read as follows:  
9 20. IMPOUNDMENT STRUCTURES. The impoundment  
10 structure and any land underlying an impoundment  
11 located outside an incorporated city, which are not  
12 developed or used directly or indirectly for  
13 nonagricultural income-producing purposes and which  
14 are maintained in a condition satisfactory to the soil  
15 and water conservation district commissioners of the  
16 county in which the impoundment structure and the  
17 impoundment are located. A person owning land which  
18 qualifies for a property tax exemption under this  
19 subsection shall apply to the county assessor each  
20 year ~~before the first of July~~ not later than February  
21 1 for the exemption. The application shall be made on  
22 forms prescribed by the department of revenue and  
23 finance. The first application shall be accompanied  
24 by a copy of the water storage permit approved by the  
25 administrator of the environmental protection division  
26 of the department of natural resources and a copy of  
27 the plan for the construction of the impoundment  
28 structure and the impoundment. The construction plan  
29 shall be used to determine the total acre-feet of the  
30 impoundment and the amount of land which is eligible  
31 for the property tax exemption status. The county  
32 assessor shall annually review each application for  
33 the property tax exemption under this subsection and  
34 submit it, with the recommendation of the soil and

35 water conservation district commissioners, to the  
36 board of supervisors for approval or denial. An  
37 applicant for a property tax exemption under this  
38 subsection may appeal the decision of the board of  
39 supervisors to the district court.  
40 PARAGRAPH DIVIDED. As used in this subsection,  
41 "impoundment" means a reservoir or pond which has a  
42 storage capacity of at least eighteen acre-feet of  
43 water or sediment at the time of construction;  
44 "storage capacity" means the total area below the  
45 crest elevation of the principal spillway including  
46 the volume of any excavation in the area; and  
47 "impoundment structure" means a dam, earthfill, or  
48 other structure used to create an impoundment.  
49 Sec. 23. Section 427.1, subsection 22, unnumbered  
50 paragraph 2, Code Supplement 1999, is amended to read

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1 as follows:  
2 Application for this exemption shall be filed with  
3 the commissioners of the soil and water conservation  
4 district in which the property is located, not later  
5 than ~~April 15~~ February 1 of the assessment year, on  
6 forms provided by the department of revenue and  
7 finance. The application shall describe and locate  
8 the property to be exempted and have attached to it an  
9 aerial photo of that property on which is outlined the  
10 boundaries of the property to be exempted. In the  
11 case of an open prairie which is or includes a gully  
12 area susceptible to severe erosion, an approved  
13 erosion control plan must accompany the application.  
14 Upon receipt of the application, the commissioners  
15 shall certify whether the property is eligible to  
16 receive the exemption. The commissioners shall not  
17 withhold certification of the eligibility of property  
18 because of the existence upon the property of an  
19 abandoned building or structure which is not used for  
20 economic gain. If the commissioners certify that the  
21 property is eligible, the application shall be  
22 forwarded to the board of supervisors by May 1 of that  
23 assessment year with the certification of the eligible  
24 acreage. An application must be accompanied by an  
25 affidavit signed by the applicant that if an exemption  
26 is granted, the property will not be used for economic  
27 gain during the assessment year in which the exemption  
28 is granted.  
29 Sec. 24. Section 427.1, subsection 30, Code  
30 Supplement 1999, is amended to read as follows:  
31 30. MOBILE HOME PARK STORM SHELTER. A structure  
32 constructed as a storm shelter at a mobile home park  
33 as defined in section 435.1. An application for this

34 exemption shall be filed with the assessing authority  
35 not later than ~~April fifteenth~~ February 1 of the first  
36 year for which the exemption is requested, on forms  
37 provided by the department of revenue and finance.  
38 The application shall describe and locate the storm  
39 shelter to be exempted. If the storm shelter  
40 structure is used exclusively as a storm shelter, all  
41 of the structure's assessed value shall be exempt from  
42 taxation. If the storm shelter structure is not used  
43 exclusively as a storm shelter, the storm shelter  
44 structure shall be assessed for taxation at seventy-  
45 five percent of its value as commercial property.  
46 Sec. 25. Section 427.16, subsection 2, Code 1999,  
47 is amended to read as follows:  
48 2. Application for the exemption shall be filed  
49 with the assessor, not later than ~~March 1~~ February 1  
50 of the assessment year, on forms provided by the

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1 department of revenue and finance. The exemption  
2 application shall include an approved application for  
3 certified substantial rehabilitation from the state  
4 historic preservation officer and documentation of  
5 additional property tax relief or financial assistance  
6 currently allowed for the real property. Upon receipt  
7 of the application, the assessor shall certify whether  
8 or not the property is eligible to receive the  
9 exemption and shall forward the application to the  
10 board.  
11 Sec. 26. Section 427C.3, Code 1999, is amended to  
12 read as follows:  
13 427C.3 FOREST RESERVATION.  
14 A forest reservation shall contain not less than  
15 two hundred growing forest trees on each acre. If the  
16 area selected is a forest containing the required  
17 number of growing forest trees, it shall be accepted  
18 as a forest reservation under this chapter provided  
19 application is made or on file on or before ~~April 15~~  
20 February 1 of the exemption year. If any buildings  
21 are standing on an area selected as a forest  
22 reservation under this section or a fruit-tree  
23 reservation under section 427C.7 one acre of that area  
24 shall be excluded from the tax exemption. However,  
25 the exclusion of that acre shall not affect the area's  
26 meeting the acreage requirement of section 427C.2.  
27 Sec. 27. Section 427C.7, Code 1999, is amended to  
28 read as follows:  
29 427C.7 FRUIT-TREE RESERVATION – DURATION OF  
30 EXEMPTION.  
31 A fruit-tree reservation shall contain on each  
32 acre, at least forty apple trees, or seventy other

33 fruit trees, growing under proper care and annually  
34 pruned and sprayed. A reservation may be claimed as a  
35 fruit-tree reservation, under this chapter, for a  
36 period of eight years after planting provided  
37 application is made or on file on or before ~~April 15~~  
38 February 1 of the exemption year.  
39 Sec. 28. Section 428A.8, Code 1999, is amended by  
40 adding the following new unnumbered paragraph:  
41 NEW UNNUMBERED PARAGRAPH. Any tax or additional  
42 tax found to be due shall be collected by the county  
43 recorder. If the county recorder is unable to collect  
44 the tax, it will be collected by the director of  
45 revenue and finance in the same manner as taxes are  
46 collected in chapter 422, division III. If collected  
47 by the director of revenue and finance, the director  
48 shall pay the county its proportionate share of the  
49 tax. Section 422.25, subsections 1, 2, 3, and 4,  
50 sections 422.26, 422.28 to 422.30, and 422.73,

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1 consistent with this chapter, apply with respect to  
2 the collection of any tax or additional tax found to  
3 be due, in the same manner and with the same effect as  
4 if the deed, instrument, or writing were an income tax  
5 return within the meaning of those statutes.  
6 Sec. 29. Section 437A.3, subsection 1, unnumbered  
7 paragraph 1, Code Supplement 1999, is amended to read  
8 as follows:  
9 "Assessed value" means the base year assessed  
10 value, as adjusted by section 437A.19, subsection 2.  
11 "Base year assessed value", for a taxpayer other than  
12 an electric company, natural gas company, or electric  
13 cooperative, means the value attributable to property  
14 identified in section 427A.1, subsection 1, paragraph  
15 "h", certified by the department of revenue and  
16 finance to the county auditors for the assessment date  
17 of January 1, 1997, and the value attributable to  
18 property identified in section 427A.1 and section  
19 427B.17, subsection 5, as certified by the local  
20 assessors to the county auditors for the assessment  
21 date of January 1, 1997. However, "base year assessed  
22 value", for purposes of property of a taxpayer that is  
23 a municipal utility, which property is not a major  
24 addition, was initially assessed to the taxpayer as of  
25 January 1, 1998, and is not located in a county where  
26 the taxpayer had property that was assessed for  
27 purposes of this chapter as of January 1, 1997, is the  
28 value attributable to such property for the assessment  
29 date of January 1, 1998.  
30 Sec. 30. Section 450.4, subsection 5, Code 1999,  
31 is amended to read as follows:

5. On the value of that portion of any lump sum or installment payments which will be includable as net income as defined in section 422.7 as received by a beneficiary under an annuity which was purchased under an employees pension or retirement plan.

Sec. 31. Section 450.4, Code 1999, is amended by adding the following new subsections:

NEW SUBSECTION. 7. The value of that portion of any lump sum or installment payments which are received by a beneficiary under an annuity which was purchased under an employee's pension or retirement plan where the employee is a nonresident of Iowa at the time of death.

NEW SUBSECTION. 8. The value of that portion of any lump sum or installment payments which are received by a beneficiary under an annuity which was purchased under an employee's pension or retirement plan which was excluded from net income as set forth in section 422.7, subsection 31.

## Page 15

Sec. 32. Section 450.10, subsection 4, Code 1999, is amended to read as follows:

4. When the property or any interest ~~therein in~~ property or income therefrom from property, taxable under ~~the provisions of~~ this chapter, passes to any firm, corporation, or society organized for profit ~~either under the laws of this state or of any other state, territory, province or country, including fraternal and social organizations which do not~~ qualify for exemption under sections 170(c) and 2055 of the Internal Revenue Code, the rate of tax imposed shall be as follows:

Fifteen percent on the entire amount so passing.

Sec. 33. Section 452A.2, Code Supplement 1999, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. "Denatured ethanol" means ethanol that is to be blended with gasoline, has been derived from cereal grains, complies with American society of testing materials designation D-4806-95b, and may be denatured only as specified in Code of Federal Regulations, Titles 20, 21, and 27. Alcohol and denatured ethanol have the same meaning in this chapter.

NEW SUBSECTION. 18A. "Racing fuel" means leaded gasoline of one hundred ten octane or more that does not meet American society of testing materials designation D-4814 for gasoline and is sold in bulk for use in nonregistered motor vehicles.

Sec. 34. Section 452A.2, subsection 17, paragraph a, Code Supplement 1999, is amended to read as

31 follows:

32 a. All products commonly or commercially known or  
33 sold as gasoline, including ethanol blended gasoline,  
34 casinghead, and absorption or natural gasoline,  
35 regardless of their classifications or uses, and  
36 including transmix which serves as a buffer between  
37 fuel products in the pipeline distribution process.

38 Sec. 35. Section 452A.3, subsection 5, paragraph

39 a, Code Supplement 1999, is amended by adding the  
40 following new unnumbered paragraph:

41 NEW UNNUMBERED PARAGRAPH. Tax shall not be paid  
42 when the sale of alcohol occurs within a terminal from  
43 an alcohol manufacturer to an Iowa licensed supplier.  
44 The tax shall be paid by the Iowa licensed supplier  
45 when the invoiced gross gallonage of the alcohol or  
46 the alcohol part of ethanol blended gasoline is  
47 withdrawn from a terminal for delivery in this state.

48 Sec. 36. Section 452A.17, subsection 1, paragraph

49 a, Code Supplement 1999, is amended by adding the  
50 following new subparagraph:

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1 NEW SUBPARAGRAPH. (10) Racing fuel.

2 Sec. 37. EFFECTIVE AND APPLICABILITY DATES. This  
3 Act, being deemed of immediate importance, takes  
4 effect upon enactment, except as follows:

5 1. Sections 15, 17, 19, 20, 22, 23, 24, 25, 26,  
6 and 27 of this Act, amending Code sections 424.10,  
7 424.12, 424.15, 427.1, 427.16, 427C.3, and 427C.7,  
8 take effect January 1, 2001, and apply to claims filed  
9 on or after that date.

10 2. Sections 30, 31, and 32 of this Act, amending  
11 Code sections 450.4 and 450.10, take effect July 1,  
12 2000, for estates of decedents dying on or after that  
13 date.

14 3. Section 29 of this Act applies retroactively to  
15 January 1, 2000, for tax years beginning on and after  
16 that date."

17 2. Title page, lines 6 and 7, by striking the  
18 words "cigarette and tobacco products,".

JEFF LAMBERTI

S-5429

1 Amend the amendment, S-5417, to House File 2496, as  
2 passed by the House, as follows:

3 1. Page 1, by striking lines 10 and 11 and  
4 inserting the following:

5 "adopted. A supplementary weighting of four  
6 hundred sixty-nine one-hundred-thousandths per pupil

7 shall be assigned to the".  
8 2. Page 1, by striking line 20 and inserting the  
9 following: "hundred fifty-two one-hundred  
10 thousandths per pupil".

BILL FINK

HOUSE AMENDMENT TO  
SENATE FILE 2428

S-5430

1 Amend Senate File 2428, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking line 35 and inserting the  
4 following:  
5 ".....\$ 4,810,534"  
6 2. Page 2, by striking line 1 and inserting the  
7 following:  
8 ".....FTEs 27.75".  
9 3. Page 2, by inserting after line 5 the  
10 following:  
11 "The department shall consult and work with the  
12 small business development centers in an effort to  
13 eliminate any duplication of services provided by the  
14 department and the small business development centers  
15 and to determine how to deliver services to small  
16 businesses in the state in the most efficient manner.  
17 The department, in consultation with the small  
18 business development centers, shall develop a written  
19 report identifying and distinguishing the distinct  
20 services to be provided by the department and the  
21 small business development centers and recommend  
22 actions which would eliminate any duplication of  
23 services. By December 1, 2000, the written report  
24 shall be submitted to the chairpersons and ranking  
25 members of the joint appropriations subcommittee on  
26 economic development.  
27 For the fiscal year beginning July 1, 2000, and  
28 ending June 30, 2001, the department shall allocate  
29 \$100,000 from the moneys appropriated under this  
30 subsection for the federal procurement office."  
31 4. Page 2, line 21, by striking the figure  
32 "4,500,000" and inserting the following: "3,000,000".  
33 5. Page 5, by striking lines 12 and 13 and  
34 inserting the following: "housing needs, and to  
35 provide \$400,000 to the shelter".  
36 6. Page 5, by striking lines 31 and 32 and  
37 inserting the following:  
38 ".....\$ 2,309,569  
39 .....FTEs 14.25  
40 Of the moneys appropriated in this lettered

41 paragraph, \$250,000 shall be allocated to support the  
 42 taste of Iowa program."  
 43 7. Page 8, by striking line 2 and inserting the  
 44 following:  
 45 ".....\$ 8,000,000"  
 46 8. Page 8, by striking line 20 and inserting the  
 47 following:  
 48 ".....\$ 1,211,869"  
 49 9. Page 10, by striking line 29 and inserting the  
 50 following:

**Page 2**

1 ".....FTEs 9.00"  
 2 10. Page 11, by striking lines 16 and 17 and  
 3 inserting the following:  
 4 ".....\$ 3,429,686  
 5 .....FTEs 92.00"  
 6 11. Page 11, by striking lines 26 and 27 and  
 7 inserting the following:  
 8 ".....\$ 2,333,263  
 9 .....FTEs 35.00"  
 10 12. Page 12, by striking line 27 and inserting  
 11 the following:  
 12 ".....\$ 153,000"  
 13 13. Page 12, by inserting after line 33 the  
 14 following:  
 15 "6. LABOR MANAGEMENT COORDINATOR  
 16 For salaries, support, maintenance, and  
 17 miscellaneous purposes for a labor management  
 18 coordinator:  
 19 .....\$ 68,999  
 20 .....FTEs 0.50  
 21 7. NEW EMPLOYMENT OPPORTUNITY FUND  
 22 For salaries, support, maintenance, and  
 23 miscellaneous purpose s, and for not more than the  
 24 following full-time equivalent positions for the new  
 25 employment opportunity program established in section  
 26 84A.10:  
 27 .....\$ 500,000  
 28 .....FTEs 1.79"  
 29 14. Page 13, line 5, by striking the figure "1."  
 30 15. Page 13, by striking lines 13 through 25 and  
 31 inserting the following:  
 32 "In addition to moneys appropriated by this  
 33 section, notwithstanding section 96.7, subsection 12,  
 34 paragraph "c", for the fiscal year beginning July 1,  
 35 2000, there is appropriated from the administrative  
 36 contribution surcharge fund of the state to the  
 37 department of workforce development \$700,000, or so  
 38 much thereof as is necessary, for matching funds for  
 39 welfare-to-work grants authorized through the United



40 States department of labor.  
41 Any amount of moneys up through June 30, 2001, in  
42 the administrative contribution surcharge fund in  
43 excess of the moneys otherwise appropriated in this  
44 section, is appropriated to and may be used by the  
45 department of workforce development for the purposes  
46 set out in this section."  
47 16. Page 14, by striking lines 5 through 32 and  
48 inserting the following:  
49 ".....\$ 160,000  
50 The department of workforce development shall

### Page 3

1 establish pilot immigration service centers that offer  
2 one-stop services to deal with the multiple issues  
3 related to immigration and employment. The pilot  
4 centers shall be designed to support workers,  
5 businesses, and communities with information,  
6 referrals, job placement assistance, translation,  
7 language training, resettlement, as well as technical  
8 and legal assistance on such issues as forms and  
9 documentation. Through the coordination of local,  
10 state, and federal service providers, and through the  
11 development of partnerships with public, private, and  
12 nonprofit entities with established records of  
13 international service, these pilot centers shall seek  
14 to provide a seamless service delivery system for new  
15 Iowans."  
16 17. Page 16, by inserting after line 4 the  
17 following:  
18 "Sec. \_\_\_\_ Section 15.342A, Code Supplement 1999,  
19 is amended to read as follows:  
20 15.342A WORKFORCE DEVELOPMENT FUND ACCOUNT.  
21 A workforce development fund account is established  
22 in the office of the treasurer of state under the  
23 control of the department. The account shall receive  
24 funds pursuant to section 422.16A up to a maximum of  
25 ~~ten~~ eight million dollars per year. The account shall  
26 also receive funds pursuant to section 15.251 with no  
27 dollar limitation.  
28 Sec. \_\_\_\_ Section 15.343, subsection 3, Code  
29 Supplement 1999, is amended to read as follows:  
30 3. a. The director shall submit not later than  
31 January 1 of each year at a regular or special  
32 meeting, for approval by the economic development  
33 board, the proposed allocation of funds from the  
34 workforce development fund to be made for the next  
35 fiscal year for the programs and purposes contained in  
36 subsection 2. The director shall also submit a copy  
37 of the proposed allocation to the chairpersons of the  
38 joint economic development appropriations subcommittee

39 of the general assembly. Notwithstanding section  
40 8.39, the plan may provide for increased or decreased  
41 allocations if the demand for a program indicates that  
42 the need is greater or lesser than the allocation for  
43 that program. The director shall report on a  
44 quarterly basis to the board on the status of the  
45 funds and may present proposed revisions for approval  
46 by the board in January and April of each year. The  
47 director shall also provide quarterly reports to the  
48 legislative fiscal bureau on the status of the funds.  
49 Unobligated and unencumbered moneys remaining in the  
50 workforce development fund or any of its accounts on

#### Page 4

1 June 30 of each year shall be considered part of the  
2 fund for purposes of the next year's allocation.  
3 b. The first seven million dollars deposited in  
4 the workforce development fund shall be used for  
5 purposes provided in subsection 2, paragraph "b".  
6 18. Page 17, line 2, by inserting after the word  
7 "workforce" the following: ", including but not  
8 limited to the persons with physical or mental  
9 disabilities, persons convicted of a crime, or  
10 minority persons between the ages of 12 and 25,".  
11 19. Page 17, line 10, by inserting after the word  
12 "training," the following: "career interest inventory  
13 assessments, employability skills assessment,".  
14 20. Page 17, line 16, by inserting after the word  
15 "criteria" the following: ", eligible populations,  
16 and services to implement the intent of this section".  
17 21. Page 17, by inserting after line 35 the  
18 following:  
19 "Sec. \_\_\_\_ Section 422.16A, Code 1999, is amended  
20 to read as follows:  
21 422.16A JOB TRAINING WITHHOLDING-- CERTIFICATION  
22 AND TRANSFER.  
23 Upon the completion by a business of its repayment  
24 obligation for a training project funded under chapter  
25 260E, including a job training project funded under  
26 section 15A.8 or repaid in whole or in part by the  
27 supplemental new jobs credit from withholding under  
28 section 15A.7 or section 15.331, the sponsoring  
29 community college shall report to the department of  
30 economic development the amount of withholding paid by  
31 the business to the community college during the final  
32 twelve months of withholding payments. The department  
33 of economic development shall notify the department of  
34 revenue and finance of that amount. The department  
35 shall credit to the workforce development fund account  
36 established in section 15.342A twenty-five percent of  
37 that amount each quarter for a period of ten years.

38 If the amount of withholding from the business or  
39 employer is insufficient, the department shall prorate  
40 the quarterly amount credited to the workforce  
41 development fund account. The maximum amount from all  
42 employers which shall be transferred to the workforce  
43 development fund account in any year is ~~ten~~ eight  
44 million dollars.  
45 Sec. \_\_\_\_ IMMIGRATION. The department of economic  
46 development and the department of workforce  
47 development shall collaborate efforts in delivering  
48 immigration services in Iowa.  
49 Sec. 500. NONREVERSION OF TECHNOLOGY INITIATIVES  
50 ACCOUNT MONEYS. Notwithstanding section 8.33, moneys

**Page 5**

1 appropriated and allocated to the department of  
2 economic development in 1999 Iowa Acts, chapter 207,  
3 section 5, subsection 3, paragraph "i", subparagraph  
4 (1), relating to the business licensure center, that  
5 remain unencumbered or unobligated at the close of the  
6 fiscal year shall not revert but shall remain  
7 available for expenditure for the purposes designated  
8 until the close of the succeeding fiscal year."  
9 22. Page 20, by inserting after line 6 the  
10 following:  
11 "Sec. \_\_\_\_ 2000 Iowa Acts, Senate File 2439,  
12 sections 1 and 9, if enacted, amending sections  
13 15.342A and 422.16A, are repealed.  
14 Sec. \_\_\_\_ EFFECTIVE DATE. Section 500 of this  
15 Act, relating to the nonreversion of technology  
16 initiatives account moneys, being deemed of immediate  
17 importance, takes effect upon enactment."  
18 23. Title page, by striking line 4 and inserting  
19 the following: "relations board, making related  
20 statutory changes, and providing an effective date."  
21 24. By renumbering, relettering, or redesignating  
22 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2430

S-5431

1 Amend Senate File 2430, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, line 20, by striking the word  
4 "relations" and inserting the following: "travel".  
5 2. Page 4, line 17, by striking the figure  
6 "193.11" and inserting the following: "195.11".  
7 3. Page 4, by inserting after line 30, the  
8 following:

9 "(\_\_) Of the number of full-time equivalent  
10 positions authorized pursuant to this paragraph "a",  
11 2.00 FTEs shall be used to support the conservation  
12 reserve enhancement program."  
13 4. Page 6, line 19, by striking the figure  
14 "2,040,458" and inserting the following: "2,156,396".  
15 5. Page 6, line 34, by striking the figure  
16 "6,255,011" and inserting the following: "6,316,603".  
17 6. Page 7, line 8, by striking the figure  
18 "1,741,950" and inserting the following: "1,764,696".  
19 7. Page 7, line 14, by striking the figure  
20 "1,936,456" and inserting the following: "1,963,515".  
21 8. Page 7, line 27, by striking the figure  
22 "3,897,600" and inserting the following: "5,053,110".  
23 9. Page 7, line 28, by striking the figure  
24 "251.50" and inserting the following: "246.50".  
25 10. Page 7, by striking line 33, and inserting  
26 the following: "United States environmental  
27 protection agency; and to study the merits and  
28 advisability of the air quality bureau assisting Iowa  
29 industry in implementing the enlible air quality  
30 model."  
31 11. Page 8, by striking lines 3 through 6.  
32 12. Page 9, by striking lines 12 through 16.  
33 13. Page 9, line 20, by striking the figure  
34 "344.18" and inserting the following: "354.18".  
35 14. Page 9, by inserting after line 20, the  
36 following:  
37 "\_\_\_\_. Of the number of full-time equivalent  
38 positions authorized in this subsection, not more than  
39 2.00 FTEs shall be filled by full-time, year-round  
40 employees with fringe benefits. Not more than 5.00  
41 FTEs shall be filled by part-time employees who do not  
42 receive fringe benefits. The full-time equivalent  
43 positions shall be dedicated to carrying out  
44 conservation buffer initiatives which shall include  
45 buffer strip sign-ups, shelter belts, the restoration  
46 of wetlands, and the development of private landowners  
47 natural resource protection plans.  
48 \_\_\_\_\_. Of the number of full-time equivalent  
49 positions authorized in this subsection, at least 3.00  
50 FTEs shall be dedicated to supporting prairie seed

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1 harvest initiatives."  
2 15. Page 9, line 35, by striking the figure  
3 "24,129,883" and inserting the following:  
4 "25,429,883".  
5 16. Page 10, by inserting after line 4, the  
6 following:  
7 "\_\_\_\_. Of the amount appropriated in paragraph "a",

8 \$700,000 shall be used for conservation buffer  
9 initiatives which shall include buffer strip sign-ups,  
10 shelter belts, the restoration of wetlands, and the  
11 development of private landowners natural resource  
12 protection plans. In carrying out conservation buffer  
13 initiatives, the department shall collaborate with the  
14 department of agriculture and land stewardship.  
15 \_\_\_\_\_. Of the amount appropriated in paragraph "a",  
16 \$600,000 shall be used to support prairie seed harvest  
17 initiatives."

18 17. By striking page 12, line 12 through page 14,  
19 line 16.

20 18. Page 14, by inserting before line 17, the  
21 following:

22 "Sec. \_\_\_\_\_. ORGANIC NUTRIENT MANAGEMENT FUND --  
23 AGRICHEMICAL REMEDIATION. Notwithstanding section  
24 161C.5, the unencumbered and unobligated balance of  
25 the organic nutrient management fund, as of July 1,  
26 2000, is appropriated to the department of agriculture  
27 and land stewardship for deposit by the department  
28 into the agrichemical remediation fund established in  
29 chapter 161, if enacted in 2000 Iowa Acts, Senate File  
30 466."

31 19. Page 16, line 25, by striking the figure  
32 "150,000" and inserting the following: "75,000".

33 20. Page 16, by inserting after line 30, the  
34 following:

35 "Sec. 301. DEPARTMENT OF AGRICULTURE. There is  
36 appropriated from the general fund of the state to the  
37 department of agriculture and land stewardship, for  
38 the fiscal year beginning July 1, 1999, and ending  
39 June 30, 2000, the following amount, or so much  
40 thereof as may be necessary, to be used for the  
41 purpose designated:

42 To support the administrative division:

43 .....\$ 75,000

44 Notwithstanding section 8.33, moneys appropriated  
45 in this section which remain unobligated or unexpended  
46 at the close of the fiscal year shall not revert but  
47 shall remain available to be used for the purpose  
48 designated in the succeeding fiscal year."

49 21. Page 16, by inserting before line 31, the  
50 following:

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1 "Sec. \_\_\_\_\_. STATE FIRE MARSHAL'S OFFICE. In  
2 addition to any allocation of full-time equivalent  
3 positions authorized by the Seventy-eighth General  
4 Assembly during the 2000 Session for the state fire  
5 marshal's office, for the fiscal year beginning July  
6 1, 2000, and ending June 30, 2001, 1.00 additional FTE

7 position is authorized for the office for inspections  
8 of aboveground petroleum storage tanks."

9 22. Page 16, by inserting after line 32, the  
10 following:

11 "Sec. PILOT PROJECT FOR REFUND OF APPLICATION  
12 FEES BY THE DEPARTMENT OF NATURAL RESOURCES.

13 1. The department of natural resources may  
14 establish a pilot project for the refund of all or a  
15 portion of fees required to be paid to the department  
16 for issuing a stormwater discharge permit pursuant to  
17 section 455B.103A, if the department fails to issue  
18 the permit in a manner and within a period of time  
19 customary for issuing such permits. However, the  
20 department is not required to refund any amount of a  
21 fee if the failure to issue the permit is primarily  
22 caused by the applicant, including the applicant's  
23 failure to comply with legal requirements, furnish a  
24 completed application or document, or cooperate with  
25 the department as required of applicants by the  
26 department.

27 2. The department of natural resources shall adopt  
28 rules as necessary in order to establish and  
29 administer this section.

30 3. The department may consider a decision not to  
31 issue a refund under this section as a final agency  
32 action which is not subject to a contested case  
33 proceeding or further agency review under chapter  
34 17A."

35 23. Page 16, by inserting after line 32 the  
36 following:

37 "Sec. 201. 1999 Iowa Acts, chapter 204, section  
38 15, subsection 4, paragraph a, is amended by striking  
39 the paragraph."

40 24. Page 17, by inserting after line 27 the  
41 following:

42 "Sec. \_\_\_\_ Section 101.22, subsection 4, Code  
43 1999, is amended to read as follows:

44 4. The registration notice of the owner or  
45 operator to the state fire marshal under subsections 1  
46 through 3 shall be accompanied by a fee of ~~ten~~ fifteen  
47 dollars for each tank included in the notice. All  
48 moneys collected shall be ~~deposited in the general~~  
49 ~~fund~~ retained by the department of public safety and  
50 are appropriated for the use of the state fire

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1 marshal. The annual renewal fee applies to all owners  
2 or operators who filed a registration notice with the  
3 state fire marshal pursuant to subsections 1 through  
4 3.

5 Sec. \_\_\_\_ Section 101.24, subsection 1, unnumbered

paragraph 1, Code 1999, is amended to read as follows:

Inspect and investigate the facilities and records of owners and operators of aboveground petroleum storage tanks with a capacity of fifteen thousand or more gallons, as necessary to determine compliance with this division and the rules adopted pursuant to this division. An inspection or investigation shall be conducted subject to subsection 4. For purposes of developing a rule, maintaining an accurate inventory, or enforcing this division, the department may:"

25. Page 18, line 13, by striking the word "RELATIONS" and inserting the following: "TRAVEL".

26. Page 18, line 15, by striking the word "relations" and inserting the following: "travel".

27. Page 18, by striking lines 26 through 32, and inserting the following: "pay the costs incurred by the secretary of agriculture, or a designee of the secretary of agriculture, related to international travel when promoting the sale of Iowa agricultural commodities and Iowa agricultural products, including but not limited to travel fares, accommodations, and meals."

28. Page 19, by inserting after line 1 the following:

"Sec. \_\_\_\_\_. Section 214A.1, Code 1999, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. "Motor vehicle fuel storage tank" means an aboveground or belowground container that is a fixture, used to keep an accumulation of motor vehicle fuel.

NEW SUBSECTION. 2B. "MTBE" means methyl tertiary butyl ether.

NEW SUBSECTION. 4A. "Sell" means to sell or to offer for sale.

Sec. \_\_\_\_\_. Section 214A.2, subsection 4, Code Supplement 1999, is amended to read as follows:

4. ~~Gasoline~~ Motor vehicle fuel shall not contain ~~methanol without an equal amount of cosolvent, and shall not contain more than five percent methanol more than trace amounts of MTBE, as provided in section 214A.18.~~

Sec. \_\_\_\_\_. Section 214A.16, Code 1999, is amended to read as follows:

214A.16 NOTICE OF BLENDED FUEL – DECAL.

~~All~~ If motor vehicle fuel ~~kept, offer~~ or exposed

## Page 5

~~for sale, or sold at retail containing over one percent ethanol, methanol, or any combination of oxygenate octane enhancers shall be identified as "with" either "ethanol", "methanol",~~

5 ~~"ethanol/methanol", or similar wording on containing a~~  
6 ~~renewable fuel is sold from a motor vehicle fuel pump.~~  
7 ~~the pump shall have affixed a decal identifying the~~  
8 ~~name of the renewable fuel. All diesel fuel kept,~~  
9 ~~offered, or exposed for sale, or sold at retail~~  
10 ~~containing over one percent soybean oil by volume~~  
11 ~~shall be identified as "with soydiesel" or similar~~  
12 ~~wording on a decal. The decal may be different based~~  
13 ~~on the type of renewable fuel used. The design and~~  
14 ~~location of the decals decal shall be prescribed by~~  
15 ~~rules adopted by the department. The department shall~~  
16 ~~adopt the rules to be effective by January 1, 1995. A~~  
17 ~~decal identifying a renewable fuel shall be consistent~~  
18 ~~with standards adopted pursuant to section 159A.6.~~  
19 ~~Until the department establishes standards for decals,~~  
20 ~~the wording shall be on a white adhesive decal with~~  
21 ~~black letters at least one half inch high and at least~~  
22 ~~one quarter inch wide placed between thirty and forty~~  
23 ~~inches above the driveway level on the front sides of~~  
24 ~~any container or pump from which the motor fuel is~~  
25 ~~sold. The department may approve an application to~~  
26 ~~place a decal in a special location on a pump or~~  
27 ~~container or use a decal with special lettering or~~  
28 ~~colors, if the decal appears clear and conspicuous to~~  
29 ~~the consumer. The application shall be made in~~  
30 ~~writing pursuant to procedures adopted by the~~  
31 ~~department. Designs for a decal identifying a~~  
32 ~~renewable fuel shall be consistent with standards~~  
33 ~~adopted pursuant to section 159A.6.~~  
34 Sec. \_\_\_\_ NEW SECTION. 214A.18 MTBE PROHIBITION.  
35 1. A person shall not do any of the following:  
36 a. Sell motor vehicle fuel containing more than  
37 trace amounts of MTBE in this state.  
38 b. Store motor vehicle fuel containing more than  
39 trace amounts of MTBE in a motor vehicle fuel storage  
40 tank located in this state.  
41 2. As used in this section, "trace amounts" means  
42 not more than one-half of one percent by volume."  
43 29. Page 19, by inserting after line 3 the  
44 following:  
45 "Sec. \_\_\_\_ DELAYED EFFECTIVE DATES. The following  
46 provisions of this Act take effect on January 1, 2001:  
47 1. The amendments to sections 214A.1 and 214A.2,  
48 in this Act.  
49 2. Section 214A.18, as enacted by this Act.  
50 3. Section 201 of this Act, providing for the

## Page 6

- 1 elimination of a provision prohibiting the sale of
- 2 methyl tertiary butyl ether."
- 3 30. Page 19, by inserting after line 12, the



4 following:

5 " \_\_\_\_\_. Section 301 relating to supporting the  
6 department of agriculture and land stewardship's  
7 administrative division."

8 31. Title page, line 1, by striking the word  
9 "for" and inserting the following: "involving state  
10 government, including provisions affecting".

11 32. By renumbering, relettering, or redesignating  
12 and correcting internal references as necessary.

S-5432

1 Amend Senate File 2448 as follows:

2 1. Page 3, line 17, by inserting after the word  
3 "year," the following: "If the department receives  
4 applications for tax credit certificates in excess of  
5 four million dollars, the applicants shall receive  
6 certificates for a prorated amount."

7 2. Page 3, line 28, by striking the word "fuel"  
8 and inserting the following: "fuel."

9 3. Page 3, by striking lines 29 and 30.

10 4. By striking page 11, line 24 through page 12,  
11 line 19, and inserting the following:

12 "Sec. \_\_\_\_\_. RENEWABLE REFORMULATED GASOLINE –  
13 PROMOTIONAL AND EDUCATIONAL CAMPAIGN – STUDY.

14 1. There is appropriated from the general fund of  
15 the state to the department of agriculture and land  
16 stewardship for the fiscal year beginning July 1,  
17 2000, and ending June 30, 2001, the following amount,  
18 or so much thereof as is necessary, to be used for the  
19 purposes designated:

20 For carrying out a renewable reformulated gasoline  
21 promotional and educational campaign and study:  
22 .....\$ 100,000

23 2. In carrying out this section, the department  
24 shall provide participating retail dealers of motor  
25 vehicle fuel as provided in chapter 214A with  
26 promotional and educational information designed to  
27 increase the demand for renewable reformulated  
28 gasoline. The information shall be posted in a  
29 printed format and located in a conspicuous place at  
30 the point of sale. The information shall be in a form  
31 that increases consumer awareness of renewable  
32 reformulated gasoline, including but not limited to  
33 signs or decals placed on motor vehicle fuel pumps,  
34 including decals required pursuant to section 214A.16.

35 3. The office of renewable fuels and coproducts  
36 created pursuant to section 159A.3 shall administer  
37 this section together with other departmental  
38 divisions as determined necessary by the secretary of  
39 agriculture. The department may cooperate with  
40 persons interested in increasing the demand for

- 41 ethanol in order to carry out this section.  
42 4. The department shall submit a report to the  
43 governor and the general assembly not later than March  
44 1, 2001. The report shall include a summary of the  
45 expenditure of moneys appropriated under this section,  
46 the extent to which the promotional and educational  
47 information increased demand, and any recommendations  
48 for legislative action."  
49 5. By renumbering as necessary.

MERLIN E. BARTZ

S-5433

- 1 Amend House File 2351, as passed by the House, as  
2 follows:  
3 1. Page 1, line 10, by striking the word "Sunday"  
4 and inserting the following: "Saturday".

JOANN JOHNSON

S-5434

- 1 Amend Senate File 2447 as follows:  
2 1. Page 1, line 17, by inserting after the word  
3 "board." the following: "In performing its functions  
4 the board is performing a public function on behalf of  
5 the state and is a public instrumentality of the  
6 state."  
7 2. Page 2, line 29, by inserting before the word  
8 "DUTIES" the following: "BOARD".  
9 3. By striking page 2, line 32, through page 3,  
10 line 1, and inserting the following:  
11 "2. Establish the vision Iowa program and the  
12 community attraction and tourism program.  
13 3. Oversee and provide approval of the  
14 administration of the vision Iowa program and the  
15 community attraction and tourism program by the  
16 department.  
17 4. Request the treasurer of state to issue bonds  
18 on behalf of the board for purposes of the vision Iowa  
19 program."  
20 4. Page 3, by inserting before line 2 the  
21 following:  
22 "Sec. \_\_\_\_ NEW SECTION. 15F.103A DEPARTMENT  
23 DUTIES.  
24 The department, subject to approval by the board,  
25 shall adopt administrative rules pursuant to chapter  
26 17A necessary to administer the community attraction  
27 and tourism program and the vision Iowa program. The  
28 department shall provide the board with assistance in  
29 implementing administrative functions, marketing the

programs, providing technical assistance and application assistance to applicants under the programs, negotiating contracts, and providing project follow-up. The department, in cooperation with the treasurer of state, may conduct negotiations on behalf of the board with applicants regarding terms and conditions applicable to awards under the programs."

5. Page 3, line 20, by inserting after the word "and" the following: "the department, subject to direction and approval by the board, shall".

6. Page 3, line 30, by inserting after the word "project" the following: ", including but not limited to costs for construction, site acquisition, and infrastructure improvement".

7. Page 4, by striking lines 14 through 16 and inserting the following: "submitted to the department. For those".

8. Page 4, line 18, by striking the words "prepare a review analysis for" and inserting the following: "provide a staff review analysis and evaluation to".

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9. Page 4, line 27, by inserting after the word "committee" the following: "and the department".

10. Page 5, by striking lines 4 through 6 and inserting the following:

"e. The project is primarily a vertical infrastructure project with demonstrated substantial regional or statewide economic impact. For purposes of the program, "vertical infrastructure" means land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development, and recreational trails. "Vertical infrastructure" does not include routine, recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement."

11. Page 5, line 16, by inserting after the word "award." the following: "The treasurer of state shall notify the department anytime moneys are disbursed to a recipient of financial assistance under the program."

12. Page 7, line 1, by inserting after the word "and" the following: "the department, subject to direction and approval by the board, shall".

13. Page 8, by striking lines 2 through 7.

14. Page 8, by striking lines 12 through 17 and inserting the following:

"2. An applicant must demonstrate financial and nonfinancial support for the project which may be from

29 a public or private source. Nonfinancial support may  
30 include, but is not limited to, the value of labor  
31 and services, real and personal property donated for  
32 purposes of the project, and the use of real and  
33 personal property for purposes of the project. The  
34 financial and nonfinancial support for the project  
35 described under this subsection shall equal at least  
36 fifty percent of the total cost of the project."

37 15. Page 8, line 23, by striking the words "this  
38 paragraph" and inserting the following: "the  
39 program".

40 16. Page 9, by striking line 11 and inserting the  
41 following:

42 "a. To refinance a loan existing prior to the  
43 initial application date."

44 17. Page 9, by inserting after line 17 the  
45 following:

46 "0A. Applications for assistance under the program  
47 shall be submitted to the department. For those  
48 applications that meet the eligibility criteria, the  
49 department shall provide a staff review and evaluation  
50 to the vision Iowa program review committee referred

### Page 3

1 to in subsection 1 and the board."

2 18. Page 9, line 24, by inserting after the word  
3 "committee" the following: "and the department".

4 19. Page 10, line 21, by striking the words  
5 "treasurer of state", and inserting the following:  
6 "board".

7 20. Page 10, by striking line 22 and inserting  
8 the following: "for the vision Iowa fund created in  
9 section 12.72, the".

10 21. Page 10, line 27, by striking the words  
11 "treasurer of state", and inserting the following:  
12 "board".

13 22. Page 10, line 28, by inserting after the word  
14 "fund" the following: "; provided, however, excluding  
15 the issuance of refunding bonds, bonds issued pursuant  
16 to section 12.71 shall not be issued in an aggregate  
17 principal amount which exceeds three hundred million  
18 dollars".

19 23. Page 10, line 33, by inserting after the word  
20 "fund" the following: "and any bond reserve funds  
21 established pursuant to section 12.72".

22 24. Page 10, line 35, by striking the words  
23 "treasurer of state" and inserting the following:  
24 "board".

25 25. Page 11, line 5, by striking the words "its  
26 debts" and inserting the following: "bonds issued  
27 pursuant to this section".

28 26. Page 11, lines 10 and 11, by striking the  
29 words "approved by the treasurer of state" and  
30 inserting the following: "as directed by the board".  
31 27. Page 12, line 9, by inserting after the word  
32 "state" the following: "approved by the board".  
33 28. Page 12, line 12, by striking the word  
34 "issuer", and inserting the following: "board".  
35 29. Page 12, line 27, by striking the word "its".  
36 30. Page 12, lines 28 and 29, by striking the  
37 words "of the treasurer of state" and inserting the  
38 following: "issued pursuant to this section".  
39 31. Page 13, lines 8 and 9, by striking the words  
40 "use by it in any lawful manner" and inserting the  
41 following: "deposit in the vision Iowa fund  
42 established in section 12.72".  
43 32. Page 13, by striking lines 16 through 18 and  
44 inserting the following: "separate and distinct fund  
45 in the state treasury. The moneys in the fund are  
46 appropriated to the board for purposes of the vision  
47 Iowa program established in section 15F.302. Moneys  
48 in the fund shall not be subject to appropriation for  
49 any other purpose by the general assembly, but shall  
50 be used only for the purposes of the vision Iowa fund.

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1 The treasurer of state shall act as custodian of the  
2 fund and disburse moneys contained in the fund as  
3 directed by the board, including automatic  
4 disbursements of funds received pursuant to the terms  
5 of bond indentures and documents and security  
6 provisions to trustees. The fund shall be  
7 administered by the board which shall make  
8 expenditures from the fund consistent with the  
9 purposes of the vision Iowa program without further  
10 appropriation. An applicant under the vision".  
11 33. Page 14, line 3, by striking the words "its  
12 bonds or notes" and inserting the following: "bonds  
13 or notes issued pursuant to section 12.71".  
14 34. Page 14, line 5, by striking the word "its".  
15 35. Page 14, line 22, by inserting after the  
16 words "in the" the following: "board or the".  
17 36. Page 14, lines 23 and 24, by striking the  
18 words "by the treasurer of state".  
19 37. Page 14, by striking lines 27 through 32 and  
20 inserting the following: "including interest on  
21 unpaid installments of interest, are fully met and  
22 discharged."  
23 38. Page 15, line 17, by inserting after the word  
24 "county" the following: "or public organization".  
25 39. By striking page 15, line 20, through page  
26 16, line 3, and inserting the following:

27 "Bonds or notes issued pursuant to section 12.71  
28 are not debts of the state, or of any political  
29 subdivision of the state and do not constitute a  
30 pledge of the faith and credit of the state or a  
31 charge against the general credit or general fund of  
32 the state. The issuance of any bonds or notes  
33 pursuant to section 12.71 by the treasurer of state  
34 does not directly, indirectly, or contingently  
35 obligate the state or a political subdivision of the  
36 state to apply moneys from, or to levy or pledge any  
37 form of taxation whatever, to the payment of the bonds  
38 or notes. Bonds and notes issued under section 12.71  
39 are payable solely and only from the sources and  
40 special fund provided in section 12.72."  
41 40. By striking page 21, line 32, through page  
42 22, line 10.  
43 41. Page 22, by inserting after line 29 the  
44 following:  
45 "Sec. \_\_\_\_ Section 384.95, subsection 1, Code  
46 1999, is amended to read as follows:  
47 1. "Public improvement" means any building or  
48 construction work, either within or outside the  
49 corporate limits of a city, to be paid for in whole or  
50 in part by the use of funds of the city, regardless of

**Page 5**

1 sources, including a building or improvement  
2 constructed or operated jointly with any other public  
3 or private agency, but excluding urban renewal  
4 demolition and low-rent housing projects, industrial  
5 aid projects authorized under chapter 419, emergency  
6 work or work performed by employees of a city or a  
7 city utility."  
8 42. Page 23, line 10, by inserting after the word  
9 "years." the following: "The repeal and reenactment  
10 of Code sections relating to the community attraction  
11 and tourism development program and the community  
12 attraction and tourism development fund shall not  
13 nullify any awards made under the program based on  
14 appropriations made in 1999 Iowa Acts, chapter 204,  
15 section 3, subsection 2, for the fiscal years  
16 beginning July 1, 1999, and July 1, 2000."  
17 43. Title page, line 1, by inserting after the  
18 word "Act" the following: "relating to public  
19 improvements and".  
20 44. Title page, line 4, by striking the word  
21 "development".  
22 45. By renumbering as necessary.

JEFF LAMBERTI

S-5435

- 1 Amend Senate File 2453 as follows:  
2 1. Page 1, lines 22 and 23, by striking the words  
3 "in Council Bluffs".  
4 2. Page 1, by striking line 24 and inserting the  
5 following:  
6 " ..... \$ 900,000"  
7 3. By striking page 7, line 30, through page 8,  
8 line 6.

JEFF LAMBERTI

S-5436

- 1 Amend Senate File 2453 as follows:  
2 1. Page 2, by striking line 22 and inserting the  
3 following:  
4 " ..... \$ 5,500,000"  
5 2. Page 7, by striking lines 8 and 9 and  
6 inserting the following:  
7 "FY 2000-2001.....\$ 5,500,000  
8 FY 2001-2002.....\$ 5,500,000"  
9 3. Page 7, by striking line 13 and inserting the  
10 following:  
11 "FY 2000-2001.....\$ 3,900,000"  
12 4. Page 7, by striking line 15 and inserting the  
13 following:  
14 "FY 2002-2003.....\$ 3,500,000"  
15 5. Page 7, by striking lines 18 and 19 and  
16 inserting the following:  
17 "FY 2000-2001.....\$ 2,200,000  
18 FY 2001-2002.....\$ 6,300,000"  
19 6. Page 8, by striking line 22 and inserting the  
20 following:  
21 " ..... \$ 1,500,000"  
22 7. Page 9, by striking line 7 and inserting the  
23 following:  
24 " ..... \$ 1,000,000"

JEFF LAMBERTI

S-5437

- 1 Amend Senate File 2447 as follows:  
2 1. Page 6, by inserting after line 25 the  
3 following:  
4 "8. Of any moneys appropriated for deposit in the  
5 fund, up to ten percent may be used for the  
6 development of marketing efforts and promotion of Iowa  
7 tourism attractions and events in markets outside the  
8 state. Moneys for such out-of-state marketing and

9 promotion shall be allocated equally among the three  
10 tourism regions in the state."

NEAL SCHUERER  
MARY A. LUNDBY  
JOHN W. JENSEN  
DAVID MILLER  
JERRY BEHN  
H. KAY HEDGE  
STEVE KING  
JOHN P. KIBBIE  
JOHN JUDGE  
BILL FINK  
KEN VEENSTRA  
NANCY BOETTGER  
KITTY REHBERG  
RICHARD F. DRAKE  
PATRICIA HARPER  
STEVE HANSEN

S-5438

1 Amend House File 2565, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 6, by inserting after the word  
4 "state," the following: "In demonstrating a firm  
5 commitment to this partnership and in order to provide  
6 a positive model for youth, specifically, and the  
7 people of Iowa, in general, the general assembly and  
8 the executive branch shall declare the state capitol a  
9 smoke-free environment."  
10 2. Page 15, by inserting after line 15, the  
11 following:  
12 "Sec. \_\_\_\_ STATE CAPITOL – SMOKE-FREE. In order  
13 to comply with section 142A.1, the general assembly  
14 shall adopt any rules necessary to require that all  
15 areas controlled by the general assembly or either  
16 chamber are smoke-free upon the effective date of this  
17 Act."  
18 3. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5439

1 Amend House File 2565, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 10, by striking lines 15 through 31.  
4 2. Page 14, by striking line 7.

NANCY BOETTGER



S-5440

1 Amend Senate File 2449 as follows:

2 1. Page 1, by striking line 13, and inserting the  
3 following: "youth to make healthy choices. The  
4 initiative shall allow extensive".

5 2. Page 1, line 17, by striking the words "evolve  
6 to create" and inserting the following: "foster".

7 3. Page 1, line 20, by striking the word "norms,"  
8 and inserting the following: "norms".

9 4. Page 1, by striking line 22, and inserting the  
10 following: "less accessible to youth. The intent of  
11 the general assembly shall be".

12 5. Page 1, by striking lines 31 and 32.

13 6. Page 2, by striking lines 7 and 8.

14 7. Page 2, by striking line 12.

15 8. Page 2, by striking lines 15 and 16.

16 9. Page 3, by striking lines 9 through 14, and  
17 inserting the following:

18 "a. Three members who are active with nonprofit  
19 health organizations that emphasize tobacco use  
20 prevention or who are active as health services  
21 providers, at the local level.

22 b. One member who is a retailer."

23 10. Page 3, line 15, by striking the letter "d"  
24 and inserting the following: "c".

25 11. Page 3, by striking line 19, and inserting  
26 the following:

27 "The".

28 12. Page 3, line 22, by striking the word  
29 "section" and inserting the following: "sections".

30 13. Page 3, line 22, by inserting after the  
31 figure "69.19." the following: "At least one member  
32 appointed under this subsection shall be a member of a  
33 racial minority."

34 14. Page 3, line 24, by striking the word "five"  
35 and inserting the following: "three".

36 15. Page 3, by striking lines 27 through 29, and  
37 inserting the following: "youth membership  
38 appointments are not subject to section 69.16 or  
39 69.16A. However, the selection process shall provide  
40 for diversity among the members and at least one of  
41 the youth members shall be a female. These members  
42 shall also serve three-year staggered terms."

43 16. By striking page 3, line 34, through page 4,  
44 line 4, and inserting the following: "political  
45 party. The majority leader of the senate and the  
46 minority leader of the senate shall each appoint one  
47 of the senate members. The majority leader of the  
48 house and the minority leader of the house of  
49 representatives shall each appoint one of the house  
50 members."

**Page 2**

1 17. Page 4, by inserting after line 16, the  
2 following:

3 "e. The alcoholic beverages division of the  
4 department of commerce."

5 18. Page 4, line 25, by striking the word "shall"  
6 and inserting the following: "may".

7 19. Page 5, line 20, by striking the word  
8 "evolution" and inserting the following:  
9 "implementation".

10 20. Page 5, line 23, by inserting after the word  
11 "Provide" the following: "for".

12 21. Page 6, line 35, by inserting after the word  
13 "budget." the following: "Beginning July 1, 2005, the  
14 commission shall also perform a comprehensive review  
15 of the initiative and shall submit a report of its  
16 findings to the governor and the general assembly on  
17 or before December 15, 2005."

18 22. Page 7, by striking lines 24 through 26, and  
19 inserting the following: "initiative. The commission  
20 shall adopt rules prohibiting the acceptance of gifts  
21 from a manufacturer of tobacco products."

22 23. Page 8, line 10, by inserting after the word  
23 "division." the following: "The division  
24 administrator shall report to and shall serve at the  
25 pleasure of the director."

26 24. Page 8, line 12, by striking the word  
27 "enforcement" and inserting the following: "control".

28 25. Page 8, by striking lines 19 through 22, and  
29 inserting the following: "of tobacco laws and  
30 regulations. Such contracts shall require that  
31 enforcement efforts include training of local  
32 authorities who issue retailer permits and education  
33 of retailers."

34 26. Page 8, line 26, inserting after the word  
35 "tobacco" the following: "use".

36 27. Page 8, line 34, by striking the word  
37 "enforcement" and inserting the following: "control".

38 28. Page 9, line 16, by striking the words "women  
39 who" and inserting the following: "women."

40 29. Page 9, by striking lines 17 and 18.

41 30. Page 9, line 27, by striking the word  
42 "activities," and inserting the following:  
43 "activities;".

44 31. Page 9, line 29, by striking the word  
45 "substances," and inserting the following:  
46 "substances;".

47 32. Page 9, line 31, by striking the word "shall"  
48 and inserting the following: "may".

49 33. Page 9, line 33, by inserting after the word  
50 "unhealthy" the following: "youth".

**Page 3**

1 34. Page 10, by striking lines 11 through 14, and  
2 inserting the following:  
3 "5. Procurement of goods and services necessary to  
4 implement the initiative is subject to approval of the  
5 commission. Notwithstanding chapter 18 or any other  
6 provision of law to the contrary, such procurement may  
7 be accomplished by the commission under its own  
8 competitive bidding process which shall provide for  
9 consideration of such factors as price, bidder  
10 competence, and expediency in procurement.

11 6. In order to promote the tobacco use prevention  
12 and control partnership established in section 142A.1,  
13 the following persons shall comply with the following,  
14 as applicable:

15 a. A manufacturer, distributor, wholesaler,  
16 retailer, or distributing agent or agent thereof shall  
17 not give away cigarettes or tobacco products.

18 b. A manufacturer, distributor, wholesaler,  
19 retailer, or distributing agent or agent thereof shall  
20 not provide free articles, products, commodities,  
21 gifts, or concessions in any exchange for the purchase  
22 of cigarettes or tobacco products.

23 c. The prohibitions in this section do not apply  
24 to transactions between manufacturers, distributors,  
25 wholesalers, or retailers.

26 d. For the purpose of this subsection,  
27 manufacturer, distributor, wholesaler, retailer, and  
28 distributing agent mean as defined in section 453A.1."

29 35. Page 10, line 27, by striking the word  
30 "initiative" and inserting the following: "statewide  
31 initiative".

32 36. Page 10, line 28, by inserting after the word  
33 "Ongoing" the following: "statewide".

34 37. Page 10, by striking lines 31 through 33, and  
35 inserting the following: "strategy. The initial  
36 baseline used to measure the effectiveness of the  
37 initiative shall be developed using existing,  
38 available indicators. Following".

39 38. Page 11, by striking lines 2 through 12, and  
40 inserting the following: "accurately provide for  
41 measurement of such effectiveness. Primary emphasis  
42 in data assessment shall be on data relating to  
43 tobacco usage and may include data demonstrating the  
44 prevalence of tobacco use among youth and pregnant  
45 women, and the prevalence of the use of alcohol and  
46 other substances among youth. Sources of data  
47 considered shall include but are not limited to the  
48 centers for disease control and prevention of the  
49 United States department of health and human services  
50 and the Iowa youth tobacco survey, and may include the

**Page 4**

1 Iowa youth risk survey conducted by the department or  
2 the youth risk behavior survey."

3 39. Page 11, by inserting before line 13, the  
4 following:

5 "e. A tobacco use prevention and control education  
6 program.

7 f. An enforcement program."

8 40. Page 11, line 24, by inserting after the word  
9 "involvement," the following: "The community

10 partnership or its designee shall act as the fiscal  
11 agent for moneys administered by the community  
12 partnership."

13 41. Page 11, line 27, by striking the words "or  
14 community empowerment area" and inserting the  
15 following: "economic development enterprise zone that  
16 meets the requirements of an urban or rural enterprise  
17 community under Title XIII of the federal Omnibus  
18 Budget Reconciliation Act of 1993, or community  
19 empowerment area".

20 42. Page 12, by inserting after line 6 the  
21 following:

22 "e. Evaluation of the program."

23 43. Page 12, lines 28 and 29, by striking the  
24 words "In addition, the state" and inserting the  
25 following: "State".

26 44. Page 12, by striking lines 32 through 34 and  
27 inserting the following: "communications program;  
28 education efforts; and other aspects of the initiative  
29 including evaluation, collaboration, and enforcement."

30 45. Page 13, line 18, by striking the figure  
31 "2005" and inserting the following: "2010".

32 46. Page 13, line 24, by striking the word  
33 "Three" and inserting the following: "Two".

34 47. Page 13, line 25, by striking the word  
35 "Three" and inserting the following: "Two".

36 48. Page 13, line 26, by striking the word "Four"  
37 and inserting the following: "Three".

38 49. Page 13, line 29, by striking the words "Two  
39 members" and inserting the following: "One member".

40 50. Page 13, line 30, by striking the words "Two  
41 members" and inserting the following: "One member".

42 51. By striking page 13, line 34, through page  
43 14, line 4, and inserting the following: "members  
44 shall be made by the governor. The legislative  
45 council may compile a list of individuals based on  
46 recommendations received from members of the general  
47 assembly, following public input, and submit the list  
48 to the governor to assist efforts in identifying  
49 qualified and capable candidates for initial  
50 appointments."

**Page 5**

1 52. Page 14, by inserting after line 6 the  
2 following:  
3 "Sec. \_\_\_\_ Section 453A.39, Code 1999, is  
4 repealed."  
5 53. Page 14, line 10, by striking the word  
6 "beverage" and inserting the following: "beverages".  
7 54. Page 14, by inserting after line 16, the  
8 following:  
9 "Sec. \_\_\_\_ ADMINISTRATOR – INITIAL HIRING. The  
10 provisions of section 142A.4 relating to the  
11 commission providing advice and consultation with  
12 regard to the hiring of the administrator do not apply  
13 to the initial hiring of an administrator if the  
14 commission is not operational at the time that a  
15 potential candidate for the position of administrator  
16 is formally offered the administrator position.  
17 However, under such circumstances, the director shall  
18 consult with the ex officio members of the commission,  
19 if appointed at the time such a formal offer is  
20 extended."  
21 55. By renumbering, relettering, or redesignating  
22 and correcting internal references as necessary.

NANCY BOETTGER

## S-5441

1 Amend the amendment, S-5438, to House File 2565, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, lines 8 and 9, by striking the words  
5 "a smoke-free environment" and inserting the  
6 following: "and all public elementary and secondary  
7 school buildings smoke-free environments".

DAVID MILLER

## S-5442

1 Amend House File 2351, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. 1997 Iowa Acts, chapter 158, is  
6 amended by adding the following new section:  
7 NEW SECTION. SEC. 54. RETROACTIVE APPLICABILITY.  
8 Sections 14, 18, and 19 of this Act, amending sections  
9 422.42, 422.45, subsection 39, and 422.47, relating to  
10 aquaculture production, apply retroactively to April  
11 1, 1987.

12 Sec. 2. Section 422.42, subsection 14, Code  
13 Supplement 1999, is amended to read as follows:  
14 14. "Retail sale" or "sale at retail" means the  
15 sale to a consumer or to any person for any purpose,  
16 other than for processing, for resale of tangible  
17 personal property or taxable services, or for resale  
18 of tangible personal property in connection with  
19 taxable services; and includes the sale of gas,  
20 electricity, water, and communication service to  
21 retail consumers or users; but does not include  
22 agricultural breeding livestock and domesticated fowl;  
23 does not include aquacultural breeding stock; and does  
24 not include commercial fertilizer, agricultural  
25 limestone, herbicide, pesticide, insecticide,  
26 including adjuvants, surfactants, and other products  
27 directly related to the application enhancement of  
28 those products, and food, medication, or agricultural  
29 drain tile, including installation of agricultural  
30 drain tile, any of which are to be used in disease  
31 control, weed control, insect control, or health  
32 promotion of plants or livestock produced as part of  
33 agricultural production for market; and does not  
34 include electricity, steam, or any taxable service  
35 when purchased and used in the processing of tangible  
36 personal property intended to be sold ultimately at  
37 retail.  
38 PARAGRAPH DIVIDED. When used by a manufacturer of  
39 food products, carbon dioxide in a liquid, solid, or  
40 gaseous form, electricity, steam, and other taxable  
41 services are sold for processing when used to produce  
42 marketable food products for human consumption,  
43 including but not limited to, treatment of material to  
44 change its form, context, or condition, in order to  
45 produce the food product, maintenance of quality or  
46 integrity of the food product, changing or maintenance  
47 of temperature levels necessary to avoid spoilage or  
48 to hold the food product in marketable condition,  
49 maintenance of environmental conditions necessary for  
50 the safe or efficient use of machinery and material

## Page 2

1 used to produce the food product, sanitation and  
2 quality control activities, formation of packaging,  
3 placement into shipping containers, and movement of  
4 the material or food product until shipment from the  
5 building of manufacture.  
6 PARAGRAPH DIVIDED. Tangible personal property is  
7 sold for processing within the meaning of this  
8 subsection only when it is intended that the property  
9 will, by means of fabrication, compounding,  
10 manufacturing, or germination become an integral part

11 of other tangible personal property intended to be  
12 sold ultimately at retail; or will be consumed as fuel  
13 in creating heat, power, or steam for processing  
14 including grain drying, or for providing heat or  
15 cooling for livestock buildings or for greenhouses or  
16 buildings or parts of buildings dedicated to the  
17 production of flowering, ornamental, or vegetable  
18 plants intended for sale in the ordinary course of  
19 business, or for use in cultivation of agricultural  
20 products by aquaculture, or for generating electric  
21 current, or in implements of husbandry engaged in  
22 agricultural production; or the property is a  
23 chemical, solvent, sorbent, or reagent, which is  
24 directly used and is consumed, dissipated, or  
25 depleted, in processing personal property which is  
26 intended to be sold ultimately at retail or consumed  
27 in the maintenance or repair of fabric or clothing,  
28 and which may not become a component or integral part  
29 of the finished product.

30 PARAGRAPH DIVIDED. The distribution to the public  
31 of free newspapers or shoppers guides is a retail sale  
32 for purposes of the processing exemption."

33 2. Page 1, line 1, by striking the word and  
34 figure "Section 1" and inserting the following: "Sec.  
35 \_\_\_\_."

36 3. Page 1, by striking lines 21 and 22 and  
37 inserting the following:

38 "Sec. \_\_\_\_\_. REFUNDS. Refunds of taxes, interests,  
39 or penalties which arise from claims resulting from  
40 the enactment of the amendment to 1997 Iowa Acts,  
41 chapter 158, in this Act, and from the enactment of  
42 the amendment to section 422.42, subsection 14, for  
43 sales and rentals occurring between April 1, 1987, and  
44 June 30, 2000, shall be limited to five thousand  
45 dollars in the aggregate and shall not be allowed  
46 unless refund claims are filed prior to October 1,  
47 2000, notwithstanding any other provision of law. If  
48 the amount of claims totals more than five thousand  
49 dollars in the aggregate, the department of revenue  
50 and finance shall prorate the five thousand dollars

### Page 3

1 among all claimants in relation to the amounts of the  
2 claimants' valid claims.

3 Sec. \_\_\_\_\_. EFFECTIVE AND APPLICABILITY DATES.

4 1. Section 1 of this Act applies retroactively to  
5 July 1, 1997.

6 2. Section 2 of this Act applies retroactively to  
7 April 1, 1987.

8 3. This Act, being deemed of immediate importance,  
9 takes effect upon enactment."

- 10 4. Title page, by striking line 3 and inserting  
11 the following: "for the sales and rental of property  
12 used for or in aquacultural production, and including  
13 effective and retroactive applicability dates."

NEAL SCHUERER  
ROBERT E. DVORSKY

S-5443

- 1 Amend House File 2565, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 6, by inserting after the word  
4 "state." the following: "In demonstrating a firm  
5 commitment to this partnership and in order to provide  
6 a positive model for youth, specifically, and the  
7 people of Iowa, in general, the general assembly and  
8 the executive branch shall declare the state capitol a  
9 smoke-free environment."

MICHAEL W. CONNOLLY

S-5444

- 1 Amend House File 2557, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 18, by inserting after the figure  
4 "17A.4," the following: "by December 31, 2000,".

JOHN REDWINE  
BETTY A. SOUKUP

S-5445

- 1 Amend House File 2565, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 14, by striking line 7 and inserting the  
4 following:  
5 "Sec. \_\_\_\_ Section 453A.39, Code 1999, is amended  
6 by striking the section and inserting in lieu thereof  
7 the following:  
8 453A.39 TOBACCO PRODUCTS, CIGARETTES --  
9 PROHIBITIONS.  
10 In order to promote the tobacco use prevention and  
11 control partnership established in section 142A.1, the  
12 following persons shall comply with the following, as  
13 applicable:  
14 1. A manufacturer, distributor, wholesaler,  
15 retailer, or distributing agent or agent thereof shall  
16 not give away cigarettes or tobacco products.  
17 2. A manufacturer, distributor, wholesaler,  
18 retailer, or distributing agent or agent thereof shall



19 not provide free articles, products, commodities,  
20 gifts, or concessions in any exchange for the purchase  
21 of cigarettes or tobacco products.

22 3. The prohibitions in this section do not apply  
23 to transactions between manufacturers, distributors,  
24 wholesalers, or retailers."

25 2. By renumbering as necessary.

JOE BOLKCOM

S-5446

1 Amend House File 2565, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 23, by inserting after the words  
4 "accomplished by" the following: "assisting current  
5 tobacco users in terminating use and by".

JOE BOLKCOM  
ROBERT E. DVORSKY

S-5447

1 Amend Senate File 2447 as follows:

2 1. Page 4, by inserting after line 10 the  
3 following:

4 "4. With the moneys appropriated for purposes of  
5 the community attraction and tourism program, the  
6 board shall approve for funding one project each  
7 fiscal year from each quadrant of the state that  
8 otherwise qualifies for financial assistance under the  
9 program and that includes an innovation which is an  
10 example of unique community collaboration. The  
11 projects selected under this subsection shall  
12 represent joint efforts by multiple taxing  
13 authorities, all levels of education, family and  
14 community service providers, and municipal and other  
15 public organizations offering activities in the  
16 community, including, but not limited to, the  
17 performing arts, presentations via technological  
18 means, and wellness and health-related activities."

19 2. Page 4, line 30, by inserting after the word  
20 "improve" the following: "the quality of life or".

21 3. Page 4, by striking lines 33 and 34 and  
22 inserting the following: "or provide additional  
23 recreational, artistic, cultural, and wellness  
24 attractions, and tourism opportunities."

25 4. Page 5, line 1, by inserting after the word  
26 "impact" the following: ", including but not limited  
27 to attracting additional residents and businesses".

28 5. Page 5, line 3, by inserting after the word  
29 "applications" the following: "or the ability of the

30 projects to serve the region with activities not  
31 otherwise available".  
32 6. Page 5, by inserting after line 8 the  
33 following:  
34 " \_\_\_\_\_. The extent to which a project would provide  
35 recreational or cultural attractions or tourism  
36 opportunities, wellness activities, linkages with  
37 performing art centers throughout the state, or models  
38 which other communities could use to expand  
39 recreational, cultural, or wellness activities.  
40 \_\_\_\_\_. Whether the project supports or is  
41 strategically aligned with other existing regional or  
42 statewide cultural, recreational, entertainment, or  
43 educational activities.  
44 \_\_\_\_\_. The extent to which the project shows  
45 collaboration between multiple taxing authorities at  
46 the local level and demonstrates maximum use of local  
47 tax dollars, public-private partnerships,  
48 collaboration between all levels of education, and  
49 innovative use of public services.  
50 \_\_\_\_\_. The extent to which the project utilizes

## Page 2

1 technology including, but not limited to, the Iowa  
2 communications network, the internet, and high-speed  
3 data networks to share program offerings to the region  
4 in which the project is located."  
5 7. Page 6, line 14, by inserting after the letter  
6 "a" the following: "Of the moneys allocated under  
7 this paragraph, one million dollars shall be allocated  
8 each year for a project approved for funding pursuant  
9 to section 15F.202, subsection 4."  
10 8. By renumbering as necessary.

KITTY REHBERG

S-5448

1 Amend the House amendment, S-5431, to Senate File  
2 2430, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by inserting after line 2 the  
5 following:  
6 " \_\_\_\_\_. Page 1, line 14, by striking the figure  
7 "2,251,660" and inserting the following:  
8 "2,301,660".  
9 2. Page 1, by striking lines 3 and 4.  
10 3. Page 2, by striking lines 31 through 48.  
11 4. Page 3, line 46, by striking the words "~~ten~~  
12 fifteen" and inserting the following: "ten".  
13 5. Page 4, by striking lines 16 through 27.

- 14 6. By striking page 5, line 43 through page 6,
- 15 line 2.
- 16 7. Page 6, by striking lines 3 through 7.
- 17 8. By renumbering as necessary.

JERRY BEHN  
DERRYL McLAREN  
DENNIS H. BLACK

HOUSE AMENDMENT TO  
SENATE FILE 2450

S-5449

- 1 Amend Senate File 2450, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by striking lines 29 through 33 and
- 4 inserting the following: "state."

S-5450

- 1 Amend House File 2565, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "state." the following: "In demonstrating a firm
- 5 commitment to this partnership and in order to provide
- 6 a positive model for youth, specifically, and the
- 7 people of Iowa, in general, the general assembly and
- 8 the executive branch shall declare the general
- 9 assembly a smoke-free environment."

MICHAEL W. CONNOLLY

S-5451

- 1 Amend the House amendment, S-5431, to Senate File
- 2 2430, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 25 through 30.
- 5 2. By renumbering as necessary.

BILL FINK

S-5452

- 1 Amend the House amendment, S-5415, to Senate File
- 2 2429, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 40 the
- 4 following:
- 5 "\_\_\_\_. Page 16, line 23, by striking the figure
- 6 "1,290,000" and inserting the following:
- 7 "1,210,000"."

8 2. Page 1, by inserting after line 44 the  
9 following:  
10 "\_\_\_\_. Page 16, by inserting after line 32 the  
11 following:  
12 "4A. Of the funds appropriated in subsection 1,  
13 \$80,000 is allocated as follows:  
14 a. Not more than \$50,000 shall be used to  
15 supplement amounts otherwise budgeted for the  
16 childhood lead poisoning prevention program.  
17 b. Remaining moneys allocated in this subsection  
18 shall be used for costs associated with the child  
19 fatality review committee provisions under section  
20 135.43, as enacted by 2000 Iowa Acts, House File 2377,  
21 the expansion of the age range for child death case  
22 review provisions as enacted under 2000 Iowa Acts,  
23 House File 2365, and the Iowa domestic abuse death  
24 review team provisions as enacted under 2000 Iowa  
25 Acts, House File 2362."  
26 3. By striking page 1, line 45 through page 2,  
27 line 17 and inserting the following:  
28 "\_\_\_\_. Page 17, by inserting after line 5 the  
29 following:  
30 "Sec. \_\_\_\_ HORSE ASSOCIATIONS – FUNDING. For the  
31 fiscal year beginning July 1, 2000, and ending June  
32 30, 2001, an amount of the tax revenue received by the  
33 state racing and gaming commission pursuant to section  
34 99D.15, subsections 1, 3, and 4, equal to three-tenths  
35 of one percent of the gross sum wagered by the pari-  
36 mutuel method is appropriated to the department of  
37 agriculture and land stewardship. Amounts  
38 appropriated pursuant to this subsection shall be  
39 allocated to the Iowa quarter horse racing  
40 association, the Iowa thoroughbred breeders and owners  
41 association, and the Iowa harness horse association in  
42 an amount based upon each association's percentage of  
43 total foals delivered during 2000. Moneys  
44 appropriated in this section that remain unencumbered  
45 or unobligated at the close of the fiscal year shall  
46 not revert but shall remain available for expenditure  
47 for the purpose designated in the succeeding fiscal  
48 year.""  
49 4. By renumbering as necessary.

JACK RIFE

S-5453

1 Amend Senate File 2447 as follows:  
2 1. Page 7, line 29, by inserting after the word  
3 "district," the following: "community college,  
4 institution of higher learning under the control of

- 5 the state board of regents, or accredited private
- 6 institution as defined in section 261.9,".

DONALD B. REDFERN

S-5454

- 1 Amend Senate File 2447 as follows:
- 2 1. Page 13, line 19, by striking the word
- 3 "seventy-five" and inserting the following: "fifty".

DONALD B. REDFERN

S-5455

- 1 Amend Senate File 2447 as follows:
- 2 1. Page 13, line 20, by inserting after the word
- 3 "fund" the following: ", including principal and
- 4 interest".

DERRYL McLAREN

S-5456

- 1 Amend House File 2565, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 14, by inserting before line 7, the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 142B.6, unnumbered paragraph 3,
- 6 Code 1999, is amended to read as follows:
- 7 Enforcement of this chapter shall be implemented in
- 8 an equitable manner throughout the state. For the
- 9 purpose of equitable and uniform implementation,
- 10 application, and enforcement of state and local laws
- 11 and regulations, the provisions of this chapter shall
- 12 supersede any local law or regulation which is
- 13 inconsistent with or conflicts with the provisions of
- 14 this chapter. However, a local law enforcement agency
- 15 is authorized to enforce the provisions of this
- 16 chapter."
- 17 2. By renumbering as necessary.

GENE MADDOX

S-5457

- 1 Amend Senate File 2452 as follows:
- 2 1. Page 13, by inserting after line 28 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 483A.2, as enacted by 2000 Iowa
- 5 Acts, House File 2486, section 6, is amended to read
- 6 as follows:

## 7 483A.2 DUAL RESIDENCY.

8 A resident license shall be limited to persons who  
9 do not claim any resident privileges, except as  
10 defined in section 483A.1A, subsection 4, paragraphs  
11 "b", and "c", ~~and "d"~~, in another state or country. A  
12 person shall not purchase or apply for any resident  
13 license or permit if that person has claimed residency  
14 in any other state or country."

MERLIN E. BARTZ

S-5458

## 1 Amend Senate File 2447 as follows:

- 2 1. Page 3, by inserting after line 7 the  
3 following:  
4 "Sec. \_\_\_\_ NEW SECTION. 15F.105 BENEFITS.  
5 Any applicant awarded financial assistance by the  
6 board under both the vision Iowa program established  
7 in section 15F.302 and the community attraction and  
8 tourism program established in section 15F.202 shall  
9 provide and pay at least fifty percent of the cost of  
10 a standard medical insurance plan for all full-time  
11 employees working at the project after the completion  
12 of the project for which financial assistance was  
13 received."
- 14 2. By renumbering as necessary.

DERRYL McLAREN

S-5459

## 1 Amend Senate File 2452 as follows:

- 2 1. Page 13, line 13, by striking the word and  
3 letter "paragraph a" and inserting the following:  
4 "paragraphs a, b, and c".
- 5 2. Page 13, line 14, by striking the word "is"  
6 and inserting the following: "are".
- 7 3. Page 13, by striking lines 16 through 21 and  
8 inserting the following:  
9 "a. To intentionally place oneself in a location  
10 where a human presence may affect the behavior of a  
11 fur-bearing ~~game~~ animal, game, bird, or fish or the  
12 feasibility of killing or taking a fur-bearing ~~game~~  
13 animal, game, bird, or fish with the intent of  
14 obstructing or harassing another person who is  
15 lawfully hunting, fishing, or fur harvesting.  
16 b. To intentionally create a visual, aural,  
17 olfactory, or physical stimulus for the purpose of  
18 affecting the behavior of a fur-bearing ~~game~~ animal,  
19 game, bird, or fish with the intent of obstructing or  
20 harassing another person who is lawfully hunting,

21 fishing, or fur harvesting.  
22 c. To intentionally affect the condition or alter  
23 the placement of personal property used for the  
24 purpose of killing or taking a fur-bearing ~~game~~  
25 animal, game, bird, or fish with the intent of  
26 obstructing or harassing another person who is  
27 lawfully hunting, fishing, or fur harvesting."

DERRYL McLAREN

S-5460

- 1 Amend Senate File 2447 as follows:
- 2 1. Page 8, line 35, by inserting after the word
- 3 "located" the following: "or to persons living
- 4 outside the state".
- 5 2. Page 9, by striking lines 7 and 8.
- 6 3. By renumbering as necessary.

DONALD B. REDFERN

S-5461

- 1 Amend the amendment, S-5450, to House File 2565, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking line 9, and inserting the
- 5 following: "assembly and all public elementary and
- 6 secondary school buildings smoke-free environments.""
- 7 2. Page 1, by inserting after line 9, the
- 8 following:
- 9 " \_\_\_\_\_. Page 10, line 2, by striking the word
- 10 "parents,".
- 11 \_\_\_\_\_. Page 10, line 3, by striking the word
- 12 "schools," and inserting the following: "schools by
- 13 providing a smoke-free environment, and shall involve
- 14 parents"."

DAVID MILLER

S-5462

- 1 Amend Senate File 2447 as follows:
- 2 1. Page 13, line 20, by inserting after the word
- 3 "fund" the following: ", unless at least two-thirds
- 4 of the board approves an amount of financial
- 5 assistance exceeding seventy-five million dollars".

MARY A. LUNDBY  
DENNIS H. BLACK

S-5463

- 1 Amend Senate File 2447 as follows:
- 2 1. Page 8, line 24, by striking the words
- 3 "acquisition and" and inserting the following:
- 4 "acquisition,".

ANDY McKEAN  
DENNIS H. BLACK

S-5464

- 1 Amend House File 2565, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 10, line 2, by striking the word
- 4 "parents,".
- 5 2. Page 10, line 3, by striking the word
- 6 "schools," and inserting the following: "schools by
- 7 providing a smoke-free environment, and shall involve
- 8 parents".

DAVID MILLER

S-5465

- 1 Amend Senate File 2447 as follows:
- 2 1. Page 6, line 7, by striking the word "ten" and
- 3 inserting the following: "fifteen".

JOHN P. KIBBIE  
GENE FRAISE

S-5466

- 1 Amend Senate File 2447 as follows:
- 2 1. Page 21, by striking lines 2 and 3 and
- 3 inserting the following: "requirement. The program
- 4 shall provide grants in an amount of not more than ten
- 5 million dollars during the fiscal year beginning July
- 6 1, 2000, not more than twenty million dollars during
- 7 the fiscal year beginning July 1, 2001, and not more
- 8 than twenty million dollars during the fiscal year
- 9 beginning July 1, 2002."

JEFF LAMBERTI

S-5467

- 1 Amend Senate File 2447 as follows:
- 2 1. Page 16, by inserting after line 7 the
- 3 following:
- 4 "Sec. \_\_\_. NEW SECTION. 12.81 GENERAL AND



5 SPECIFIC BONDING POWERS -- SCHOOL INFRASTRUCTURE  
6 PROGRAM.

7 1. The treasurer of state may issue bonds for  
8 purposes of the school infrastructure program  
9 established in section 292.2. Excluding the issuance  
10 of refunding bonds, the treasurer of state shall not  
11 issue bonds which result in the deposit of bond  
12 proceeds of more than fifty million dollars into the  
13 school infrastructure fund. The treasurer of state  
14 shall have all of the powers which are necessary to  
15 issue and secure bonds and carry out the purposes of  
16 the fund. The treasurer of state may issue bonds in  
17 principal amounts which are necessary to provide funds  
18 for the fund as provided by this section, the payment  
19 of interest on the bonds, the establishment of  
20 reserves to secure the bonds, the costs of issuance of  
21 the bonds, other expenditures of the treasurer of  
22 state incident to and necessary or convenient to carry  
23 out the bond issue for the fund, and all other  
24 expenditures of the treasurer of state necessary or  
25 convenient to administer the fund. The bonds are  
26 investment securities and negotiable instruments  
27 within the meaning of and for purposes of the uniform  
28 commercial code.

29 2. Bonds issued under this section are payable  
30 solely and only out of the moneys, assets, or revenues  
31 of the school infrastructure fund and any bond reserve  
32 funds, all of which may be deposited with trustees or  
33 depositories in accordance with bond or security  
34 documents and pledged by the treasurer of state to the  
35 payment thereof. Bonds issued under this section  
36 shall contain on their face a statement that the bonds  
37 do not constitute an indebtedness of the state. The  
38 treasurer of state shall not pledge the credit or  
39 taxing power of this state or any political  
40 subdivision of this state or make bonds issued  
41 pursuant to this section payable out of any moneys  
42 except those in the school infrastructure fund.

43 3. The proceeds of bonds issued by the treasurer  
44 of state and not required for immediate disbursement  
45 may be deposited with a trustee or depository as  
46 provided in the bond documents and invested or  
47 reinvested in any investment approved by the treasurer  
48 of state and specified in the trust indenture,  
49 resolution, or other instrument pursuant to which the  
50 bonds are issued without regard to any limitation

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1 otherwise provided by law.

2 4. The bonds shall be:

3 a. In a form, issued in denominations, executed in

4 a manner, and payable over terms and with rights of  
5 redemption, and be subject to such other terms and  
6 conditions as prescribed in the trust indenture,  
7 resolution, or other instrument authorizing their  
8 issuance.

9 b. Negotiable instruments under the laws of the  
10 state and may be sold at prices, at public or private  
11 sale, and in a manner, as prescribed by the treasurer  
12 of state. Chapters 73A, 74, 74A, and 75 do not apply  
13 to the sale or issuance of the bonds.

14 c. Subject to the terms, conditions, and covenants  
15 providing for the payment of the principal, redemption  
16 premiums, if any, interest, and other terms,  
17 conditions, covenants, and protective provisions  
18 safeguarding payment, not inconsistent with this  
19 section and as determined by the trust indenture,  
20 resolution, or other instrument authorizing their  
21 issuance.

22 5. The bonds are securities in which public  
23 officers and bodies of this state; political  
24 subdivisions of this state; insurance companies and  
25 associations and other persons carrying on an  
26 insurance business; banks, trust companies, savings  
27 associations, savings and loan associations, and  
28 investment companies; administrators, guardians,  
29 executors, trustees, and other fiduciaries; and other  
30 persons authorized to invest in bonds or other  
31 obligations of the state, may properly and legally  
32 invest funds, including capital, in their control or  
33 belonging to them.

34 6. Bonds must be authorized by a trust indenture,  
35 resolution, or other instrument of the treasurer of  
36 state. However, a trust indenture, resolution, or  
37 other instrument authorizing the issuance of bonds may  
38 delegate to an officer of the issuer the power to  
39 negotiate and fix the details of an issue of bonds.

40 7. Neither the resolution, trust agreement, nor  
41 any other instrument by which a pledge is created  
42 needs to be recorded or filed under the Iowa uniform  
43 commercial code to be valid, binding, or effective.

44 8. Bonds issued under the provisions of this  
45 section are declared to be issued for a general public  
46 and governmental purpose and all bonds issued under  
47 this section shall be exempt from taxation by the  
48 state of Iowa and the interest on the bonds shall be  
49 exempt from the state income tax and the state  
50 inheritance and estate tax.

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1 9. Subject to the terms of any bond documents,  
2 moneys in the school infrastructure fund may be

3 expended for administration expenses.

4 10. The treasurer of state may issue bonds for the  
5 purpose of refunding any bonds or notes issued  
6 pursuant to this section then outstanding, including  
7 the payment of any redemption premiums thereon and any  
8 interest accrued or to accrue to the date of  
9 redemption of the outstanding bonds or notes. Until  
10 the proceeds of bonds issued for the purpose of  
11 refunding outstanding bonds or notes are applied to  
12 the purchase or retirement of outstanding bonds or  
13 notes or the redemption of outstanding bonds or notes,  
14 the proceeds may be placed in escrow and be invested  
15 and reinvested in accordance with the provisions of  
16 this section. The interest, income, and profits  
17 earned or realized on an investment may also be  
18 applied to the payment of the outstanding bonds or  
19 notes to be refunded by purchase, retirement, or  
20 redemption. After the terms of the escrow have been  
21 fully satisfied and carried out, any balance of  
22 proceeds and interest earned or realized on the  
23 investments may be returned and deposited in the  
24 school infrastructure fund. All refunding bonds shall  
25 be issued and secured and subject to the provisions of  
26 this chapter in the same manner and to the same extent  
27 as other bonds issued pursuant to this section.

28 Sec. \_\_. **NEW SECTION. 12.82 SCHOOL**  
29 **INFRASTRUCTURE AND RESERVE FUNDS.**

30 1. A school infrastructure fund is created and  
31 established as a separate and distinct fund in the  
32 state treasury. The fund shall be used for purposes  
33 of the school infrastructure program established in  
34 section 292.2.

35 2. Revenue for the school infrastructure fund  
36 shall include, but is not limited to, the following,  
37 which shall be deposited with the treasurer of state  
38 or its designee as provided by any bond or security  
39 documents and credited to the fund:

40 a. The proceeds of bonds issued to capitalize and  
41 pay the costs of the fund and investment earnings on  
42 the proceeds.

43 b. Interest attributable to investment of money in  
44 the fund or an account of the fund.

45 c. Moneys in the form of a devise, gift, bequest,  
46 donation, federal or other grant, reimbursement,  
47 repayment, judgment, transfer, payment, or  
48 appropriation from any source intended to be used for  
49 the purposes of the fund.

50 3. Moneys in the school infrastructure fund are

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1 not subject to section 8.33. Notwithstanding section  
2 12C.7, subsection 2, interest or earnings on moneys in  
3 the fund shall be credited to the fund.  
4 4. The treasurer of state may establish reserve  
5 funds to secure one or more issues of bonds or notes  
6 issued pursuant to section 12.81. The treasurer of  
7 state may deposit in a reserve fund established under  
8 this subsection the proceeds of the sale of its bonds  
9 or notes and other money which is made available from  
10 any other source. The treasurer of state may allow a  
11 reserve fund established under this subsection to be  
12 depleted.

13 Sec. \_\_. NEW SECTION. 12.83 PLEDGES.

14 1. 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 money 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 treasurer of state whether or  
24 not the parties have notice of the lien.

25 2. The state pledges to and agrees with the  
26 holders of bonds or notes issued under section 12.81,  
27 that the state will not limit or alter the rights and  
28 powers vested in the treasurer of state to fulfill the  
29 terms of a contract made by the treasurer of state  
30 with respect to the bonds or notes, or in any way  
31 impair the rights and remedies of the holders until  
32 the bonds and notes, together with the interest on  
33 them including interest on unpaid installments of  
34 interest, and all costs and expenses in connection  
35 with an action or proceeding by or on behalf of the  
36 holders, are fully met and discharged. The treasurer  
37 of state is authorized to include this pledge and  
38 agreement of the state, as it refers to holders of  
39 bonds or notes of the authority, in a contract with  
40 the holders.

41 Sec. \_\_. NEW SECTION. 12.84 LIMITATIONS.

42 Bonds or notes issued pursuant to section 12.81 are  
43 not debts of the state, or of any political  
44 subdivision of the state and do not constitute a  
45 pledge of the faith and credit of the state or a  
46 charge against the general credit or general fund of  
47 the state. The issuance of any bonds or notes  
48 pursuant to section 12.81 by the treasurer of state  
49 does not directly, indirectly, or contingently  
50 obligate the state or a political subdivision of the

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- 1 state to apply moneys from, or to levy or pledge any
- 2 form of taxation whatever to, the payment of the bonds
- 3 or notes. Bonds and notes issued under section 12.81
- 4 are payable solely and only from the sources and
- 5 special fund provided in section 12.82. Expenses
- 6 incurred in carrying out sections 12.81 through 12.83,
- 7 this section, and section 12.85 are payable solely
- 8 from funds available under those sections.
- 9 Sec. \_\_\_\_ NEW SECTION. 12.85 CONSTRUCTION.
- 10 Sections 12.81 through 12.84, being necessary for
- 11 the welfare of this state and its inhabitants, shall
- 12 be liberally construed to effect its purposes."
- 13 2. Page 16, line 20, by striking the figure
- 14 "292.3", and inserting the following: "12.82".
- 15 3. Page 22, by striking lines 17 through 25.
- 16 4. By renumbering as necessary.

JEFF LAMBERTI

S-5468

- 1 Amend Senate File 2447 as follows:
- 2 1. Page 9, by inserting after line 23 the
- 3 following:
- 4 "1A. The department shall not act upon any
- 5 application prior to December 1, 2000, or a later date
- 6 as determined by the board."
- 7 2. By renumbering as necessary.

DONALD B. REDFERN

S-5469

- 1 Amend the amendment, S-5467, to Senate File 2447 as
- 2 follows:
- 3 1. Page 3, line 32, by inserting after the word
- 4 "treasury" the following: "under the control of the
- 5 department of education".

JEFF LAMBERTI

S-5470

- 1 Amend Senate File 2447 as follows:
- 2 1. Page 5, by inserting before line 7 the
- 3 following: "For purposes of this paragraph, land
- 4 acquisition may qualify as "vertical infrastructure"
- 5 without accompanying construction."
- 6 2. Page 8, line 24, by striking the words

7 "acquisition and" and inserting the following:  
8 "acquisition,".

ANDY McKEAN  
DENNIS H. BLACK

S-5471

1 Amend the amendment, S-5467, to Senate File 2447 as  
2 follows:  
3 1. Page 1, line 12, by striking the word "fifty"  
4 and inserting the following: "one hundred".

MICHAEL W. CONNOLLY

S-5472

1 Amend the amendment, S-5467, to Senate File 2447 as  
2 follows:  
3 1. Page 1, line 12, by striking the word "fifty"  
4 and inserting the following: "seventy-five".

MICHAEL W. CONNOLLY

S-5473

1 Amend House File 2562, as passed by the House, as  
2 follows:  
3 1. Page 1, by striking lines 1 through 31 and  
4 inserting the following:  
5 "Section 1. Section 421.17, Code Supplement 1999,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 22B. Enter into agreements or  
8 compacts with remote sellers, retailers, or third-  
9 party providers for the voluntary collection of Iowa  
10 sales or use taxes attributable to sales into Iowa and  
11 to enter into multistate agreements or compacts that  
12 provide for the voluntary collection of sales and use  
13 taxes. The agreements or compacts shall generally  
14 conform to the provisions of Iowa sales and use tax  
15 statutes. All fees for services, reimbursements,  
16 remuneration, incentives, and costs incurred by the  
17 department associated with these agreements or  
18 compacts may be paid or reimbursed from the additional  
19 revenue generated. An amount is appropriated from  
20 amounts generated to pay or reimburse all costs  
21 associated with this subsection. Persons entering  
22 into an agreement or compact with the department  
23 pursuant to this subsection are subject to the  
24 requirements and penalties of the confidentiality laws  
25 of this state regarding tax information.  
26 Notwithstanding any other provisions of law, the

27 contract, agreement, or compact shall provide for the  
28 registration, collection, report, and verification of  
29 amounts subject to this subsection.

30 Sec. 2. Section 422.43, Code Supplement 1999, is  
31 amended by adding the following new subsection:

32 NEW SUBSECTION. 15. For purposes of this  
33 division, a sale of tangible personal property does  
34 not occur if the substance of the transaction is  
35 delivered to the purchaser digitally, electronically,  
36 or utilizing cable, or by radio waves, microwaves,  
37 satellites, or fiber optics.

38 This subsection is repealed December 31, 2002.

39 Sec. 3. Section 422.45, Code Supplement 1999, is  
40 amended by adding the following new subsection:

41 NEW SUBSECTION. 57. The gross receipts from the  
42 services rendered, furnished, or performed of the sale  
43 or rental of information services. "Information  
44 services" means every business activity, process, or  
45 function by which a seller or its agent accumulates,  
46 prepares, organizes, or conveys data, facts,  
47 knowledge, procedures, and like services to a buyer or  
48 its agent of such information through any tangible or  
49 intangible medium. Information accumulated, prepared,  
50 or organized for a buyer or its agent is an

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1 information service even though it may incorporate  
2 preexisting components of data or other information.  
3 Information services include, but are not limited to,  
4 database files, mailing lists, subscription files,  
5 market research, credit reports, surveys, real estate  
6 listings, bond rating reports, abstracts of title, bad  
7 check lists, broadcasting rating services, wire  
8 services, and scouting reports, or other similar  
9 items.

10 Sec. 4. Section 423.1, Code Supplement 1999, is  
11 amended by adding the following new subsection:

12 NEW SUBSECTION. 12A. "Tangible personal property"  
13 does not include the substance of a transaction that  
14 is delivered to the purchaser digitally,  
15 electronically, or utilizing cable, or by radio waves,  
16 microwaves, satellites, or fiber optics.

17 This subsection is repealed December 31, 2002.

18 Sec. 5.

19 1. The legislative council is requested to  
20 establish an e-commerce task force to study the issues  
21 e-commerce has generated under the state sales and  
22 taxes, including the status as tangible or intangible  
23 property of the substance of transactions that are  
24 delivered digitally, electromagnetically, or through  
25 or by means of cable, satellites, or fiber optics, and

26 vendor discounts.  
27 2. The members of the taskforce should be  
28 selected by the legislative council from names  
29 submitted to the legislative council by July 1, 2000.  
30 The membership shall consist of at least the  
31 following:  
32 a. Two members from the department of revenue and  
33 finance.  
34 b. One member representing business taxpayers.  
35 c. One member representing the retailer community  
36 as a whole.  
37 d. One member who is employed by a large state or  
38 national retailer.  
39 e. One member who is employed by a small main  
40 street retailer.  
41 f. One member familiar with the e-commerce  
42 industry.  
43 g. One member who is an economist familiar with e -  
44 commerce issues.  
45 h. One member who is a representative of local  
46 governments.  
47 i. One member representing the taxpayers as a  
48 whole.  
49 j. Four members who are members of the general  
50 assembly, two who are senators and two who are

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1 representatives appointed by the legislative council  
2 with a senator and representative representing the  
3 majority party and a senator and representative  
4 representing the minority party.  
5 Alternative members may be appointed for the  
6 nonlegislative members.  
7 3. The task force shall provide the general  
8 assembly with a preliminary report by January 1, 2001.  
9 The final report with the task force's findings and  
10 recommendations is due by January 1, 2002."  
11 2. Title page, line 6, by inserting after the  
12 word "refunds," the following: "requesting a task  
13 force be established,".

JEFF LAMBERTI  
JOANN JOHNSON

S-5474

1 Amend House File 2351, as passed by the House, as  
2 follows:



- 3 1. Page 1, by striking line 10 and inserting the  
4 following: "midnight a fortnight hence."

STEVE HANSEN

S-5475

- 1 Amend House File 2351, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 422.45, subsection 20, Code  
6 Supplement 1999, is amended to read as follows:  
7 20. The gross receipts from sales or services  
8 rendered, furnished, or performed by a county or city.  
9 This exemption does not apply to the tax specifically  
10 imposed under section 422.43 on the gross receipts  
11 from the sales, furnishing, or service of gas,  
12 electricity, water, heat, pay television service, and  
13 communication service to the public by a municipal  
14 corporation in its proprietary capacity; does not  
15 apply to the sales, furnishing, or service of solid  
16 waste collection and disposal service to  
17 nonresidential commercial operations; does not apply  
18 to the sales, furnishing, or service of sewage service  
19 for nonresidential commercial operations; and does not  
20 apply to fees paid to cities and counties for the  
21 privilege of participating in any athletic sports  
22 except for fees paid for use of a municipal swimming  
23 pool."  
24 2. Title page line 1, by inserting after the word  
25 "to" the following: "the exemption for fees paid to  
26 cities and counties and to".

STEVE HANSEN

S-5476

- 1 Amend Senate File 2446 as follows:  
2 1. Page 1, line 6, by inserting after the word  
3 "delivered" the following: "or is capable of being  
4 delivered".  
5 2. Page 1, line 29, by inserting after the word  
6 "delivered" the following: "or is capable of being  
7 delivered".

MICHAEL W. CONNOLLY

S-5477

- 1 Amend House File 2351, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting after line 20 the  
4 following:  
5 "Sec. \_\_\_\_ During the regular session of the  
6 general assembly convening in 2002, the appropriate  
7 committees shall review the impact that the exemption  
8 enacted in section 1 of this Act has had in the  
9 economy and tax revenues of the state. After  
10 reviewing such impact, the appropriate committees  
11 shall consider the benefits of expanding the exemption  
12 enacted in section 1 of this Act to apply to sales of  
13 articles of clothing and footwear regardless of when  
14 such sales take place."

STEVE HANSEN

S-5478

1 Amend the House amendment, S-5415, to Senate File  
2 2429, as passed by the Senate, as follows:  
3 1. By striking page 1, line 45 through page 2,  
4 line 17 and inserting the following:  
5 "\_\_\_\_. Page 17, by inserting after line 5 the  
6 following:  
7 "Sec. \_\_\_\_ HORSE ASSOCIATIONS – GAMBLING  
8 TREATMENT PROGRAM. For the fiscal year beginning July  
9 1, 2000, and ending June 30, 2001, an amount of the  
10 tax revenue received by the state racing and gaming  
11 commission pursuant to section 99D.15, subsections 1,  
12 3, and 4, equal to three-tenths of one percent of the  
13 gross sum wagered by the pari-mutuel method is  
14 appropriated to the department of agriculture and land  
15 stewardship. Amounts appropriated pursuant to this  
16 section shall be allocated to the Iowa quarter horse  
17 racing association, the Iowa thoroughbred breeders and  
18 owners association, and the Iowa harness horse  
19 association in an amount based upon each association's  
20 percentage of total foals delivered during 2000 and  
21 shall be used to increase and enhance awareness of  
22 pari-mutuel horse racing events and opportunities in  
23 the state. Activities funded under this section may  
24 include but are not limited to raising public  
25 awareness of the social problems created by addictive  
26 gaming behavior. Moneys appropriated in this section  
27 that remain unencumbered or unobligated at the close  
28 of the fiscal year shall not revert but shall remain  
29 available for expenditure for the purpose designated  
30 in the succeeding fiscal year.""  
31 2. By renumbering as necessary.

JACK RIFE

S-5479

- 1 Amend House File 2549, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 7, by striking lines 21 through 28 and  
4 inserting the following:  
5 "( ) The governing board of trustees of a public  
6 library that receives funds in accordance with this  
7 lettered paragraph shall adopt an internet filtering  
8 policy."

ELAINE SZYMONIAK

S-5480

- 1 Amend the House amendment, S-5368, to Senate File  
2 419, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by striking lines 16 through 32 and  
5 inserting the following:  
6 " \_\_\_\_\_. Page 1, line 14, by inserting before the  
7 word "This" the following: "For the fiscal year  
8 beginning July 1, 2001, and ending June 30, 2002, the  
9 department shall retain fees collected to administer  
10 the program of certifying veterinary clinics and the  
11 fees retained are appropriated to the department for  
12 the purposes of this subsection. For the fiscal year  
13 beginning July 1, 2001, and ending June 30, 2002,  
14 notwithstanding section 8.33, fees which remain  
15 unexpended at the end of the fiscal year shall not  
16 revert to the general fund of the state but shall be  
17 available for use for the following fiscal year to  
18 administer the program. For the fiscal year beginning  
19 July 1, 2002, and succeeding fiscal years,  
20 certification fees shall be deposited in the general  
21 fund of the state and are appropriated to the  
22 department to administer the certification provisions  
23 of this subsection.""  
24 2. Page 1, by inserting after line 32 the  
25 following:  
26 " \_\_\_\_\_. Page 1, by inserting after line 17 the  
27 following:  
28 "Sec. \_\_\_\_\_. CERTIFICATION PROGRAM REPORT. The  
29 board of veterinary medicine shall, prior to the  
30 implementation of the veterinary clinic certification  
31 program pursuant to section 1 of this Act, submit a  
32 report to the general assembly prior to January 1,  
33 2001, regarding the status of the board's development  
34 of the certification program. The report shall  
35 include the anticipated cost of operating the  
36 certification program, the estimated certification fee  
37 to be charged each clinic, and the general manner in

38 which the program will be implemented.  
39 Sec. \_\_\_\_ EFFECTIVE DATE. Section 1 of this Act,  
40 amending section 169.5, takes effect July 1, 2001."

RICHARD F. DRAKE

S-5481

1 Amend the amendment, S-5162, to House File 2205, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by inserting after line 3 the  
5 following:  
6 " \_\_\_\_ Page 4, by inserting before line 26 the  
7 following:  
8 "( ) An electronic transaction initiated at a  
9 satellite terminal, as defined in section 527.2, or  
10 the processing and routing of transaction data by a  
11 central routing unit or a data processing center, each  
12 as defined in section 527.2."  
13 2. Page 1, by striking lines 4 through 7.  
14 3. Page 1, by inserting before line 8 the  
15 following:  
16 " \_\_\_\_ Page 5, by striking lines 14 through 28 and  
17 inserting the following:  
18 "4. A choice of law provision, which is contained  
19 in a computer information agreement that governs a  
20 transaction subject to this chapter, that provides  
21 that the contract is to be interpreted pursuant to the  
22 laws of a state that has enacted the uniform computer  
23 information transactions Act, as proposed by the  
24 national conference of commissioners on uniform state  
25 laws, or any substantially similar law, is voidable  
26 and the agreement shall be interpreted pursuant to the  
27 laws of this state if the party against whom  
28 enforcement of the choice of law provision is sought  
29 is a resident of this state or has its principal place  
30 of business located in this state. For purposes of  
31 this subsection, a "computer information agreement"  
32 means an agreement that would be governed by the  
33 uniform computer information transactions Act or  
34 substantially similar law as enacted in the state  
35 specified in the choice of laws provision if that  
36 state's law were applied to the agreement."  
37 \_\_\_\_ Page 8, line 27, by striking the word  
38 "Notwithstanding" and inserting the following: "In  
39 addition to".  
40 4. Page 2, line 8, by striking the word "sale."  
41 and inserting the following: "sale."  
42 Sec. \_\_\_\_ ADVISORY COMMITTEE CREATED. An advisory  
43 committee is created to study issues associated with  
44 the electronic filing, recording, and indexing of

45 instruments affecting real property pursuant to  
46 chapter 558, and the electronic use of real property  
47 disclosures required pursuant to chapter 558A. The  
48 advisory committee shall consider matters relating to  
49 the facilitation of electronic filing, recording, and  
50 indexing of instruments affecting real property. The

## Page 2

1 advisory committee may consider matters including, but  
2 not limited to, access to electronic transactions,  
3 reliability and security, storage of records, training  
4 of public officials, conversion from a paper recording  
5 system to an electronic system, and other issues as  
6 are necessary and appropriate with respect to  
7 establishing a statewide uniform electronic filing  
8 system for real property transactions. The membership  
9 of the advisory committee shall be appointed by the  
10 legislative council and shall include, but is not  
11 limited to, representatives of the Iowa county  
12 recorders association, the Iowa state bar association,  
13 the Iowa state association of counties, Iowa title  
14 guaranty, the Iowa land title association, the Iowa  
15 bankers association, the Iowa independent bankers  
16 association, the Iowa association of realtors, the  
17 Iowa mortgage bankers association, and the office of  
18 the attorney general. The advisory committee shall  
19 provide an initial written report, including any  
20 recommendations, to the general assembly by no later  
21 than January 20, 2001. Such report shall include a  
22 recommendation for the initiation of a pilot program  
23 for electronic land transfers, including a date  
24 certain by which such program may be initiated and the  
25 cost of such pilot program. The advisory committee  
26 shall provide a written report to the general assembly  
27 in January of each year subsequent to the commencement  
28 of the pilot program including the results of the  
29 pilot program; any additional recommendations; a  
30 schedule for the implementation of a statewide uniform  
31 electronic land transfer system, if appropriate; and  
32 the costs associated with such implementation  
33 including any identifiable ongoing costs and costs for  
34 training associated with the system."

35 \_\_\_\_\_. Page 17, by inserting after line 29 the  
36 following:

37 "Sec. \_\_\_\_\_. REPEAL -- EFFECTIVE DATE.

38 1. Section 554D.104, subsection 4, as enacted in  
39 this Act, is amended by striking the subsection.

40 2. This section of this Act takes effect July 1,  
41 2001.

42 Sec. \_\_\_\_\_. LEGISLATIVE INTENT. It is the intent of  
43 the general assembly that the general assembly

44 consider the proposed uniform computer information  
45 transactions Act, as adopted by the national  
46 conference of commissioners on uniform state laws,  
47 during the 2001 regular session.""  
48 5. By renumbering as necessary.

STEVE KING  
JEFF LAMBERTI

S-5482

1 Amend House File 2351, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting after line 20, the  
4 following:  
5 "c. Notwithstanding any other provision in chapter  
6 422B or 422E, the governing body of a city or the  
7 board of supervisors for the unincorporated area which  
8 has imposed a local sales and services tax under  
9 chapter 422B or the board of supervisors of a county  
10 which has imposed a local sales and services tax for  
11 school infrastructure purposes under chapter 422E may  
12 repeal the exemption provided in this subsection as it  
13 applies to the applicable local sales and services  
14 tax. The repeal shall be as a result of the passage  
15 of an ordinance repealing the application of the  
16 exemption. A public hearing on the passage of the  
17 repeal ordinance shall be held at least two weeks  
18 prior to passage of the ordinance. A governing body  
19 of a city or board of supervisors that has repealed  
20 the application of the exemption may in the same  
21 manner reinstate the exemption."

STEVE HANSEN

S-5483

1 Amend Senate File 2412 as follows:  
2 1. Page 3, by inserting after line 11, the  
3 following:  
4 "Sec. \_\_\_\_, FUTURE HEALTH INSURANCE COVERAGE  
5 MANDATES. The general assembly shall not enact future  
6 legislation concerning health insurance coverage  
7 mandates until a health insurance interim study  
8 committee established by the legislative council has  
9 submitted its recommendations to the general  
10 assembly."  
11 2. By renumbering as necessary.

STEVE KING

S-5484

- 1 Amend Senate File 2412 as follows:
- 2 1. Page 3, by inserting after line 11 the
- 3 following:
- 4 "Sec. \_\_\_\_ HEALTH INSURANCE-- STUDY. The
- 5 legislative council is requested to establish an
- 6 interim study committee consisting of members of the
- 7 general assembly of both political parties from
- 8 throughout the state and other persons the council
- 9 believes are knowledgeable concerning the health
- 10 insurance industry. The study shall include but is
- 11 not limited to an examination of the effects of state
- 12 mandates on health insurance carriers, employers, and
- 13 the insured. The committee shall review the effects
- 14 of state mandates on rates, the delivery of services,
- 15 the likelihood employers would continue to provide
- 16 health care benefits, and the effects on competition
- 17 within the health insurance industry. The committee
- 18 shall also compare the effects of state mandates on
- 19 individual and group policies, and determine whether
- 20 an employer could provide individual policies for
- 21 employees. The committee may consult with the
- 22 commissioner of insurance and other persons with
- 23 expertise or information relevant to the study of
- 24 health insurance. The committee is directed to submit
- 25 its findings, together with any recommendations, in a
- 26 report to the general assembly which convenes in
- 27 January 2001."
- 28 2. Title page, line 3, by inserting after the
- 29 word "benefit" the following: ", and establishing an
- 30 interim study committee".
- 31 3. By renumbering as necessary.

STEVE KING

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2378

S-5485

- 1 Amend the Senate amendment, H-8899, to House File
- 2 2378, as passed by the House, as follows:
- 3 1. Page 1, by inserting before line 28 the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 272.12, Code 1999, as amended
- 6 by 2000 Iowa Acts, House File 2146, section 5, if
- 7 enacted, is amended to read as follows::
- 8 272.12 PARA-EDUCATOR CERTIFICATES.
- 9 The board of educational examiners shall adopt
- 10 rules pursuant to chapter 17A relating to a voluntary

certification system for para-educators. The rules shall specify rights, responsibilities, levels, and qualifications for the certificate. Applicants shall be disqualified for any reason specified in section 272.6 or in administrative rule. Notwithstanding section 272.6, subsection 1, paragraph "a", the board may issue a para-educator certificate to a person who is at least eighteen years of age. A person holding a para-educator certificate shall not perform the duties of a licensed practitioner. A certificate issued pursuant to this chapter shall not be considered a teacher or administrator license for any purpose specified by law, including the purposes specified under this chapter or chapter 279."

2. Page 1, by striking lines 28 through 39.

3. Page 1, by striking lines 40 and 41.

4. Page 1, by inserting after line 42 the following:

"\_\_\_\_. Page 3, by inserting before line 35 the following:

"Sec. \_\_\_\_ Section 296.1, Code 1999, is amended to read as follows:

296.1 INDEBTEDNESS AUTHORIZED.

Subject to the approval of the voters thereof, school districts are hereby authorized to contract indebtedness and to issue general obligation bonds to provide funds to defray the cost of purchasing, building, furnishing, reconstructing, repairing, improving, or remodeling a schoolhouse or schoolhouses and additions thereto, gymnasium, stadium, field house, school bus garage, teachers' or superintendent's home or homes, and procuring a site or sites therefor, or purchasing land to add to a site already owned, or procuring and improving a site for an athletic field, or improving a site already owned for an athletic field, and for any one or more of such purposes. Taxes for the payment of said bonds shall be levied in accordance with chapter 76, and ~~said~~ such bonds shall mature within a period not exceeding twenty years from date of issue, shall bear interest

## Page 2

at a rate or rates not exceeding that permitted by chapter 74A, and shall be of such form as the board of directors of such school district shall by resolution provide, but the aggregate indebtedness of any school district shall not exceed five percent of the actual value of the taxable property within ~~said~~ the school district, as ascertained by the last preceding state and county tax lists. The bonds may be sold at public or private sale at a price as may be determined by the



board of directors. Such bonds may be sold at not less than ninety-eight percent of par or may be exchanged for other bonds at not less than ninety-eight percent of par."

Page 4, by inserting after line 13 the following:

"Sec. \_\_\_\_ Section 298.22, unnumbered paragraph 1, Code 1999, is amended to read as follows:

All of said bonds shall be substantially in the form provided for county bonds, but subject to changes that will conform them to the action of the board providing therefor; shall run not more than twenty years, and may be sooner paid if so nominated in the bond; bear a rate of interest not exceeding that permitted by chapter 74A, payable semiannually; be signed by the president and countersigned by the secretary of the board of directors; and ~~shall not be disposed of for less than par value, nor issued for other purposes than this chapter provides~~ be sold at public or private sale at a price as may be determined by the board of directors. Such bonds may be sold at not less than ninety-eight percent of par or may be exchanged for other bonds at not less than ninety-eight percent of par."

5. Page 1, by striking lines 43 and 44.

6. Page 2, by inserting after line 22 the following:

"Sec. \_\_\_\_ Section 403.19, subsection 2, Code 1999, as amended by 2000 Iowa Acts, Senate File 2089, section 2, is amended to read as follows:

2. That portion of the taxes each year in excess of such amount shall be allocated to and when collected be paid into a special fund of the municipality to pay the principal of and interest on loans, moneys advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, including bonds issued under the authority of section 403.9, subsection 1, incurred by the municipality to finance or refinance, in whole or in part, an urban renewal project within the area, and to provide assistance for low and moderate income family housing as provided in

### Page 3

1 section 403.22, except that taxes for the regular and  
2 voter-approved physical plant and equipment levy of a  
3 school district imposed pursuant to section 298.2 and  
4 taxes for the payment of bonds and interest of each  
5 taxing district must be collected against all taxable  
6 property within the taxing district without limitation  
7 by the provisions of this subsection. However, all or  
8 a portion of the taxes for the physical plant and

9 equipment levy shall be paid by the school district to  
10 the municipality if the municipality certifies to the  
11 ~~school district by July 1~~ county auditor the amount of  
12 such levy that is necessary to pay the principal and  
13 interest on indebtedness incurred by the municipality  
14 to finance an urban renewal project, which  
15 indebtedness was incurred before July 1, 2000. If the  
16 county auditor concurs with the certification, the  
17 auditor shall notify the school district by July 1.  
18 ~~Such~~ The school district shall pay over at least one-  
19 half of the amount certified by November 1 and the  
20 remainder by May 1 following ~~certification~~  
21 notification to the school district. Unless and until  
22 the total assessed valuation of the taxable property  
23 in an urban renewal area exceeds the total assessed  
24 value of the taxable property in such area as shown by  
25 the last equalized assessment roll referred to in  
26 subsection 1, all of the taxes levied and collected  
27 upon the taxable property in the urban renewal area  
28 shall be paid into the funds for the respective taxing  
29 districts as taxes by or for the taxing districts in  
30 the same manner as all other property taxes. When  
31 such loans, advances, indebtedness, and bonds, if any,  
32 and interest thereon, have been paid, all moneys  
33 thereafter received from taxes upon the taxable  
34 property in such urban renewal area shall be paid into  
35 the funds for the respective taxing districts in the  
36 same manner as taxes on all other property.  
37 Sec. \_\_\_\_ Section 422E.4, unnumbered paragraph 1,  
38 Code Supplement 1999, is amended to read as follows:  
39 The board of directors of a school district shall  
40 be authorized to issue negotiable, interest-bearing  
41 school bonds, without election, and utilize tax  
42 receipts derived from the sales and services tax for  
43 school infrastructure purposes for principal and  
44 interest repayment. Proceeds of the bonds issued  
45 pursuant to this section shall be utilized solely for  
46 school infrastructure needs as school infrastructure  
47 is defined in section 422E.1, subsection 3. Issuance  
48 of bonds pursuant to this section shall be permitted  
49 only in a district which has imposed a local sales and  
50 services tax for school infrastructure purposes

#### Page 4

1 pursuant to section 422E.2. The provisions of  
2 sections 298.22 through 298.24 shall apply regarding  
3 the form, rate of interest, registration, redemption,  
4 and recording of bond issues pursuant to this section,  
5 with the exception that the maximum period during  
6 which principal on the bonds is payable shall not  
7 exceed a ten-year period, or the date of repeal stated

8 on the ballot proposition. Bonds issued pursuant to  
 9 this section may be sold at public or private sale at  
 10 a price as may be determined by the board of directors  
 11 of the school district. Such bonds may be sold at not  
 12 less than ninety-eight percent of par or may be  
 13 exchanged for other bonds at not less than ninety-  
 14 eight percent of par.""  
 15 7. By renumbering as necessary.

S-5486

1 Amend Senate File 2453 as follows:

2 1. Page 3, by inserting before line 16 the  
 3 following:

4 "DEPARTMENT OF EDUCATION

5 Sec. \_\_\_\_\_. There is appropriated from the rebuild  
 6 Iowa infrastructure fund to the public broadcasting  
 7 division of the department of education for the fiscal  
 8 period beginning July 1, 2000, and ending June 30,  
 9 2002, the following amounts, or so much thereof as is  
 10 necessary, to be used for the purpose designated,  
 11 notwithstanding section 8.57, subsection 5, paragraph  
 12 "c":

13 For the continued conversion to digital television:

14 FY 2000-2001.....\$ 7,000,000

15 FY 2001-2002.....\$ 9,000,000

16 The public broadcasting division of the department  
 17 of education may enter into contracts for the costs of  
 18 carrying out the purpose for which appropriations are  
 19 made in this section, for the fiscal years beginning  
 20 July 1, 2000, and July 1, 2001.

21 Sec. \_\_\_\_\_. There is appropriated from the rebuild  
 22 Iowa infrastructure fund to the division of libraries  
 23 and information services of the department of  
 24 education for the fiscal year beginning July 1, 2000,  
 25 and ending June 30, 2001, the following amount, or so  
 26 much thereof as is necessary, to be used for the  
 27 purpose designated, notwithstanding section 8.57,  
 28 subsection 5, paragraph "c":

29 For the establishment and administration of a  
 30 twenty-first century learning infrastructure:

31 .....\$ 2,000,000"

32 2. Page 3, by inserting after line 23 the  
 33 following:

34 "Sec. \_\_\_\_\_. There is appropriated from the rebuild  
 35 Iowa infrastructure fund to the division of  
 36 information technology services of the department of  
 37 general services, for the fiscal year beginning July  
 38 1, 2000, and ending June 30, 2001, the following  
 39 amounts, or so much thereof as is necessary, to be  
 40 used for the purposes designated, notwithstanding  
 41 section 8.57, subsection 5, paragraph "c":

42 1. For deposit in the LowAccess revolving fund:  
43 .....\$ 1,000,000  
44 2. For technology initiatives and enhancements:  
45 .....\$ 10,200,000  
46 a. Of the amount appropriated in this subsection,  
47 \$500,000 shall be available for an electronic access  
48 for student records project.  
49 b. The remaining funds shall be used for  
50 technology initiatives including, but not limited to,

**Page 2**

1 all of the following:  
2 (1) For continuation of the child support recovery  
3 project and for the welfare reform system to conform  
4 with federal requirements.  
5 (2) For the development of the community resources  
6 system and integrated information systems.  
7 (3) Other technology initiative projects,  
8 according to priorities developed by the division of  
9 information technology services using specific  
10 criteria which shall be reported to the oversight and  
11 communications joint appropriations subcommittee of  
12 the general assembly.  
13 The division of information technology services  
14 shall coordinate technology initiative projects to  
15 maximize the use of the funds available under this  
16 subsection."  
17 3. Page 4, by inserting before line 33 the  
18 following:  
19 "IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION  
20 Sec. \_\_\_\_\_. There is appropriated from the rebuild  
21 Iowa infrastructure fund to the Iowa  
22 telecommunications and technology commission for the  
23 fiscal biennium beginning July 1, 2000, and ending  
24 June 30, 2002, the following amounts, or so much  
25 thereof as is necessary, to be used for the purposes  
26 designated, notwithstanding section 8.57, subsection  
27 5, paragraph "c":  
28 For the continued build-out of asynchronous  
29 transfer mode:  
30 FY 2000-2001.....\$ 7,000,000  
31 FY 2001-2002.....\$ 7,000,000  
32 The Iowa telecommunications and technology  
33 commission is authorized to enter into contracts for  
34 the costs of carrying out the purpose for which  
35 appropriations are made in this section, for the  
36 fiscal years beginning July 1, 2000, and July 1,  
37 2001."

38 4. By renumbering, redesignating, and correcting  
39 internal references as necessary.

PATRICK J. DELUHERY  
TOM FLYNN  
JOE BOLKCOM  
PATRICIA HARPER

S-5487

1 Amend Senate File 2453 as follows:

2 1. Page 11, line 5, by inserting after the word

3 "million" the following: "five hundred thousand".

4 2. Page 16, by striking line 14 and inserting the

5 following:

6 "..... \$ 3,500,000"

BILL FINK  
ROBERT E. DVORSKY  
BETTY A. SOUKUP  
GENE FRAISE  
JOE BOLKCOM  
PATRICIA HARPER  
PATRICK J. DELUHERY

S-5488

1 Amend Senate File 2453 as follows:

2 1. Page 8, by inserting after line 6 the

3 following:

4 "\_\_\_\_. For allocation to the state university of

5 Iowa, Iowa state university of science and technology,

6 and the university of northern Iowa to reimburse the

7 institutions for deficiencies in their operating funds

8 resulting from the pledging of tuitions, student fees

9 and charges, and institutional income to finance the

10 cost of providing academic and administrative

11 buildings and facilities and utility services at the

12 institutions:

13 .....\$ 28,174,854"

14 2. By numbering, renumbering, and correcting

15 internal references as necessary.

PATRICK J. DELUHERY  
JOE BOLKCOM

S-5489

1 Amend Senate File 2453 as follows:

2 1. Page 3, by inserting after line 15 the

3 following:

4 "\_\_\_\_. For deposit in the local housing assistance

- 5 program fund created in section 15.354:  
6 .....\$ 1,000,000"  
7 2. By renumbering as necessary.

PATRICK J. DELUHERY  
JOE BOLKCOM  
PATRICIA HARPER  
JOHNIE HAMMOND  
ROBERT E. DVORSKY  
BILL FINK

S-5490

- 1 Amend Senate File 2453 as follows:  
2 1. Page 1, lines 22 and 23, by striking the words  
3 "in Council Bluffs".  
4 2. Page 1, by striking line 24 and inserting the  
5 following:  
6 " .....\$ 600,000"

MICHAEL W. CONNOLLY

S-5491

- 1 Amend Senate File 2453 as follows:  
2 1. Page 3, by striking line 4 and inserting the  
3 following:  
4 " .....\$ 7,500,000"

JOHN P. KIBBIE  
PATRICK J. DELUHERY

S-5492

- 1 Amend Senate File 2453 as follows:  
2 1. Page 17, line 4, by striking the words  
3 "environment first" and inserting the following:  
4 "rebuild Iowa infrastructure".  
5 2. Page 17, by striking line 9 and inserting the  
6 following:  
7 " .....\$ 20,000,000"

DENNIS H. BLACK  
BILL FINK  
TOM FLYNN  
PATRICK J. DELUHERY

S-5493

- 1 Amend Senate File 2453 as follows:  
2 1. Page 3, by inserting before line 16 the  
3 following:

## 4 "DEPARTMENT OF EDUCATION

5 Sec. \_\_\_\_\_. There is appropriated from the rebuild  
6 Iowa infrastructure fund to the department of  
7 education for the fiscal year beginning July 1, 2000,  
8 and ending June 30, 2001, the following amounts, or so  
9 much thereof as is necessary, to be used for the  
10 purpose designated:

11 For fire safety grants to the local school  
12 districts for repair of building violations of the  
13 fire code or significant fire safety deficiencies  
14 identified by state or local officials:

15 .....\$ 3,400,000"

16 2. By numbering, renumbering, and correcting  
17 internal references as necessary.

JOHN JUDGE  
TOM FLYNN  
PATRICK J. DELUHERY  
JOE BOLKCOM  
PATRICIA HARPER  
JOHNIE HAMMOND  
BETTY A. SOUKUP  
GENE FRAISE  
BILL FINK

S-5494

1 Amend Senate File 2453 as follows:

2 1. Page 10, by inserting before line 15 the  
3 following:

## 4 "DIVISION \_\_\_\_

5 Sec. \_\_\_\_\_. STATE BOARD OF REGENTS BONDING.

6 1. FINDINGS. The general assembly finds that:

7 a. Pursuant to section 262A.3, the state board of  
8 regents prepared and within seven days after the  
9 convening of the Seventy-eighth General Assembly of  
10 the State of Iowa, Second Session, submitted to the  
11 Seventy-eighth General Assembly, Second Session, for  
12 approval the proposed five-year building program for  
13 each institution of higher learning under the  
14 jurisdiction of the board, containing a list of the  
15 buildings and facilities which the board deems  
16 necessary to further the educational objectives of the  
17 institutions, together with an estimate of the cost of  
18 each of the buildings and facilities and an estimate  
19 of the maximum amount of revenue bonds which the board  
20 expects to issue under chapter 262A for the fiscal  
21 period beginning July 1, 2000, and ending June 30,  
22 2002.

23 b. The projects contained in the capital  
24 improvement program are deemed necessary for the  
25 proper performance of the instructional, research, and

26 service functions of the institutions.  
27 c. Section 262A.4 provides that the state board of  
28 regents, after authorization by a constitutional  
29 majority of each house of the general assembly and  
30 approval by the governor, may undertake and carry out  
31 at the institutions of higher learning under the  
32 jurisdiction of the board any project as defined in  
33 chapter 262A.  
34 d. Chapter 262A authorizes the state board of  
35 regents to borrow money and to issue and sell  
36 negotiable revenue bonds to pay all or any part of the  
37 cost of carrying out projects at any institution  
38 payable solely from and secured by an irrevocable  
39 pledge of a sufficient portion of the student fees and  
40 charges and institutional income received by the  
41 particular institution.  
42 e. To further the educational objectives of the  
43 institutions, the state board of regents requests  
44 authorization to undertake and carry out certain  
45 projects at this time and to finance their costs by  
46 borrowing money and issuing negotiable bonds under  
47 chapter 262A in the total amount set forth in this  
48 section, the remaining costs of the projects to be  
49 financed by appropriations or by federal or other  
50 funds lawfully available.

## Page 2

1 2. APPROVAL – LIMITS.  
2 a. The proposed five-year building program  
3 submitted by the state board of regents for each  
4 institution of higher learning under its jurisdiction  
5 is approved and no commitment is implied or intended  
6 by approval to fund any portion of the proposed five-  
7 year building program submitted by the state board of  
8 regents beyond the portion that is financed and  
9 approved by the Seventy-eighth General Assembly,  
10 Second Session, and the governor.  
11 b. During the fiscal period that commences July 1,  
12 2000, and that ends June 30, 2002, the maximum amount  
13 of bonds which the state board of regents expects to  
14 issue under chapter 262A, unless additional bonding is  
15 authorized, is as set forth in this section, all or  
16 any part of which may be issued during the fiscal year  
17 ending June 30, 2001, and if all of that amount is not  
18 issued during that fiscal year, any remaining balance  
19 may be issued during the fiscal year ending June 30,  
20 2002, and this plan of financing is approved.  
21 3. PROJECTS. The state board of regents is  
22 authorized to undertake, plan, construct, equip, and  
23 otherwise carry out the following projects at the  
24 institutions of higher learning under the jurisdiction



of the board, and the general assembly authorizes the state board of regents to borrow money and to issue and sell negotiable revenue bonds in the manner provided in sections 262A.5 and 262A.6 in order to pay all or any part of the costs of carrying out the projects, and the cost of issuance of bonds, at the following institutions, as follows:

a. Iowa state university of science and technology  
Planning, design, and construction of a new college  
of business building:

.....\$ 10,300,000

b. State university of Iowa  
Completion of Phase I of the art building:

.....\$ 15,400,000

c. University of northern Iowa  
Planning for steam distribution system replacement:

.....\$ 1,000,000

d. Lakeside laboratory improvements:

.....\$ 230,000

4. BOND AMOUNTS EXCEED COSTS. If the amount of bonds issued under this section exceeds the actual costs of projects approved in this section, the amount of the difference shall be used to pay the principal and interest due on bonds issued under chapter 262A.

5. CAPITALIZATION OF RESERVE FUNDS. The state board of regents may capitalize the issuance costs and

### Page 3

- 1 bond reserve funds equal to 11 percent of each bond
- 2 issue with respect to the bonds authorized pursuant to
- 3 this section and may increase the amount of the bonds
- 4 issued under this section to that extent."
- 5 2. By numbering and renumbering as necessary.

ROBERT E. DVORSKY  
JOHNIE HAMMOND  
JOE BOLKCOM

S-5495

- 1 Amend House File 2565, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 25, by inserting after the word
- 4 "members" the following: "from organizations that
- 5 prohibit the use of tobacco in buildings or portions
- 6 of buildings under their control".

MICHAEL W. CONNOLLY

S-5496

1 Amend Senate File 2453 as follows:

2 1. Page 9, by inserting after line 17 the  
3 following:

4 "Sec. \_\_\_\_\_. There is appropriated from the rebuild  
5 Iowa infrastructure fund to the office of the  
6 treasurer of state for the designated fiscal years,  
7 the following amounts, or so much thereof as is  
8 necessary, to be used for the purpose designated:

9 For deposit in the community attraction and tourism  
10 fund:

11 FY 2001-2002.....	\$ 12,500,000
12 FY 2002-2003.....	\$ 12,500,000
13 FY 2003-2004.....	\$ 12,500,000

14 None of the moneys appropriated in this section  
15 shall be used for the development of marketing efforts  
16 or promotion of Iowa tourism attractions and events."

17 2. Page 17, by inserting after line 12 the  
18 following:

19 "Sec. 100. Section 8.57, subsection 5, paragraph  
20 e, Code 1999, is amended to read as follows:

21 e. Notwithstanding provisions to the contrary in  
22 sections 99D.17 and 99F.11, for the fiscal years  
23 beginning July 1, 1995, and year beginning July 1,  
24 1996 2000, and for each fiscal year thereafter, not  
25 more than a total of sixty million dollars; and for  
26 each fiscal year thereafter, shall be deposited in the  
27 general fund of the state in any fiscal year pursuant  
28 to sections 99D.17 and 99F.11. The next fifteen  
29 million dollars of the moneys directed to be deposited  
30 in the general fund of the state in a fiscal year  
31 pursuant to sections 99D.17 and 99F.11 shall be  
32 deposited in the vision Iowa fund created in section  
33 12.72 for the fiscal year beginning July 1, 2000, and  
34 for each fiscal year through the fiscal year beginning  
35 July 1, 2019. The next five million dollars of the  
36 moneys directed to be deposited in the general fund of  
37 the state in a fiscal year pursuant to sections 99D.17  
38 and 99F.11 shall be deposited in the school  
39 infrastructure fund created in section 12.82 for the  
40 fiscal year beginning July 1, 2000, and for each  
41 fiscal year thereafter until the principal and  
42 interest on all bonds issued by the treasurer of state  
43 pursuant to section 12.81 are paid, as determined by  
44 the treasurer of state. The total moneys in excess of  
45 the moneys deposited in the general fund of the state,  
46 the vision Iowa fund, and the school infrastructure  
47 fund in a fiscal year shall be deposited in the  
48 rebuild Iowa infrastructure fund and shall be used as  
49 provided in this section, notwithstanding section  
50 8.60.

**Page 2**

1 Sec. 101. NEW SECTION. 12.72A VISION IOWA FUND  
2 MONEYS -- ADMINISTRATIVE COSTS.

3 During the term of the vision Iowa program  
4 established in section 15F.302, one hundred thousand  
5 dollars of the moneys deposited each fiscal year in  
6 the vision Iowa fund and appropriated for the vision  
7 Iowa program shall be allocated each fiscal year to  
8 the department of economic development for  
9 administrative costs incurred by the department for  
10 purposes of administering the vision Iowa program.

11 Sec. 102. NEW SECTION. 12.82A SCHOOL  
12 INFRASTRUCTURE FUND MONEYS -- STATE FIRE MARSHAL.

13 During the term of the school infrastructure  
14 program established in section 292.2, fifty thousand  
15 dollars of the moneys deposited each fiscal year in  
16 the school infrastructure fund shall be appropriated  
17 and allocated each fiscal year to the department of  
18 public safety for the use of the state fire marshal.  
19 The funds shall be used by the state fire marshal  
20 solely for the purpose of retaining an architect or  
21 architectural firm to evaluate structures for which  
22 school infrastructure program grant applications are  
23 made, to consult with school district representatives  
24 and builders, to review construction drawings and  
25 blueprints, and to perform related duties at the  
26 direction of the state fire marshal to ensure the best  
27 possible use of moneys received by a school district  
28 under the school infrastructure program."

29 3. Page 19, by inserting before line 9 the  
30 following:

31 "Sec. 103. VISION IOWA PROGRAM -- FTE  
32 AUTHORIZATION. The department of economic development  
33 is authorized one additional FTE above those otherwise  
34 authorized in 2000 Iowa Acts, Senate File 2428, for  
35 purposes of administrative duties associated with the  
36 vision Iowa program created in section 15F.302.

37 Sec. \_\_\_\_ CONTINGENT EFFECTIVENESS. Sections 100,  
38 101, 102, and 103 of this division of this Act take  
39 effect only if 2000 Iowa Acts, Senate File 2447, is  
40 enacted by the General Assembly."

41 4. Title page, line 12, by inserting before the  
42 word "and" the following: "providing for contingent  
43 effectiveness,".

44 5. By numbering, renumbering, and correcting  
45 internal references as necessary.

JEFF LAMBERTI

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2496

S-5497

- 1 Amend the Senate amendment, H-8905, to House File  
2 2496, as passed by the House, as follows:  
3 1. Page 1, by striking lines 10 and 11 and  
4 inserting the following: "adopted. A supplementary  
5 weighting of forty-eight ten-thousandths per pupil  
6 shall be".  
7 2. Page 1, by striking line 21 and inserting the  
8 following: "fifty-six one-hundred-thousandths per  
9 pupil shall be".  
10 3. By striking page 1, line 48 through page 2,  
11 line 3.

S-5498

- 1 Amend Senate File 2453 as follows:  
2 1. Page 3, by striking line 4 and inserting the  
3 following:  
4 ".....\$ 5,300,000"  
5 2. Page 3, by striking line 33 and inserting the  
6 following:  
7 "FY 2000-2001.....\$ ~~7,500,000~~  
8 3,366,000"  
9 3. Page 4, line 8, by striking the word "The".  
10 4. Page 4, by striking lines 9 through 11.  
11 5. Page 6, by striking line 31 and inserting the  
12 following:  
13 ".....\$ 3,200,000"  
14 6. Page 9, by inserting before line 27 the  
15 following:  
16 "VARIOUS AGENCIES-- MAJOR MAINTENANCE  
17 Sec. \_\_\_\_\_. There is appropriated from the rebuild  
18 Iowa infrastructure fund to the following agencies for  
19 the fiscal year beginning July 1, 2000, and ending  
20 June 30, 2001, the following amounts, or so much  
21 thereof as is necessary, to be used for major  
22 renovation and major repair needs including health,  
23 life, and fire safety, and compliance with the federal  
24 Americans With Disabilities Act for state-owned  
25 buildings and facilities:  
26 1. Department of cultural affairs:  
27 .....\$ 195,000  
28 2. Department of public safety:  
29 .....\$ 40,000  
30 3. Department of workforce development:  
31 .....\$ 300,000  
32 4. Iowa law enforcement academy:

33 .....\$ 70,000  
34 5. Department of education, division of vocational  
35 rehabilitation:  
36 .....\$ 33,000  
37 6. Department of corrections:  
38 .....\$ 3,570,000  
39 7. Department of human services:  
40 .....\$ 2,737,000"  
41 7. By numbering, renumbering, and correcting  
42 internal references as necessary.

MARY LOU FREEMAN

S-5499

1 Amend House File 2565, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 7, by inserting after the word  
4 "assembly" the following: "that the use of tobacco  
5 shall not be allowed in any building or portion or any  
6 building under the control of the general assembly,  
7 and".

MICHAEL W. CONNOLLY

S-5500

1 Amend the amendment, S-5496, to Senate File 2453 as  
2 follows:  
3 1. Page 1, by inserting before line 2 the  
4 following:  
5 " \_\_\_\_\_. Page 6, by striking line 31 and inserting  
6 the following:  
7 " .....\$ 3,500,000"  
8 2. Page 1, line 28, by striking the word  
9 "fifteen" and inserting the following: "twenty".  
10 3. By numbering, renumbering, and correcting  
11 internal references as necessary.

JEFF LAMBERTI

S-5501

1 Amend the amendment, S-5162, to House File 2205, as  
2 amended, passed, and reprinted, by the House, as  
3 follows:  
4 1. Page 1, by striking lines 3 through 7.  
5 2. Page 2, by inserting after line 8 the  
6 following:  
7 " \_\_\_\_\_. Page 17, by inserting after line 28 the  
8 following:  
9 "Sec. \_\_\_\_\_. ADVISORY COMMITTEE CREATED. An

10 advisory committee is created to study issues  
11 associated with the electronic filing, recording, and  
12 indexing of instruments affecting real property  
13 pursuant to chapter 558, and the electronic use of  
14 real property disclosures required pursuant to chapter  
15 558A. The advisory committee shall consider matters  
16 relating to the facilitation of electronic filing,  
17 recording, and indexing of instruments affecting real  
18 property. The advisory committee may consider matters  
19 including, but not limited to, access to electronic  
20 transactions, reliability and security, storage of  
21 records, training of public officials, conversion from  
22 a paper recording system to an electronic system, and  
23 other issues as are necessary and appropriate with  
24 respect to establishing a statewide uniform electronic  
25 filing system for real property transactions. The  
26 membership of the advisory committee shall be  
27 appointed by the legislative council and shall  
28 include, but is not limited to, representatives of the  
29 Iowa county recorders association, the Iowa state bar  
30 association, the Iowa state association of counties,  
31 Iowa title guaranty, the Iowa land title association,  
32 the Iowa bankers association, the Iowa independent  
33 bankers association, the Iowa association of realtors,  
34 the Iowa mortgage bankers association, and the office  
35 of the attorney general. The advisory committee shall  
36 provide an initial written report, including any  
37 recommendations, to the general assembly by no later  
38 than January 20, 2001. Such report shall include a  
39 recommendation for the initiation of a pilot program  
40 for electronic land transfers, including a date  
41 certain by which such program may be initiated and the  
42 cost of such pilot program. The advisory committee  
43 shall provide a written report to the general assembly  
44 in January of each year subsequent to the commencement  
45 of the pilot program including the results of the  
46 pilot program; any additional recommendations; a  
47 schedule for the implementation of a statewide uniform  
48 electronic land transfer system, if appropriate; and  
49 the costs associated with such implementation  
50 including any identifiable ongoing costs and costs for

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- 1 training associated with the system.""
- 2 3. By renumbering as necessary.

LARRY McKIBBEN  
DONALD B. REDFERN  
ANDY McKEAN  
DERRYL McLAREN  
JEFF ANGELO

WALLY E. HORN  
GENE MADDOX  
JOHN P. KIBBIE  
MATT McCOY  
NANCY BOETTGER

S-5502

- 1 Amend Senate File 2453 as follows:
- 2 1. Page 17, by striking lines 13 through 27.
- 3 2. By renumbering and correcting internal
- 4 references as necessary.

MICHAEL W. CONNOLLY

S-5503

- 1 Amend Senate File 2453 as follows:
- 2 1. Page 4, line 8, by striking the word "The".
- 3 2. Page 4, by striking lines 9 through 11.

MICHAEL W. CONNOLLY

S-5504

- 1 Amend Senate File 2453 as follows:
- 2 1. Page 1, by striking lines 22 through 24 and
- 3 inserting the following:
- 4 "2. For lease-purchase agreements to provide for
- 5 100 substance abuse beds at the mental health
- 6 institute at Clarinda; for community-based corrections
- 7 projects in Council Bluffs; and for other statewide
- 8 community-based corrections projects:
- 9 .....§ 600,000"

MICHAEL W. CONNOLLY

S-5505

- 1 Amend Senate File 2453 as follows:
- 2 1. Page 3, line 22, by inserting before the word
- 3 "For" the following: "1."
- 4 2. Page 3, by inserting after line 23 the
- 5 following:
- 6 "For planning, design, and construction of a new
- 7 building to house department of public safety offices
- 8 and crime laboratory space and state medical examiner
- 9 laboratory, office, and related space:
- 10 .....§ 8,500,000"
- 11 3. Page 6, by striking lines 22 through 31.

- 12 4. By numbering, renumbering, and correcting  
13 internal references as necessary.

MICHAEL W. CONNOLLY

S-5506

- 1 Amend Senate File 2453 as follows:  
2 1. Page 17, by inserting before line 13 the  
3 following:  
4 "Sec. \_\_\_\_ Section 8.57, subsection 5, paragraph  
5 c, Code 1999, is amended to read as follows:  
6 c. Moneys in the fund in a fiscal year shall be  
7 used as directed by the general assembly for public  
8 vertical infrastructure projects. For the purposes of  
9 this subsection, "vertical infrastructure" includes  
10 only land acquisition and construction, major  
11 renovation and major repair of buildings, all  
12 appurtenant structures, utilities, site development,  
13 and recreational trails. "Vertical infrastructure"  
14 does not include ~~routine, recurring maintenance or~~  
15 operational expenses or leasing of a building,  
16 appurtenant structure, or utility without a lease -  
17 purchase agreement. ~~However, appropriations may be~~  
18 ~~made for the fiscal years beginning July 1, 1997, and~~  
19 ~~July 1, 1998, for the purpose of funding the~~  
20 ~~completion of Part III of the Iowa communications~~  
21 ~~network."~~  
22 2. By renumbering and correcting internal  
23 references as necessary.

MICHAEL W. CONNOLLY

S-5307

- 1 Amend House File 2538, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 6, by inserting after line 24 the  
4 following:  
5 "Sec. 100. TEMPORARY TRANSFER OF RISE FUND MONEYS.  
6 Notwithstanding provisions to the contrary in chapter  
7 315, if the state transportation commission receives  
8 and files a letter from the director of transportation  
9 certifying that the state department of  
10 transportation's cash flow funding may be inadequate  
11 to meet anticipated road construction costs which  
12 arise during the period beginning on the effective  
13 date of this Act through June 30, 2001, the commission  
14 may authorize the temporary transfer of funds from the  
15 revitalize Iowa's sound economy (RISE) fund to the  
16 primary road fund. Transferred funds shall be repaid  
17 to the RISE fund within six months of transfer. The



18 commission shall manage the RISE fund to ensure that  
19 funds will be available to meet contract obligations  
20 on approved RISE projects.  
21 Sec. \_\_\_\_ EFFECTIVE DATE. Section 100 of this  
22 Act, being deemed of immediate importance, takes  
23 effect upon enactment."  
24 2. Title page, line 7, by inserting after the  
25 word "moneys" the following: ", and providing an  
26 effective date".  
27 3. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS  
DERRYL McLAREN, Chairperson

S-5508

1 Amend the amendment, S-5380, to Senate File 2395,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 2, by striking lines 8 through 13 and  
5 inserting the following:  
6 "\_\_\_\_. Page 8, by striking lines 29 and 30 and  
7 inserting the following:  
8 "(5) The chairperson of the Iowa  
9 telecommunications and technology commission or the  
10 chairperson's designee.""  
11 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5509

1 Amend the amendment, S-5380, to Senate File 2395,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 2, by inserting after line 3 the  
5 following:  
6 "\_\_\_\_. Page 7, by inserting after line 35 the  
7 following:  
8 "2A. WAIVER. The director, when such authority is  
9 delegated by the information technology council under  
10 section 14B.104, may grant a waiver from a requirement  
11 otherwise applicable to a participating agency in the  
12 same manner as provided for the information technology  
13 council under section 14B.104.""  
14 2. Page 2, line 26, by inserting after the word  
15 "council." the following: "The information technology  
16 council may delegate its authority to waive a  
17 requirement under this subsection to the director."  
18 3. By renumbering as necessary.

ROBERT E. DVORSKY

S-5510

- 1 Amend the amendment, S-5380, to Senate File 2395,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 40, by striking the word and  
5 figure "through 6" and inserting the following:  
6 "through 8".  
7 2. Page 2, by line 1, by striking the word  
8 "this"" and inserting the following: "this subsection  
9 shall be deposited in the operations revolving fund  
10 created in section 14B.102A. It is the intent of the  
11 general assembly that the".  
12 3. Page 2, by inserting after line 3 the  
13 following:  
14 "SEC. \_\_\_\_ NEW SECTION. 14B.102A OPERATIONS  
15 REVOLVING FUND.  
16 An operations revolving fund is created in the  
17 state treasury. The operations revolving fund shall  
18 be administered by the department and shall consist of  
19 moneys collected by the department as fees, moneys  
20 appropriated by the general assembly, and any other  
21 moneys obtained or accepted by the department for  
22 deposit in the revolving fund. The proceeds of the  
23 revolving fund are appropriated to and shall be used  
24 by the department for the operations of the department  
25 consistent with this chapter. The department shall  
26 submit an annual report not later than January 31, to  
27 the members of the general assembly and the  
28 legislative fiscal bureau, of the activities funded by  
29 and expenditures made from the revolving fund during  
30 the preceding fiscal year. Section 8.33 does not  
31 apply to any moneys in the revolving fund and,  
32 notwithstanding section 12C.7, subsection 2, earnings  
33 or interest on moneys deposited in the revolving fund  
34 shall be credited to the revolving fund."  
35 4. By renumbering as necessary.

PATRICK J. DELUHERY

S-5511

- 1 Amend the amendment, S-5380, to Senate File 2395,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by striking lines 7 through 15.  
5 2. Page 6, by striking lines 21 through 38 and  
6 inserting the following:  
7 "\_\_\_\_. By striking page 14, line 2, through page  
8 17, line 6, and inserting the following:  
9 "Sec. \_\_\_\_ NEW SECTION. 14B.201 IOWACCESS BOARD  
10 ESTABLISHED -- DUTIES -- MEMBERSHIP.

11 1. BOARD ESTABLISHED. An IowAccess board is  
12 established for the purpose of creating and providing  
13 a service to the citizens of this state that is the  
14 gateway for one-stop electronic access to government  
15 information and transactions, whether federal, state,  
16 or local.

17 2. DUTIES.

18 a. The board shall do all of the following:

19 (1) Recommend to the information technology  
20 council citizen subcommittee rates to be charged for  
21 access to and for value-added services performed  
22 through IowAccess.

23 (2) Recommend to the director and the information  
24 technology council the priority of projects associated  
25 with IowAccess.

26 (3) Recommend to the director and the information  
27 technology council expected outcomes and effects of  
28 the use of IowAccess and determine the manner in which  
29 such outcomes are to be measured and evaluated.

30 (4) Review and recommend to the director and the  
31 information technology council the IowAccess total  
32 budget request and ensure that such request reflects  
33 the priorities and goals of IowAccess as established  
34 by the board.

35 (5) Review and recommend to the director and the  
36 information technology council all rules to be adopted  
37 by the information technology council that are related  
38 to IowAccess.

39 (6) Advocate for access to government information  
40 and services through IowAccess and for data privacy  
41 protection, information ethics, accuracy, and security  
42 in IowAccess programs and services.

43 (7) Receive status and operations reports  
44 associated with IowAccess.

45 (8) Other duties as assigned by the director or  
46 the information technology council.

47 b. The board shall also advise the governor and  
48 the director with respect to the operation of  
49 IowAccess and encouraging and implementing access to  
50 government and its public records by the citizens of

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1 this state.

2 c. The board shall serve as a link between the  
3 users of public records, the lawful custodians of such  
4 public records, and the citizens of this state who are  
5 the owners of such public records.

6 d. The board shall ensure that IowAccess gives  
7 priority to serving the needs of the citizens of this  
8 state.

9 3. MEMBERSHIP.

10 a. The board shall be composed of nineteen members  
11 including the following:  
12 (1) Five persons appointed by the governor  
13 representing the primary customers of IowaAccess.  
14 (2) Six persons representing lawful custodians as  
15 follows:  
16 (a) One person representing the legislative  
17 branch, who shall not be a legislator, to be appointed  
18 jointly by the president of the senate, after  
19 consultation with the majority and minority leaders of  
20 the senate, and the speaker of the house of  
21 representatives, after consultation with the majority  
22 and minority leaders of the house of representatives.  
23 (b) One person representing the judicial branch as  
24 designated by the chief justice of the supreme court.  
25 (c) One person representing the executive branch  
26 as designated by the governor.  
27 (d) One person to be appointed by the governor  
28 representing cities who shall be actively engaged in  
29 the administration of a city.  
30 (e) One person to be appointed by the governor  
31 representing counties who shall be actively engaged in  
32 the administration of a county.  
33 (f) One person to be appointed by the governor  
34 representing the federal government.  
35 (3) Four members to be appointed by the governor  
36 representing a cross section of the citizens of the  
37 state.  
38 (4) Four members of the general assembly, two from  
39 the senate and two from the house of representatives,  
40 with not more than one member from each chamber being  
41 from the same political party. The two senators shall  
42 be designated by the president of the senate after  
43 consultation with the majority and minority leaders of  
44 the senate, and with the approval of the majority  
45 party appointee by the majority leader and the  
46 approval of the minority party appointee by the  
47 minority leader. The two representatives shall be  
48 designated by the speaker of the house of  
49 representatives after consultation with the majority  
50 and minority leaders of the house of representatives,

### Page 3

1 and with the approval of the majority party appointee  
2 by the majority leader and the approval of the  
3 minority party appointee by the minority leader.  
4 Legislative members shall serve in an ex officio,  
5 nonvoting capacity. A legislative member is eligible  
6 for per diem and expenses as provided in section 2.10.  
7 b. Members appointed by the governor are subject  
8 to confirmation by the senate and shall serve three-

9 year staggered terms as designated by the governor.  
10 The governor shall appoint a member as the chairperson  
11 of the board from the voting members of the board,  
12 subject to confirmation by the senate. Members  
13 appointed by the governor are subject to the  
14 requirements of sections 69.16, 69.16A, and 69.19.  
15 Members appointed by the governor shall be reimbursed  
16 for actual and necessary expenses incurred in  
17 performance of their duties. Such members may also be  
18 eligible to receive compensation as provided in  
19 section 7E.6.""  
20 3. By renumbering as necessary.

PATRICK J. DELUHERY

S-5512

1 Amend Senate File 2453 as follows:  
2 1. Page 9, by inserting after line 17 the  
3 following:  
4 "Sec. 100. There is appropriated from the rebuild  
5 Iowa infrastructure fund to the office of the  
6 treasurer of state for the designated fiscal years,  
7 the following amounts, or so much thereof as is  
8 necessary, to be used for the purpose designated:  
9 For deposit in the community attraction and tourism  
10 fund:  
11 FY 2001-2002.....\$ 12,500,000  
12 FY 2002-2003.....\$ 12,500,000  
13 FY 2003-2004.....\$ 12,500,000  
14 None of the moneys appropriated in this section  
15 shall be used for the development of marketing efforts  
16 or promotion of Iowa tourism attractions and events."  
17 2. Page 17, by inserting after line 12 the  
18 following:  
19 "Sec. 101. Section 8.57, subsection 5, paragraph  
20 e, Code 1999, is amended to read as follows:  
21 e. Notwithstanding provisions to the contrary in  
22 sections 99D.17 and 99F.11, for the fiscal years  
23 beginning July 1, 1995, and year beginning July 1,  
24 1996 2000, and for each fiscal year thereafter, not  
25 more than a total of sixty million dollars; and for  
26 each fiscal year thereafter, shall be deposited in the  
27 general fund of the state in any fiscal year pursuant  
28 to sections 99D.17 and 99F.11. The next fifteen  
29 million dollars of the moneys directed to be deposited  
30 in the general fund of the state in a fiscal year  
31 pursuant to sections 99D.17 and 99F.11 shall be  
32 deposited in the vision Iowa fund created in section  
33 12.72 for the fiscal year beginning July 1, 2000, and  
34 for each fiscal year through the fiscal year beginning  
35 July 1, 2019. The next five million dollars of the

36 moneys directed to be deposited in the general fund of  
37 the state in a fiscal year pursuant to sections 99D.17  
38 and 99F.11 shall be deposited in the school  
39 infrastructure fund created in section 12.82 for the  
40 fiscal year beginning July 1, 2000, and for each  
41 fiscal year thereafter until the principal and  
42 interest on all bonds issued by the treasurer of state  
43 pursuant to section 12.81 are paid, as determined by  
44 the treasurer of state. The total moneys in excess of  
45 the moneys deposited in the general fund of the state,  
46 the vision Iowa fund, and the school infrastructure  
47 fund in a fiscal year shall be deposited in the  
48 rebuild Iowa infrastructure fund and shall be used as  
49 provided in this section, notwithstanding section  
50 8.60.

## Page 2

1 Sec. 102. NEW SECTION. 12.72A VISION IOWA FUND  
2 MONEYS -- ADMINISTRATIVE COSTS.  
3 During the term of the vision Iowa program  
4 established in section 15F.302, one hundred thousand  
5 dollars of the moneys deposited each fiscal year in  
6 the vision Iowa fund and appropriated for the vision  
7 Iowa program shall be allocated each fiscal year to  
8 the department of economic development for  
9 administrative costs incurred by the department for  
10 purposes of administering the vision Iowa program.  
11 Sec. 103. NEW SECTION. 12.82A SCHOOL  
12 INFRASTRUCTURE FUND MONEYS -- STATE FIRE MARSHAL.  
13 During the term of the school infrastructure  
14 program established in section 292.2, up to fifty  
15 thousand dollars of the moneys deposited each fiscal  
16 year in the school infrastructure fund shall be  
17 allocated each fiscal year to the department of public  
18 safety for the use of the state fire marshal. The  
19 funds shall be used by the state fire marshal solely  
20 for the purpose of retaining an architect or  
21 architectural firm to evaluate structures for which  
22 school infrastructure program grant applications are  
23 made, to consult with school district representatives,  
24 to review construction drawings and blueprints, and to  
25 perform related duties at the direction of the state  
26 fire marshal to ensure the best possible use of moneys  
27 received by a school district under the school  
28 infrastructure program. The state fire marshal shall  
29 provide for the review of plans, drawings, and  
30 blueprints in a timely manner."  
31 3. Page 19, by inserting before line 9 the  
32 following:  
33 "Sec. 104. VISION IOWA PROGRAM -- FTE  
34 AUTHORIZATION. The department of economic development

35 is authorized one additional FTE above those otherwise  
36 authorized in 2000 Iowa Acts, Senate File 2428, for  
37 purposes of administrative duties associated with the  
38 vision Iowa program created in section 15F.302.  
39 Sec. \_\_\_\_ CONTINGENT EFFECTIVENESS. Sections 100,  
40 101, 102, 103, and 104 of this Act take effect only if  
41 2000 Iowa Acts, Senate File 2447, is enacted by the  
42 General Assembly."  
43 4. Title page, line 12, by inserting before the  
44 word "and" the following: "providing for contingent  
45 effectiveness,".  
46 5. By numbering, renumbering, and correcting  
47 internal references as necessary.

JEFF LAMBERTI

S-5513

1 Amend the amendment, S-5512, to Senate File 2453 as  
2 follows:  
3 1. Page 1, by inserting before line 2 the  
4 following:  
5 "\_\_\_\_. Page 6, by striking line 31 and inserting  
6 the following:  
7 ".....\$ 3,500,000"  
8 2. Page 1, line 28, by striking the word  
9 "fifteen" and inserting the following: "twenty".  
10 3. By numbering, renumbering, and correcting  
11 internal references as necessary.

JEFF LAMBERTI

S-5514

1 Amend the amendment, S-5380, to Senate File 2395,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 6, by striking lines 33 through 38.  
5 2. Page 6, by striking lines 39 through 48 and  
6 inserting the following:  
7 "\_\_\_\_. Page 17, by inserting before line 7 the  
8 following:  
9 "Sec. \_\_\_\_ NEW SECTION. 14B.301 INFORMATION  
10 TECHNOLOGY COUNCIL CITIZEN SUBCOMMITTEE -- DUTIES.  
11 1. An information technology council citizen  
12 subcommittee is established comprised of the five  
13 members of the information technology council  
14 appointed pursuant to section 14B.104, subsection 1,  
15 paragraph "a", subparagraph (7).  
16 Members of the citizen subcommittee shall not serve  
17 in any manner or be employed by an authorized user of  
18 the network or by an entity seeking to do or doing

19 business with the network. The governor shall appoint  
20 a member as the chairperson of the citizen  
21 subcommittee from the five members appointed by the  
22 governor, subject to confirmation by the senate.  
23 Members of the citizen subcommittee shall be  
24 reimbursed for all actual and necessary expenses  
25 incurred in the performance of duties as members.  
26 Meetings of the citizen subcommittee shall be held at  
27 the call of the chairperson of the citizen  
28 subcommittee or by a majority of the members of the  
29 citizen subcommittee. In addition to the members  
30 appointed by the governor, the auditor of state or the  
31 auditor's designee shall serve as a nonvoting, ex  
32 officio member of the citizen subcommittee.  
33 Beginning July 1, 2002, members of the citizen  
34 subcommittee shall be paid a salary as determined by  
35 the general assembly. It is the intent of the general  
36 assembly that the salary paid to the members of the  
37 citizen subcommittee, beginning July 1, 2002, be  
38 commensurate with the salary which would have been  
39 paid at that time to members of the Iowa  
40 telecommunications and technology commission if such  
41 commission were to continue to exist on and after July  
42 1, 2002.  
43 2. Beginning July 1, 2000, the citizen  
44 subcommittee shall establish all rates to be charged  
45 for access to and for value-added services performed  
46 through IowAccess.  
47 3. On July 1, 2002, the citizen subcommittee shall  
48 do all of the following:  
49 a. Adopt rules pursuant to chapter 17A as deemed  
50 appropriate and necessary, and directly related to the

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1 implementation and administration of the duties of the  
2 citizen subcommittee under this subchapter.  
3 b. Establish an appeal process for review by the  
4 citizen subcommittee of a scheduling conflict  
5 decision, including a scheduling conflict involving an  
6 educational user, or the establishment of a fee  
7 associated with the network upon the request of a  
8 person affected by such decision or fee. An appeal of  
9 a fee associated with the network shall be pursuant to  
10 a contested case proceeding pursuant to chapter 17A.  
11 The citizen subcommittee shall issue a written  
12 decision including findings of fact and conclusions of  
13 law. A determination made by the citizen subcommittee  
14 pursuant to this paragraph shall be final.  
15 c. Review and approve for adoption, rules as  
16 proposed and submitted by an authorized user group  
17 necessary for the authorized user group's access and



18 use of the network. The citizen subcommittee may  
19 refuse to approve and adopt a proposed rule, and upon  
20 such refusal, shall return the proposed rule to the  
21 respective authorized user group proposing the rule  
22 with a statement indicating the citizen subcommittee's  
23 reason for refusing to approve and adopt the rule.

24 d. Establish mechanisms to encourage and receive  
25 citizen input regarding the operation of the network  
26 and other issues associated with the duties of the  
27 citizen subcommittee.

28 e. Make recommendations to the department to  
29 ensure that rural communities have access to  
30 comparable services to the services provided in urban  
31 areas resulting from any plans to construct, install,  
32 repair, or maintain any part of the network.

33 f. Annually prepare a written five-year financial  
34 plan for the network which shall be provided to the  
35 information technology council who shall deliver the  
36 plan to the general assembly and the governor no later  
37 than January 15 of each year. The plan shall include  
38 estimates for income and expenses for the network for  
39 the five-year period and the actual income and  
40 expenses for the preceding fiscal year.

41 g. (1) Evaluate existing and projected rates for  
42 use of the system and ensure that rates are sufficient  
43 to pay for the operation of the system, excluding the  
44 cost of construction and lease costs for Parts I, II,  
45 and III. The citizen subcommittee shall establish all  
46 hourly rates to be charged to all authorized users for  
47 the use of the network. A fee established by the  
48 citizen subcommittee to be charged to a hospital  
49 licensed pursuant to chapter 135B, a physician clinic,  
50 or the federal government shall be at an appropriate

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1 rate so that, at a minimum, there is no state subsidy  
2 related to the costs of the connection or use of the  
3 network related to such user.

4 (2) It is the intent of the general assembly that  
5 the guidelines and policies to be used by the citizen  
6 subcommittee in establishing a rate -setting  
7 methodology for the network be established by law by  
8 no later than July 1, 2002.

9 h. Make recommendations to the information  
10 technology council and the department, as deemed  
11 appropriate by the citizen subcommittee, concerning  
12 the operation of the network and other issues as  
13 deemed appropriate by the citizen subcommittee, or as  
14 requested by the information technology council or the  
15 department.

16 Sec. \_\_\_\_ NEW SECTION. 14B.302 NETWORK RATES –

## 17 APPEAL PROCESS.

18 1. A rate or fee established by the citizen  
19 subcommittee pursuant to section 14B.301, subsection  
20 3, paragraph "g", shall be subject to appeal by any  
21 person adversely affected with respect to such rate or  
22 fee.

23 2. A person who intends to appeal a rate or fee  
24 pursuant to this section shall file a written notice  
25 of appeal with the utilities board, with the written  
26 decision of the citizen subcommittee attached, within  
27 thirty days of the final action of the citizen  
28 subcommittee establishing the rate or fee which is the  
29 subject of the appeal. The utilities board, upon  
30 receipt of the notice of appeal, shall forward a copy  
31 of such notice to the citizen subcommittee. The  
32 utilities board shall set times for transmittal of the  
33 record, filing of exceptions and briefs, and, with the  
34 consent of the utilities board, oral arguments. The  
35 utilities board shall notify the parties of such  
36 deadlines. The utilities board shall issue a final  
37 ruling on the appeal within ninety days of receipt of  
38 the notice of appeal. The utilities board, in  
39 conducting such appeal, shall hear the case on the  
40 evidentiary record made in a contested case  
41 proceeding, and not de novo. The utilities board  
42 shall review only the cost analysis and justifications  
43 for the rates or fees appealed, and make its ruling  
44 solely on whether the rates or fees have been  
45 established consistent with applicable law and the  
46 rules adopted for establishing such rates or fees.  
47 The utilities board shall either uphold the action of  
48 the citizen subcommittee with respect to such rate or  
49 fee, or direct the rate or fee back to the citizen  
50 subcommittee for further consideration.

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1 3. The utilities board, by rule, shall establish a  
2 review procedure for the hearing of such appeals."

3 \_\_\_\_\_. Page 17, by striking lines 13 through 31 and  
4 inserting the following:

5 "Sec. \_\_\_\_\_. Section 8D.2, Code 1999, is amended to  
6 read as follows:

7 8D.2 DEFINITIONS.

8 When used in this ~~chapter~~ subchapter, unless the  
9 context otherwise requires:

10 1. "Citizen subcommittee" means the information  
11 technology council citizen subcommittee appointed by  
12 the governor pursuant to section 14B.104.

13 2. "Commission" means the Iowa  
14 telecommunications and technology commission  
15 established in section 8D.3.

2. "Director" means the executive director appointed pursuant to section 8D.4.

3. "Network" means the Iowa or state communications network.

4. "Private agency" means an accredited nonpublic school, a nonprofit institution of higher education eligible for tuition grants, or a hospital licensed pursuant to chapter 135B or a physician clinic to the extent provided in section 8D.13, subsection 16.

5. "Public agency" means a state agency, an institution under the control of the board of regents, the judicial branch as provided in section 8D.13, subsection 17, a school corporation, a city library, a regional library as provided in chapter 256, a county library as provided in chapter 336, or a judicial district department of correctional services established in section 905.2, to the extent provided in section 8D.13, subsection 15, an agency of the federal government, or a United States post office which receives a federal grant for pilot and demonstration projects.

6. "State communications" refers to the transmission of voice, data, video, the written word or other visual signals by electronic means but does not include radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems under the public broadcasting division of the department of education, department of transportation distributed data processing and mobile radio network, or law enforcement communications systems.

Sec. \_\_\_\_ Section 8D.3, subsections 1 and 3, Code Supplement 1999, are amended to read as follows:

1. COMMISSION ESTABLISHED. A telecommunications and technology commission is established with the sole

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~~authority to supervise the management, development, and operation of the network and ensure that all components of the network are technically compatible to establish policies and rates and to resolve disputes as provided in this subchapter. The commission shall ensure that the network operates in an efficient and responsible manner consistent with the provisions of this chapter for the purpose of providing the best economic service attainable to the network users consistent with the state's financial capacity. The commission and the director shall ensure that educational users and the use, design, and implementation for educational applications be given the highest priority concerning use of the network.~~

~~The commission shall provide for the centralized, coordinated use and control of the network. Effective July 1, 2002, the telecommunications and technology commission established in this section shall be disbanded and the powers and duties of the commission under this section shall be transferred to the information technology council citizen subcommittee established under section 14B.301.~~

3. DUTIES. The commission shall do all of the following:

~~a. Enter into agreements pursuant to chapter 28E as necessary and appropriate for the purposes of the commission. However, the commission shall not enter into an agreement with an unauthorized user or any other person pursuant to chapter 28E for the purpose of providing such user or person access to the network.~~

~~b. a. Adopt rules pursuant to chapter 17A as deemed appropriate and necessary, and directly related to the implementation and administration of the duties of the commission under this subchapter. The commission, in consultation with the department of general services, shall also adopt and provide for standard communications procedures and policies relating to the use of the network which recognize, at a minimum, the need for reliable communications services.~~

~~b. Establish an appeal process for review by the commission of a scheduling conflict decision, including a scheduling conflict involving an educational user, or the establishment of a fee associated with the network upon the request of a person affected by such decision or fee. A determination made by the commission pursuant to this paragraph shall be final.~~

~~c. Review and approve for adoption, rules as~~

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proposed and submitted by an authorized user group necessary for the authorized user group's access and use of the network. The commission may refuse to approve and adopt a proposed rule, and upon such refusal, shall return the proposed rule to the respective authorized user group proposing the rule with a statement indicating the commission's reason for refusing to approve and adopt the rule.

~~(1) Develop and issue for response all requests for proposals for any construction, installation, repair, maintenance, or equipment and parts necessary for the network. In preparing the request for proposals, the commission shall do all of~~

the following:

~~(a) Review existing requests for proposals related to the network.~~

~~(b) Consider and evaluate all competing technologies which could be used in any construction, installation, repair, or maintenance project.~~

~~(c) Allow flexibility for proposals to be submitted in response to a request for proposals issued by the commission such that any qualified provider may submit a bid on a site by site basis, or on a merged area or defined geographic area basis, or both, and by permitting proposals to be submitted for use of competing or alternative technologies in each defined area.~~

~~(d) Ensure that rural communities have access to comparable services to the services provided in urban areas resulting from any plans to construct, install, repair, or maintain any part of the network.~~

~~(2) In determining which proposal to recommend to the general assembly to accept, consider what is in the long term best interests of the citizens of the state and the network, and utilize, if possible, the provision of services with existing service providers consistent with those best interests. In determining what is in the long term best interests of the citizens of the state and the network, the commission, at a minimum, shall consider the cost to taxpayers of the state.~~

~~(3) Deliver a written report and all proposals submitted in response to the request for proposals for Part III to the general assembly no later than January 1, 1995. The commission shall not enter into any agreement related to such proposals without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor.~~

~~f. d. Annually prepare a written five-year~~

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financial plan for the network which shall be provided to the information technology council which shall deliver the plan to the general assembly and the governor no later than January 15 of each year. The plan shall include estimates for income and expenses for the network for the five-year period and the actual income and expenses for the preceding fiscal year. The plan shall include the amount of general fund appropriations to be requested for the payment of operating expenses and debt service. The plan shall also include any recommendations of the commission related to changes in the system and other items as

13 ~~deemed appropriate by the commission. The~~  
14 ~~recommendations of the commission contained in the~~  
15 ~~plan shall include a detailed plan for the connection~~  
16 ~~of all public schools to the network, including a~~  
17 ~~discussion and evaluation of all potential financing~~  
18 ~~options, an estimate of all costs incurred in~~  
19 ~~providing such connections, and a schedule for~~  
20 ~~completing such connections, including the anticipated~~  
21 ~~final completion date for such connections.~~  
22 ~~g. Review existing maintenance contracts and past~~  
23 ~~contracts to determine vendor capability to perform~~  
24 ~~the obligations under such contracts. The commission~~  
25 ~~shall report to the general assembly prior to January~~  
26 ~~1 of each year as to the performance of all vendors~~  
27 ~~under each contract and shall make recommendations~~  
28 ~~concerning continued funding for the contracts.~~  
29 ~~h. Pursue available opportunities to cooperate and~~  
30 ~~coordinate with the federal government for the use and~~  
31 ~~potential expansion of the network and for the~~  
32 ~~financing of any such expansion.~~  
33 ~~i. e. Evaluate existing and projected rates for~~  
34 ~~use of the system and ensure that rates are sufficient~~  
35 ~~to pay for the operation of the system excluding the~~  
36 ~~cost of construction and lease costs for Parts I, II,~~  
37 ~~and III. The commission shall establish all hourly~~  
38 ~~rates to be charged to all authorized users for the~~  
39 ~~use of the network. A fee established by the~~  
40 ~~commission to be charged to a hospital licensed~~  
41 ~~pursuant to chapter 135B, a physician clinic, or the~~  
42 ~~federal government shall be at an appropriate rate so~~  
43 ~~that, at a minimum, there is no state subsidy related~~  
44 ~~to the costs of the connection or use of the network~~  
45 ~~related to such user.~~  
46 ~~j. f. Make recommendations to the general assembly~~  
47 ~~director and the information technology council, as~~  
48 ~~deemed appropriate by the commission, concerning the~~  
49 ~~operation of the network.~~  
50 ~~k. Provide necessary telecommunications cabling to~~

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1 ~~provide state communications.~~  
2 Sec. \_\_. NEW SECTION. 8D.3A DEPARTMENT DUTIES.  
3 For the purposes of this subchapter, the department  
4 shall do all of the following:  
5 1. Supervise the management, development, and  
6 operation of the network and ensure that all  
7 components of the network are technically compatible  
8 consistent with the standards established by the  
9 information technology council pursuant to section  
10 14B.104.  
11 2. Provide for the centralized, coordinated use

12 and control of the network.

13 3. Enter into agreements pursuant to chapter 28E  
14 as necessary and appropriate for the purposes of the  
15 department. However, the department shall not enter  
16 into an agreement with an unauthorized user or any  
17 other person pursuant to chapter 28E for the purpose  
18 of providing such user or person access to the  
19 network.

20 4. a. Develop and issue for response all requests  
21 for proposals for any construction, installation,  
22 repair, maintenance, or equipment and parts necessary  
23 for the network. In preparing the request for  
24 proposals, the department shall do all of the  
25 following:

26 (1) Review existing requests for proposals related  
27 to the network.

28 (2) Consider and evaluate all competing  
29 technologies which could be used in any construction,  
30 installation, repair, or maintenance project.

31 (3) Allow flexibility for proposals to be  
32 submitted in response to a request for proposals  
33 issued by the department such that any qualified  
34 provider may submit a bid on a site-by-site basis, or  
35 on a merged area or defined geographic area basis, or  
36 both, and by permitting proposals to be submitted for  
37 use of competing or alternative technologies in each  
38 defined area.

39 (4) Ensure that rural communities have access to  
40 comparable services to the services provided in urban  
41 areas resulting from any plans to construct, install,  
42 repair, or maintain any part of the network.

43 b. In determining which proposal to recommend to  
44 the general assembly to accept, consider what is in  
45 the long-term best interests of the citizens of the  
46 state and the network, and utilize, if possible, the  
47 provision of services with existing service providers  
48 consistent with those best interests. In determining  
49 what is in the long-term best interests of the  
50 citizens of the state and the network, the department,

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1 at a minimum, shall consider the cost to taxpayers of  
2 the state.

3 c. Deliver a written report and all proposals  
4 submitted in response to the request for proposals for  
5 Part III to the general assembly no later than January  
6 1, 1995. The department shall not enter into any  
7 agreement related to such proposals without prior  
8 authorization by a constitutional majority of each  
9 house of the general assembly and approval by the  
10 governor.

11 5. Annually provide to the general assembly the  
12 amount of general fund appropriations to be requested  
13 for the payment of operating expenses and debt  
14 service. The department shall also provide to the  
15 general assembly any recommendations related to  
16 changes in the system and other items as deemed  
17 appropriate by the department. The recommendations of  
18 the department shall include a detailed plan for the  
19 connection of all public schools to the network,  
20 including a discussion and evaluation of all potential  
21 financing options, an estimate of all costs incurred  
22 in providing such connections, and a schedule for  
23 completing such connections, including the anticipated  
24 final completion date for such connections.

25 6. Review existing maintenance contracts and past  
26 contracts to determine vendor capability to perform  
27 the obligations under such contracts. The department  
28 shall report to the general assembly prior to January  
29 1 of each year as to the performance of all vendors  
30 under each contract and shall make recommendations  
31 concerning continued funding for the contracts.

32 7. Pursue available opportunities to cooperate and  
33 coordinate with the federal government for the use and  
34 potential expansion of the network and for the  
35 financing of any such expansion.

36 8. Provide necessary telecommunications cabling to  
37 provide state communications.

38 Sec. \_\_. NEW SECTION. 8D.3B INFORMATION  
39 TECHNOLOGY COUNCIL DUTIES.

40 For purposes of this subchapter, the information  
41 technology council shall do all of the following:

42 1. Ensure that the network operates in an  
43 efficient and responsible manner consistent with the  
44 provisions of this division for the purpose of  
45 providing the best economic service attainable to the  
46 network users consistent with the state's financial  
47 capacity.

48 2. In consultation with the department of general  
49 services, adopt and provide for standard  
50 communications procedures and policies relating to the

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1 use of the network which recognize, at a minimum, the  
2 need for reliable communications services.

3 Sec. \_\_. Section 8D.5, subsection 1, Code 1999,  
4 is amended to read as follows:

5 1. An education telecommunications council is  
6 established. The council consists of eighteen members  
7 and shall include the following: two persons  
8 appointed by the state board of regents; two persons  
9 appointed by the Iowa association of community college



trustees; two persons appointed by the area education agency boards; two persons appointed by the Iowa association of school boards; two persons appointed by the school administrators of Iowa; two persons appointed by the Iowa association of independent colleges and universities; two persons appointed by the Iowa state education association; three persons appointed by the director of the department of education including one person representing libraries and one person representing the Iowa association of nonpublic school administrators; and one person appointed by the administrator of the public broadcasting division of the department of education. The council shall establish scheduling and site usage policies for educational users of the network, coordinate the activities of the regional telecommunications councils, and develop proposed rules and changes to rules for recommendation to the commission, the department, and the information technology council, as appropriate. The council shall also recommend long-range plans for enhancements needed for educational applications. Administrative support and staffing for the council shall be provided by the department of education.

Sec. \_\_\_\_ Section 8D.6, Code 1999, is amended to read as follows:

**8D.6 ADVISORY GROUPS ESTABLISHED.**

1. The commission shall establish an advisory group to examine the use of the network for telemedicine applications. The advisory group shall consist of representatives of hospitals and other health care facilities as determined by the commission. The advisory group shall provide advice to the commission, the department, and the information technology council.

2. The commission may establish other advisory committees as necessary representing authorized users of the network. An advisory committee established by the commission shall provide advice to the commission, the department, and the information technology council.

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Sec. \_\_\_\_ Section 8D.7, Code 1999, is amended to read as follows:

**8D.7 TELECOMMUNICATIONS ADVISORY COMMITTEE.**

A telecommunications advisory committee is established to advise the commission, the department, and the information technology council on telecommunications matters. The commission shall appoint five members to the advisory committee who

9 shall represent specific telecommunications industries  
10 or persons with technical expertise related to the  
11 network.

12 Sec. \_\_\_\_ Section 8D.10, Code 1999, is amended to  
13 read as follows:

14 8D.10 REPORT OF SAVINGS BY STATE AGENCIES.

15 A state agency which is a part of the network shall  
16 annually provide a written report to the general  
17 assembly and the information technology council  
18 certifying the identified savings associated with the  
19 state agency's use of the network. The report shall  
20 be delivered on or before January 15 for the previous  
21 fiscal year of the state agency.

22 Sec. \_\_\_\_ Section 8D.11, Code 1999, is amended to  
23 read as follows:

24 8D.11 POWERS -- FACILITIES -- LEASES.

25 1. The ~~commission~~ department may purchase, lease,  
26 and improve property, equipment, and services for  
27 telecommunications for public and private agencies and  
28 may dispose of property and equipment when not  
29 necessary for its purposes. However, for purposes of  
30 this subchapter, the ~~commission~~ department shall not  
31 enter into a contract for the purchase, lease, or  
32 improvement of property, equipment, or services for  
33 telecommunications pursuant to this subsection in an  
34 amount greater than one million dollars without prior  
35 authorization by a constitutional majority of each  
36 house of the general assembly, or approval by the  
37 legislative council if the general assembly is not in  
38 session. The ~~commission~~ department shall not issue  
39 any bonding or other long-term financing arrangements  
40 as defined in section 12.30, subsection 1, paragraph  
41 "b". Real or personal property to be purchased by the  
42 ~~commission~~ department through the use of a financing  
43 agreement shall be done in accordance with the  
44 provisions of section 12.28, provided, however, that  
45 the ~~commission~~ department shall not purchase property,  
46 equipment, or services for telecommunications pursuant  
47 to this subsection in an amount greater than one  
48 million dollars without prior authorization by a  
49 constitutional majority of each house of the general  
50 assembly, or approval by the legislative council if

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1 the general assembly is not in session.  
2 2. The ~~commission~~ department also shall not  
3 provide or resell communications services to entities  
4 other than public and private agencies. The public or  
5 private agency shall not provide communication  
6 services of the network to another entity unless  
7 otherwise authorized pursuant to this chapter. The

~~commission~~ department may arrange for joint use of available services and facilities, and may enter into leases and agreements with private and public agencies with respect to the Iowa communications network, and public agencies are authorized to enter into leases and agreements with respect to the network for their use and operation. Rentals and other amounts due under the agreements or leases entered into pursuant to this section by a state agency are payable from funds annually appropriated by the general assembly or from other funds legally available. Other public agencies may pay the rental costs and other amounts due under an agreement or lease from their annual budgeted funds or other funds legally available or to become available.

3. This section comprises a complete and independent authorization and procedure for a public agency, with the approval of the ~~commission~~ department, to enter into a lease or agreement and this section is not a qualification of any other powers which a public agency may possess and the authorizations and powers granted under this section are not subject to the terms, requirements, or limitations of any other provisions of law, except that the ~~commission~~ department must comply with the provisions of section 12.28 when entering into financing agreements for the purchase of real or personal property. All moneys received by the ~~commission~~ department from agreements and leases entered into pursuant to this section with private and public agencies shall be deposited in the Iowa communications network fund.

4. A political subdivision receiving communications services from the state as of April 1, 1986, may continue to do so but communications services shall not be provided or resold to additional political subdivisions other than a school corporation, a city library, a regional library as provided in chapter 256, and a county library as provided in chapter 336. The rates charged to the political subdivision shall be the same as the rates charged to state agencies.

Sec. \_\_\_\_ Section 8D.12, Code 1999, is amended to

### Page 13

read as follows:

8D.12 DISPOSITION OF NETWORK-- APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.

Notwithstanding any provision to the contrary, the ~~commission~~ information technology department or the department of general services shall not sell, lease,

7 or otherwise dispose of the network without prior  
8 authorization by a constitutional majority of each  
9 house of the general assembly and approval by the  
10 governor.

11 Sec. \_\_\_\_ Section 8D.13, subsections 1, 3, 4, 7,  
12 8, 9, 10, 13, and 18, Code Supplement 1999, are  
13 amended to read as follows:

14 1. Moneys in the Iowa communications network fund  
15 are appropriated to the ~~Iowa telecommunications and~~  
16 ~~technology commission~~ department for purposes of  
17 providing financing for the procurement, operation,  
18 and maintenance of the Iowa communications network  
19 with sufficient capacity to serve the video, data, and  
20 voice requirements of the educational  
21 telecommunications system consisting of Part I, Part  
22 II, and Part III, and other public and private  
23 agencies.

24 3. The financing for the procurement costs for the  
25 entirety of Part I except for the communications  
26 connections between central switching and institutions  
27 under the control of the board of regents, and  
28 nonprofit institutions of higher education eligible  
29 for tuition grants, and for the video, data, and voice  
30 capacity for state agencies and for Part II and Part  
31 III, shall be provided by the state. The financing  
32 for the procurement and maintenance costs for Part III  
33 shall be provided by the state. A local school board,  
34 governing authority of a nonpublic school, or an area  
35 education agency board may elect to provide one  
36 hundred percent of the financing for the procurement  
37 and maintenance costs for Part III to become part of  
38 the network. The basis for the amount of state  
39 financing is one hundred percent of a single  
40 interactive audio and interactive video connection for  
41 Part III, and such data and voice capacity as is  
42 necessary. If a school board, governing authority of  
43 a nonpublic school, or area education agency board  
44 elects to provide one hundred percent of the financing  
45 for the leasing costs for Part III, the school  
46 district or area education agency may become part of  
47 the network as soon as the network can reasonably  
48 connect the district or agency. A local school board,  
49 governing authority of a nonpublic school, or an area  
50 education agency board may also elect not to become

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1 part of the network. Construction of Part III,  
2 related to a school board, governing authority of a  
3 nonpublic school, or area education agency board which  
4 provides one hundred percent of the financing for the  
5 leasing costs for Part III, may proceed as determined

6 by the ~~commission~~ information technology council and  
7 consistent with the purpose of this chapter.

8 4. The ~~commission~~ department shall develop the  
9 requests for proposals that are needed for the Iowa  
10 communications network with sufficient capacity to  
11 serve the video, data, and voice requirements of state  
12 agencies and for educational telecommunications  
13 applications. The ~~commission~~ department shall develop  
14 a request for proposals for each of the systems that  
15 will make up the network. The ~~commission~~ department  
16 may develop a request for proposals for each  
17 definitive component of the network or the ~~commission~~  
18 department may provide in the request for proposals  
19 for each such system that separate contracts may be  
20 entered into for each definitive component covered by  
21 the request for proposals. The requests for proposals  
22 may be for the purchase, lease -purchase, or lease of  
23 the component parts of the network consistent with the  
24 provisions of this ~~chapter~~ subchapter, may require  
25 maintenance costs to be identified, and the resulting  
26 contract may provide for maintenance for parts of the  
27 network. The master contract may provide for  
28 electronic classrooms, satellite equipment, receiving  
29 equipment, studio and production equipment, and other  
30 associated equipment as required.

31 7. The ~~commission shall be~~ department is  
32 responsible for the network design and shall be  
33 responsible for the implementation of each component  
34 of the network as it is incorporated into the network.  
35 The final design selected shall optimize the routing  
36 for all users in order to assure maximum utilization  
37 by all agencies of the state. Efficiencies achieved  
38 in the implementation of the network shall be used to  
39 fund further implementation and enhancement of the  
40 network, and shall be considered part of the  
41 operational cost of the network. The ~~commission shall~~  
42 be department is responsible for all management,  
43 operations, control switching, diagnostics, and  
44 maintenance functions of network operations as  
45 provided in this ~~chapter~~ subchapter. The performance  
46 of these duties is intended to provide optimal  
47 utilization of the facilities, and the assurance that  
48 future growth requirements will be provided for, and  
49 that sufficient network capacity will be available to  
50 meet the needs of all users.

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1 8. The education telecommunications council shall  
2 review all requests for grants for educational  
3 telecommunications applications, if they are a part of  
4 the Iowa communications network, to ensure that the

5 educational telecommunications application is  
6 consistent with the telecommunications plan. All  
7 other grant requests shall be reviewed as determined  
8 by the ~~commission~~ information technology council. If  
9 the education telecommunications council finds that a  
10 grant request is inconsistent with the  
11 telecommunications plan, the grant request shall not  
12 be allowed.

13 9. The procurement and maintenance of electronic  
14 equipment including, but not limited to, master  
15 receiver antenna systems, studio and production  
16 equipment, and broadcast system components shall be  
17 provided for under the ~~commission's~~ department's  
18 contracts. The Iowa public broadcasting board and  
19 other educational entities within the state have the  
20 option to use their existing or replacement resources  
21 and agreements in the operation and maintenance of  
22 these systems.

23 10. In addition to the other evaluation criteria  
24 specified in the request for proposals issued pursuant  
25 to this section, the ~~commission~~ department, in  
26 evaluating proposals, shall base up to two percent of  
27 the total possible points on the public benefit that  
28 can be derived from a given proposal due to the  
29 increased private telecommunications capacity  
30 available to Iowa citizens located in rural Iowa. For  
31 purposes of this subsection, an area of the state is  
32 considered rural if it is not part of a federally  
33 designated standard metropolitan statistical area.

34 13. The auditor of state shall, no less than  
35 annually, examine the financial condition and  
36 transactions of the ~~commission~~ network as provided in  
37 chapter 11. A copy of the auditor's report concerning  
38 such examination shall be provided to the general  
39 assembly.

40 18. Notwithstanding chapter 476, the provisions of  
41 chapter 476 shall not apply to a public utility in  
42 furnishing a telecommunications service or facility to  
43 the ~~commission~~ department for the Iowa communications  
44 network or to any authorized user of the Iowa  
45 communications network for such authorized user's  
46 connection to the network.

47 Sec. \_\_\_\_ Section 8D.14, Code 1999, is amended to  
48 read as follows:

49 8D.14 IOWA COMMUNICATIONS NETWORK FUND.  
50 There is created in the office of the treasurer of

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1 state a fund to be known as the Iowa communications  
2 network fund under the control of the ~~Iowa~~  
3 ~~telecommunications and technology commission~~

4 department. There shall be deposited into the Iowa  
5 communications network fund proceeds from bonds issued  
6 for purposes of projects authorized pursuant to  
7 section 8D.13, funds received from leases pursuant to  
8 section 8D.11, and other moneys by law credited to or  
9 designated by a person for deposit into the fund."

10 \_\_\_\_\_. Page 19, by inserting after line 6 the  
11 following:

12 "Sec. \_\_\_\_\_. INFORMATION TECHNOLOGY COUNCIL  
13 TEMPORARY EX OFFICIO MEMBER. Notwithstanding section  
14 14B.104, as enacted in this Act, one member of the  
15 Iowa telecommunications and technology commission  
16 established in section 8D.3 shall serve as the  
17 twentieth member and as an ex officio, nonvoting  
18 member of the information technology council  
19 established in section 14B.104 through June 30, 2002.

20 Sec. \_\_\_\_\_. TRANSFER OF FUNCTIONS AND EMPLOYEES.

21 The director of the information technology department  
22 and the administrator of the public broadcasting  
23 division of the department of education, in  
24 consultation with the director of the department of  
25 education, shall make recommendations to the general  
26 assembly by no later than January 12, 2001, concerning  
27 the functions and full-time equivalent positions to be  
28 transferred from the public broadcasting division to  
29 the information technology department.

30 Sec. \_\_\_\_\_. RULES CONTINUED. Notwithstanding any  
31 contrary provision, a rule adopted by the Iowa  
32 telecommunications and technology commission pursuant  
33 to chapter 8D and effective on July 1, 2000, with  
34 respect to any duty or responsibility of the  
35 commission which is transferred to the citizen  
36 subcommittee established pursuant to section 14B.301,  
37 shall be deemed to be a rule of the citizen  
38 subcommittee and remain effective until such time as  
39 the citizen subcommittee modifies or repeals such  
40 rule, or until such time as the general assembly  
41 nullifies such rule.

42 Sec. \_\_\_\_\_. RULES CONTINUED. Notwithstanding any  
43 contrary provision, a rule adopted by the Iowa  
44 telecommunications and technology commission pursuant  
45 to chapter 8D and effective on July 1, 2002, shall be  
46 deemed to be a rule of the citizen subcommittee  
47 established pursuant to section 14B.301 and remain  
48 effective until such time as the citizen subcommittee  
49 modifies or repeals such rule, or until such time as  
50 the general assembly nullifies such rule.

## Page 17

1 Sec. \_\_\_\_\_. CONTRACTS CONTINUED. Notwithstanding  
2 any contrary provision, a contract or agreement

3 entered into by the Iowa telecommunications and  
 4 technology commission pursuant to its authority under  
 5 chapter 8D and in existence on July 1, 2002, shall  
 6 remain effective for the term of such contract or  
 7 agreement. The citizen subcommittee established  
 8 pursuant to section 14B.301, for purposes of such  
 9 contract or agreement, shall be considered the  
 10 commission's successor in interest and shall have all  
 11 the rights and responsibilities under such contract or  
 12 agreement as if the citizen subcommittee were the  
 13 commission, unless otherwise provided by law.  
 14 Sec. \_\_\_\_ DIRECTIONS TO CODE EDITOR. The Code  
 15 editor shall transfer the provisions of chapter 8D to  
 16 chapter 14B, as enacted in this Act, and codify these  
 17 sections as a separate subchapter in chapter 14B."  
 18 3. By renumbering as necessary.

ROBERT E. DVORSKY

S-5515

1 Amend House File 2205, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 16, by inserting after line 13 the  
 4 following:  
 5 "4. Notwithstanding this section, an institution  
 6 governed under chapter 262 shall conform with national  
 7 standards with respect to electronic records and  
 8 electronic signatures, as such standards are  
 9 developed."

STEVE KING  
 JOE BOLKCOM

S-5516

1 Amend Senate File 2453 as follows:  
 2 1. Page 3, by striking line 4 and inserting the  
 3 following:  
 4 ".....\$ 5,300,000"  
 5 2. Page 3, by striking line 33 and inserting the  
 6 following:  
 7 "FY 2000-2001.....\$ ~~7,500,000~~  
 8 ..... 10,500,000"  
 9 3. Page 4, line 11, by inserting after the word  
 10 "committee," the following: "The moneys appropriated  
 11 in this subsection for the fiscal year beginning July  
 12 1, 2000, shall be allocated to the following agencies  
 13 in the following amounts, with the balance to be  
 14 retained by the department of general services, to be  
 15 used for purposes described in this section:  
 16 a. Department of cultural affairs:



17 .....\$ 195,000  
 18 b. Department of public safety:  
 19 .....\$ 40,000  
 20 c. Department of workforce development:  
 21 .....\$ 300,000  
 22 d. Iowa law enforcement academy:  
 23 .....\$ 70,000  
 24 e. Department of education, division of vocational  
 25 rehabilitation:  
 26 .....\$ 33,000  
 27 f. Department of corrections:  
 28 .....\$ 3,570,000  
 29 g. Department of human services:  
 30 .....\$ 2,737,000  
 31 h. Commission of veterans affairs:  
 32 .....\$ 189,000"  
 33 4. Page 6, by striking line 31 and inserting the  
 34 following:  
 35 " .....\$ 3,200,000"  
 36 5. By numbering, renumbering, and correcting  
 37 internal references as necessary.

MARY LOU FREEMAN

HOUSE AMENDMENT TO  
SENATE FILE 2144

S-5517

1 Amend Senate File 2144, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, line 3, by inserting after the word  
 4 "The" the following: "protection and".  
 5 2. Page 2, line 23, by striking the words  
 6 "oversight and communications," and inserting the  
 7 following: "administration and regulation, to the  
 8 committees on human resources of both houses".  
 9 3. Page 3, line 3, by striking the words  
 10 "oversight and communications" and inserting the  
 11 following: "administration and regulation and by the  
 12 committees on human resources of both houses".  
 13 4. By renumbering, relettering, or redesignating  
 14 and correcting internal references as necessary.

S-5518

1 Amend the amendment, S-5499, to House File 2565, as  
 2 amended, passed and reprinted by the House, as  
 3 follows:

- 4 1. Page 1, line 5, by striking the words "portion
- 5 or" and inserting the following: "portion of".

MICHAEL W. CONNOLLY

S-5519

- 1 Amend the amendment, S-5505, to Senate File 2453 as
- 2 follows:
- 3 1. Page 1, line 10, by striking the figure
- 4 "8,500,000" and inserting the following: "3,200,000".

MICHAEL W. CONNOLLY

S-5520

- 1 Amend the amendment, S-5414, to House File 2540, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 36, by inserting after the figure
- 5 "2001." the following: "If a value-added agricultural
- 6 products enterprise zone is located and approved in a
- 7 county with a population of more than two hundred
- 8 twenty-five thousand, a business locating or expanding
- 9 its operations in the enterprise zone shall enter into
- 10 a good neighbor agreement as defined in section
- 11 15A.4."

MATT McCOY  
BILL FINK  
JOE BOLKCOM  
ROBERT E. DVORSKY  
BETTY A. SOUKUP  
ELAINE SZYMONIAK  
DICK DEARDEN  
PATRICIA HARPER

S-5521

- 1 Amend the amendment, S-5414, to House File 2540, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 36, by inserting after the figure
- 5 "2001." the following: "If a value-added agricultural
- 6 products enterprise zone is located and approved in a
- 7 county with a population of more than two hundred
- 8 twenty-five thousand, a business locating or expanding
- 9 its operations in the enterprise zone shall agree to
- 10 pay wages for all full-time employees of at least one
- 11 hundred twenty percent of the average county wage and
- 12 provide and pay at least eighty percent of the cost of

13 a standard medical insurance plan for all full-time  
14 employees."

MATT McCOY  
BILL FINK  
JOE BOLKCOM  
MARK SHEARER  
ROBERT E. DVORSKY  
ELAINE SZYMONIAK  
BETTY A. SOUKUP  
DICK DEARDEN  
PATRICIA HARPER

S-5522

1 Amend House File 2545, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 29, by inserting after 15 the following:  
4 "Notwithstanding a contrary provision of chapter  
5 554, of the fees collected by the secretary of state  
6 pursuant to chapter 554, the first \$350,000 shall be  
7 credited to a separate account in the state treasury  
8 and is appropriated to the office of secretary of  
9 state to pay costs related to the implementation of  
10 duties associated with the new uniform commercial  
11 code."

MATT McCOY

S-5523

1 Amend House File 2205, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 5, line 6, by striking the figure  
4 "554.2106" and inserting the following: "554.1206".

STEVE KING

S-5524

1 Amend House File 2205, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 17, by inserting after line 28 the  
4 following:  
5 "Sec. 105. Section 421.60, subsection 2, Code  
6 1999, is amended by adding the following new  
7 paragraph:  
8 NEW PARAGRAPH. m. (1) The director may abate  
9 unpaid state sales and use taxes and local sales and  
10 services taxes owed by a retailer in the event that  
11 the retailer failed to collect tax from the purchaser  
12 as a result of erroneous written advice issued by the

13 department that was specially directed to the retailer  
14 by the department and the retailer is unable to  
15 collect the tax, interest, or penalties from the  
16 purchaser. Before the tax, interest, and penalties  
17 shall be abated on the basis of erroneous written  
18 advice, the retailer must present a copy of the  
19 retailer's request for written advice to the  
20 department and a copy of the department's reply. The  
21 department shall not maintain a position against the  
22 retailer that is inconsistent with the erroneous  
23 written advice, except on the basis of subsequent  
24 written advice sent by the department to that  
25 retailer, or a change in state or federal law, a  
26 reported court case to the contrary, a contrary rule  
27 adopted by the department, a change in material facts  
28 or circumstances relating to the retailer, or the  
29 retailer's misrepresentation or incomplete or  
30 inadequate representation of material facts and  
31 circumstances in requesting the written advice.  
32 (2) The director shall abate the unpaid state  
33 sales and use taxes and any local sales and services  
34 taxes owed by a retailer where the retailer failed to  
35 collect the tax from the purchaser on the charges paid  
36 for access to on-line computer services as a result of  
37 erroneous written advice issued by the department  
38 regarding the taxability of charges paid for access to  
39 on-line computer services. To qualify for the  
40 abatement under this subparagraph, the erroneous  
41 written advice shall have been issued by the  
42 department prior to July 1, 1999, and shall have been  
43 specially directed to the retailer by the department.  
44 (3) The director shall prepare quarterly reports  
45 summarizing each case in which abatement of tax,  
46 interest, or penalties was made. However, the report  
47 shall not disclose the identity of the taxpayer. An  
48 abatement authorized by this paragraph to a retailer  
49 shall not preclude the department from proceeding to  
50 collect the liability from a purchaser.

## Page 2

1 Sec. 106. Section 422.45, subsection 56, Code  
2 Supplement 1999, is amended to read as follows:  
3 56. The gross receipts from charges paid to a  
4 provider for access to on-line computer services. For  
5 purposes of this subsection, "on-line computer  
6 service" means a service that provides or enables  
7 computer access by multiple users to the internet or  
8 to other information made available through a computer  
9 server."  
10 2. Page 17, by inserting after line 29 the  
11 following:

12 "Sec. \_\_\_\_ EFFECTIVE DATE. Sections 105 and 106  
13 of this Act, being deemed of immediate importance,  
14 take effect upon enactment."  
15 3. Title page, line 3, by inserting after the  
16 word "records" the following: ", relating to sales  
17 and use tax exemption for access to electronic  
18 commerce,".

JOANN JOHNSON

S-5525

1 Amend House File 2555, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 9, by inserting after line 4 the  
4 following:  
5 "d. A POS provider that has negotiated a  
6 reimbursement rate increase with a host county as of  
7 July 1, 2000, has the option of exemption from the  
8 provisions of this section. Nothing in this section  
9 precludes a county from increasing reimbursement rates  
10 of POS providers that do not meet the criteria of this  
11 section or from increasing the rates by an amount that  
12 is greater than that specified in this section."

KEN VEENSTRA

S-5526

1 Amend House File 2549, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 39, by inserting after line 12 the  
4 following:  
5 "Sec. \_\_\_\_ Section 262.9, Code Supplement 1999, is  
6 amended by adding the following new subsection:  
7 NEW SUBSECTION. 30. Limit each institution of  
8 higher learning under the board to the provision of  
9 sabbaticals for not more than four and one-half  
10 percent of the institution's eligible employees."  
11 2. By renumbering as necessary.

KEN VEENSTRA  
H. KAY HEDGE  
NEAL SCHUERER  
STEVE KING

S-5527

1 Amend House File 2545, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 13, line 6, by striking the figure  
4 "2,073,848" and inserting the following: "2,240,424".

5 2. Page 13, by inserting after line 7 the  
6 following:  
7 "Of the funds appropriated in this section, \$85,576  
8 shall be used to conduct an extended harness racing  
9 season."

JACK RIFE  
DENNIS H. BLACK  
MATT McCOY

S-5528

1 Amend House File 2540, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 8, by inserting after line 4 the  
4 following:  
5 "Sec. \_\_\_\_ Section 257.31, subsection 5, Code  
6 1999, is amended by adding the following new  
7 paragraph:  
8 NEW PARAGRAPH. m. Unusual need for advance  
9 funding to provide a program or other special  
10 assistance to non-English speaking pupils as provided  
11 in section 280.4, subsection 4.  
12 Sec. \_\_\_\_ Section 280.4, Code 1999, is amended by  
13 adding the following new subsection:  
14 NEW SUBSECTION. 4. For any fiscal year beginning  
15 on or after July 1, 2000, there is appropriated from  
16 the general fund of the state to the department of  
17 education for allocation by the school budget review  
18 committee, an amount necessary to be distributed as  
19 supplemental aid to a school district if the district  
20 has an unusual need for advance funding to provide a  
21 program or other special assistance to non-English  
22 speaking pupils because an eligible recipient of  
23 financing provided by an Iowa agricultural industry  
24 finance corporation as provided in section 15E.209 is  
25 located within ten miles of the school district."  
26 2. Title page, by striking lines 1 through 3 and  
27 inserting the following: "An Act relating to economic  
28 development programs by making an appropriation for  
29 certain school programs in relation to eligible  
30 recipients of financing provided by an Iowa  
31 agricultural industry finance corporation, providing  
32 tax credits, and including effective and retroactive  
33 applicability date provisions."

BILL FINK

S-5529

1 Amend the amendment, S-5524, to House File 2205, as  
2 passed by the House, as follows:

3 1. Page 2, by striking line 9 and inserting the  
4 following: "server."  
5 Sec. 107. Section 422.52, subsection 6, paragraph  
6 a, Code Supplement 1999, is amended to read as  
7 follows:  
8 a. If a purchaser fails to pay tax imposed by this  
9 division to the retailer required to collect the tax,  
10 then in addition to all of the rights, obligations,  
11 and remedies provided, the tax is payable by the  
12 purchaser directly to the department, and sections  
13 422.50, 422.51, 422.52, 422.54, 422.55, 422.56,  
14 422.57, 422.58, and 422.59 apply to the purchaser.  
15 For failure, the retailer and purchaser are liable,  
16 unless the circumstances described in section 421.60,  
17 subsection 2, paragraph "m", or section 422.47,  
18 subsection 3, paragraph "b" or "e", or subsection 4,  
19 paragraph "b" or "d", are applicable."  
20 2. Page 2, line 12, by striking the word and  
21 figure "and 106" and inserting the following: ", 106,  
22 and 107".

JOANN JOHNSON

S-5530

1 Amend the House amendment, S-5368, to Senate File  
2 419, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by striking lines 16 through 32 and  
5 inserting the following:  
6 "\_\_\_\_. Page 1, line 14, by inserting before the  
7 word "This" the following: "For the fiscal year  
8 beginning July 1, 2001, and ending June 30, 2002, the  
9 department shall retain fees collected to administer  
10 the program of certifying veterinary clinics and the  
11 fees retained are appropriated to the department for  
12 the purposes of this subsection. For the fiscal year  
13 beginning July 1, 2001, and ending June 30, 2002,  
14 notwithstanding section 8.33, fees which remain  
15 unexpended at the end of the fiscal year shall not  
16 revert to the general fund of the state but shall be  
17 available for use for the following fiscal year to  
18 administer the program. For the fiscal year beginning  
19 July 1, 2002, and succeeding fiscal years,  
20 certification fees shall be deposited in the general  
21 fund of the state and are appropriated to the  
22 department to administer the certification provisions  
23 of this subsection."  
24 2. Page 1, by inserting after line 32 the  
25 following:  
26 "\_\_\_\_. Page 1, by inserting after line 17 the  
27 following:

28 "Sec. \_\_\_\_ CERTIFICATION PROGRAM REPORT. The  
29 board of veterinary medicine shall, prior to the  
30 implementation of the veterinary clinic certification  
31 program pursuant to section 1 of this Act, submit a  
32 report to the general assembly prior to January 1,  
33 2001, regarding the status of the board's development  
34 of the certification program. The report shall  
35 include the criteria to be used for certification, the  
36 methods and procedures to be used in the certification  
37 process, the anticipated cost of operating the  
38 certification program, the estimated certification fee  
39 to be charged each clinic, and the general manner of  
40 implementation of the program.  
41 Sec. \_\_\_\_ EFFECTIVE DATE. Section 1 of this Act,  
42 amending section 169.5, takes effect July 1, 2001."

RICHARD F. DRAKE

S-5531

- 1 Amend House File 2554, as passed by the House, as
- 2 follows:
- 3 1. By striking page 3, line 23, through page 5,
- 4 line 10.
- 5 2. By renumbering as necessary.

GENE MADDUX  
DERRYL McLAREN

S-5532

- 1 Amend House File 2563 as passed by the House as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 421.60, subsection 2, Code
- 6 1999, is amended by adding the following new
- 7 paragraph:
- 8 NEW PARAGRAPH. m. (1) The director may abate
- 9 unpaid state sales and use taxes and local sales and
- 10 services taxes owed by a retailer in the event that
- 11 the retailer failed to collect tax from the purchaser
- 12 as a result of erroneous written advice issued by the
- 13 department that was specially directed to the retailer
- 14 by the department and the retailer is unable to
- 15 collect the tax, interest, or penalties from the
- 16 purchaser. Before the tax, interest, and penalties
- 17 shall be abated on the basis of erroneous written
- 18 advice, the retailer must present a copy of the
- 19 retailer's request for written advice to the
- 20 department and a copy of the department's reply. The
- 21 department shall not maintain a position against the



retailer that is inconsistent with the erroneous written advice, except on the basis of subsequent written advice sent by the department to that retailer, or a change in state or federal law, a reported court case to the contrary, a contrary rule adopted by the department, a change in material facts or circumstances relating to the retailer, or the retailer's misrepresentation or incomplete or inadequate representation of material facts and circumstances in requesting the written advice.

(2) The director shall abate the unpaid state sales and use taxes and any local sales and services taxes owed by a retailer where the retailer failed to collect the tax from the purchaser on the charges paid for access to on-line computer services as a result of erroneous written advice issued by the department regarding the taxability of charges paid for access to on-line computer services. To qualify for the abatement under this subparagraph, the erroneous written advice shall have been issued by the department prior to July 1, 1999, and shall have been specially directed to the retailer by the department.

(3) The director shall prepare quarterly reports summarizing each case in which abatement of tax, interest, or penalties was made. However, the report shall not disclose the identity of the taxpayer. An abatement authorized by this paragraph to a retailer shall not preclude the department from proceeding to collect the liability from a purchaser."

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2. Page 1, by inserting after line 17 the following:

"Sec. \_\_\_\_\_. Section 422.52, subsection 6, paragraph a, Code Supplement 1999, is amended to read as follows:

a. If a purchaser fails to pay tax imposed by this division to the retailer required to collect the tax, then in addition to all of the rights, obligations, and remedies provided, the tax is payable by the purchaser directly to the department, and sections 422.50, 422.51, 422.52, 422.54, 422.55, 422.56, 422.57, 422.58, and 422.59 apply to the purchaser. For failure, the retailer and purchaser are liable, unless the circumstances described in section 421.60, subsection 2, paragraph "m", or section 422.47, subsection 3, paragraph "b" or "e", or subsection 4, paragraph "b" or "d", are applicable."

3. Page 1, line 32, by striking the words "and applies" and inserting the following: ". Section 1 of this Act, amending section 422.45, applies".

- 21 4. Title page, line 1, by inserting after the  
22 word "Act" the following: "relating to sales and use  
23 tax abatements and".  
24 5. By renumbering, redesignating, and correcting  
25 internal references as necessary.

MARK SHEARER  
PATRICIA HARPER

S-5533

- 1 Amend House File 2545, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 33, by inserting after line 19 the  
4 following:  
5 "Sec. \_\_\_, NEW SECTION. 514C.19 MENTAL HEALTH  
6 AND SUBSTANCE ABUSE TREATMENT COVERAGE.  
7 1. a. Notwithstanding section 514C.6, a policy or  
8 contract providing for third-party payment or  
9 prepayment of health or medical expenses shall provide  
10 coverage benefits for mental health conditions and  
11 substance abuse and other addictive disorders based on  
12 rates, terms, and conditions which are no more  
13 restrictive than the rates, terms, and conditions for  
14 coverage benefits provided for other health or medical  
15 conditions under the policy or contract.  
16 b. Coverage required under this section includes  
17 the following:  
18 (1) For the treatment of mental health conditions,  
19 services provided by a licensed mental health  
20 professional, or services provided in a licensed  
21 hospital or health facility.  
22 (2) For the treatment of substance abuse or other  
23 addictive disorder, services provided by a qualified  
24 professional as defined by rule of the Iowa department  
25 of public health, a licensed health facility providing  
26 a program for the treatment of substance abuse or  
27 other addictive disorder approved by the Iowa  
28 department of public health, or a licensed substance  
29 abuse treatment and rehabilitation facility.  
30 2. This section applies to the following classes  
31 of third-party payment provider policies or contracts  
32 delivered, issued for delivery, continued, or renewed  
33 in this state on or after July 1, 2000:  
34 a. Individual or group accident and sickness  
35 insurance providing coverage on an expense-incurred  
36 basis.  
37 b. An individual or group hospital or medical  
38 service contract issued pursuant to chapter 509, 514,  
39 or 514A.  
40 c. An individual or group health maintenance  
41 organization contract regulated under chapter 514B.

- 42 d. An individual or group Medicare supplemental  
43 policy, unless coverage pursuant to such policy is  
44 preempted by federal law.  
45 e. An organized delivery system licensed by the  
46 director of public health.  
47 f. Any other entity engaged in the business of  
48 insurance, risk transfer, or risk retention, which is  
49 subject to the jurisdiction of the commissioner.  
50 3. For purposes of this section, unless the

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- 1 context otherwise requires:  
2 a. "Mental health or substance abuse condition"  
3 means a condition or disorder involving mental  
4 illness, or substance abuse or other addictive  
5 disorder which is included in the diagnostic  
6 categories listed in the mental disorders section of  
7 the international classification of disease, as  
8 periodically revised.  
9 b. "Rates, terms, and conditions" means any  
10 lifetime payment limit, deductible, copayment,  
11 coinsurance, and any other cost-sharing requirement,  
12 out-of-pocket limit, visit limitation, and any other  
13 financial component of benefits coverage that affects  
14 the covered individual."

JOHNIE HAMMOND  
PATRICIA HARPER

S-5534

- 1 Amend House File 2555, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 3, by inserting after line 16 the  
4 following:  
5 "The department of human services shall work with  
6 private agency providers of child welfare and juvenile  
7 justice services in developing a plan to raise the  
8 staff compensation levels for such providers to a  
9 level consistent with the compensation levels of  
10 comparable state staff positions. The plan shall  
11 provide for the compensation levels to become  
12 consistent by the close of the fiscal year beginning  
13 July 1, 2003. The plan shall be submitted to the  
14 governor and the general assembly on or before  
15 November 1, 2000."

JOHNIE HAMMOND

S-5535

- 1 Amend the amendment, S-5380, to Senate File 2395,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by inserting after line 26 the
- 5 following:
- 6 "\_\_\_\_. Page 12, by striking lines 4 and 5 and
- 7 inserting the following: "headed by an administrator
- 8 appointed by the governor. An administrator
- 9 appointed".
- 10 2. Page 2, by striking lines 33 and 34 and
- 11 inserting the following:
- 12 "\_\_\_\_. Page 12, by striking line 24 and inserting
- 13 the following: "by the governor. The".

ROBERT E. DVORSKY

S-5536

- 1 Amend House File 2555 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 8, the
- 4 following:
- 5 "\_\_\_\_. To the department of human services:
- 6 For provision of reimbursement for smoking
- 7 cessation products and programs to individuals
- 8 eligible for medical assistance:
- 9 .....\$ 575,000"
- 10 2. Page 11, line 3, by striking the figure
- 11 "3,800,000" and inserting the following: "3,225,000".

MICHAEL E. GRONSTAL

S-5537

- 1 Amend House File 2555, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 14, by striking the figure
- 4 "2,300,000" and inserting the following: "6,100,000".
- 5 2. By striking page 10, line 32 through page 11,
- 6 line 3.
- 7 3. By renumbering as necessary.

BETTY A. SOUKUP

S-5538

- 1 Amend House File 2552, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 18, line 30, by inserting after the word
- 4 "However," the following: "prior to turning over any

5 automobiles to be exchanged by the academy to the  
6 state fleet administrator, the academy shall offer not  
7 more than two automobiles to the Iowa law enforcement  
8 academy at Hawkeye community college. In addition,"  
9 2. Page 18, line 31, by inserting after the word  
10 "academy" the following: "and not selected by the  
11 Iowa law enforcement academy at Hawkeye community  
12 college".

PATRICIA HARPER

S-5539

1 Amend the amendment, S-5162, to House File 2205, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by inserting before line 8 the  
5 following:  
6 "\_\_\_\_. Page 7, by inserting after line 9 the  
7 following:  
8 "Sec. \_\_\_\_ NEW SECTION. 554D.108A LEGAL  
9 RECOGNITION OF ELECTRONIC RECORDS AFFECTING INTERESTS  
10 IN REAL PROPERTY.  
11 An electronic record that grants a legal or  
12 equitable interest in real property, including a deed,  
13 mortgage, deed of trust, pledge, security interest, or  
14 other lien or encumbrance, and any disclosure required  
15 under chapter 558A shall comply with all of the  
16 following:  
17 1. Be created using a security procedure and  
18 signed by use of a digital signature.  
19 2. Shall not be recorded or have effect against  
20 third parties until a duplicate paper original of the  
21 electronic record is executed in writing by the  
22 parties, acknowledged, and recorded. The burden of  
23 proof that the duplicate paper original of the  
24 electronic record is identical to the original  
25 electronic record rests upon the party submitting the  
26 duplicate paper original.  
27 3. Comply with all requirements of Iowa law  
28 regarding the recording of instruments and all other  
29 applicable state requirements.""  
30 2. By renumbering as necessary.

LARRY McKIBBEN

S-5540

1 Amend House File 2552, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 10, by inserting after line 21 the  
4 following:

5 "h. The department of corrections shall not enter  
6 into a new contract, or renew an existing contract,  
7 concerning the providing of telephone service for  
8 inmates and the receipt of moneys for inmate telephone  
9 rebates without receiving bids to provide the service  
10 through a competitive bidding process consistent with  
11 the requirements provided in section 18.6."  
12 2. By renumbering as necessary.

MARK SHEARER

S-5541

1 Amend the House amendment, S-5398, to Senate File  
2 466, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by inserting after line 2, the  
5 following:  
6 " \_\_\_\_\_. Page 1, by striking lines 5 through 14, and  
7 inserting the following:  
8 " \_\_\_\_\_. "Action level" means the same as defined in  
9 section 455B.602.  
10 \_\_\_\_\_. "Active site cleanup" means the same as  
11 defined in section 455B.602."  
12 \_\_\_\_\_. Page 1, by striking lines 16 through 19.  
13 \_\_\_\_\_. Page 1, by striking lines 22 through 27, and  
14 inserting the following:  
15 " \_\_\_\_\_. "Contaminated site" means the same as  
16 defined in section 455B.602.  
17 \_\_\_\_\_. "Contamination" means the same as defined in  
18 section 455B.602."  
19 \_\_\_\_\_. Page 2, by striking lines 6 through 11, and  
20 inserting the following:  
21 " \_\_\_\_\_. "Passive site cleanup" means the same as  
22 defined in section 455B.602."  
23 \_\_\_\_\_. By striking page 2, line 20 through page 3,  
24 line 19, and inserting the following:  
25 " \_\_\_\_\_. "Prohibited release" means the same as  
26 defined in section 455B.602.  
27 \_\_\_\_\_. "Remediation" means the same as defined in  
28 section 455B.602.  
29 \_\_\_\_\_. "Responsible person" means the same as  
30 defined in section 455B.602."  
31 \_\_\_\_\_. Page 3, by striking lines 21 through 26."  
32 2. Page 1, line 7, by striking the word "members"  
33 and inserting the following: "officials".  
34 3. Page 1, by inserting after line 26, the  
35 following:  
36 " \_\_\_\_\_. "Page 5, by striking lines 23 and 24.  
37 \_\_\_\_\_. Page 5, by striking line 32."  
38 4. Page 1, by striking lines 23 and 24 and  
39 inserting the following:

40 " \_\_\_\_\_. "Page 5, by striking lines 19 through 22 and  
41 inserting the following: "the fund. Of the moneys  
42 appropriated from the fund under section 161.8, for  
43 each fiscal year the department may expend at least  
44 sixty-five thousand dollars for purposes of  
45 administering this chapter, including the support of a  
46 full-time equivalent position as defined in section  
47 8.36A. However, if more than sixty-five thousand  
48 dollars is required in order to administer this  
49 chapter, the total amount which the department may  
50 expend from the fund during any fiscal year for

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1 administering this chapter shall not exceed five  
2 percent of the balance of the fund on".  
3 5. Page 1, by striking lines 34 through 39, and  
4 inserting the following:  
5 " \_\_\_\_\_. "Page 6, by striking lines 3 through 34 and  
6 inserting the following:  
7 "Remediation conducted pursuant to a plan of  
8 remediation incorporated within a remediation  
9 agreement as required in section 161.9 shall be  
10 performed according to standards adopted by the  
11 department of natural resources pursuant to section  
12 455B.601.""  
13 6. Page 1, by inserting before line 40 the  
14 following:  
15 " \_\_\_\_\_. "Page 7, line 3, by inserting after the word  
16 "discovered" the following: ", subject to a plan for  
17 remediation as provided in section 161.9".  
18 \_\_\_\_\_. By striking page 7, line 29, through page 8,  
19 line 15, and inserting the following: "lower  
20 classification, as provided in a plan for remediation  
21 pursuant to section 161.9.  
22 \_\_\_\_\_. The remediation of a site classified under  
23 this section shall be administered as".  
24 \_\_\_\_\_. Page 8, line 18, by striking the word  
25 "remediation" and inserting the following: "site  
26 cleanup".  
27 \_\_\_\_\_. Page 8, line 22, by striking the word  
28 "remediation" and inserting the following: "site  
29 cleanup".  
30 \_\_\_\_\_. Page 8, by striking line 28, and inserting  
31 the following: "active site cleanup, if the site  
32 cleanup would be more".  
33 \_\_\_\_\_. Page 8, lines 29 and 30, by striking the  
34 words "soil remediation" and inserting the following:  
35 "site cleanup for soil".  
36 \_\_\_\_\_. Page 8, line 31, by striking the word "soil  
37 remediation" and inserting the following: "site  
38 cleanup for soil".

39 \_\_\_\_\_. Page 9, line 4, by striking the word  
40 "section" and inserting the following: "chapter".  
41 7. Page 3, by inserting after line 36, the  
42 following:  
43 "\_\_\_\_. "Page 16, by striking line 2, and inserting  
44 the following:  
45 "Sec. \_\_\_\_\_. Section 455B.601, subsection 1,  
46 paragraph a, Code 1999, is amended by striking the  
47 paragraph.  
48 Sec. \_\_\_\_\_. Section 455B.601, subsection 1,  
49 paragraph d, Code 1999, is amended to read as follows:  
50 d. ~~The corrective action response requirements A~~

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1 responsible person shall remediate a contaminated site  
2 according to standards established by rules adopted  
3 pursuant to chapter 17A. Remediation for high,  
4 medium, or low priority sites shall be administered in  
5 accordance with the following:  
6 (1) Soils and groundwaters on a high priority site  
7 shall be ~~actively remediated~~ subject to active  
8 cleanup, where technically feasible, until such time  
9 as the groundwater contamination levels are below  
10 action levels.  
11 (2) Remediation on a medium priority site shall  
12 include either monitoring or active or passive  
13 ~~remediation and shall be~~ site cleanup as determined by  
14 the department on a site-by-site basis based upon the  
15 findings of the site plan. Remediation on a medium  
16 priority site shall include at least that which would  
17 be required on a low priority site.  
18 (3) (a) ~~Active site cleanup for soil remediation~~  
19 shall be required on a low priority site if  
20 remediation would be more practical and cost-effective  
21 than monitoring.  
22 (b) If active site cleanup for soil remediation on  
23 a low priority site is undertaken, no further action  
24 shall be required on the site.  
25 (c) If active ~~soil site remediation for soil is~~  
26 not undertaken on a low priority site, a the site  
27 shall be monitored, for a specified period of time as  
28 determined by the department.  
29 Sec. \_\_\_\_\_. Section 455B.601, subsection 2, Code  
30 1999, is amended to read as follows:  
31 2. This section is applicable to ~~all sites~~ a site  
32 upon which contamination has been discovered, unless  
33 corrective action one of the following applies:  
34 a. Remediation on a the site has already been  
35 approved by the department and implemented.  
36 b. A responsible person has executed a remediation  
37 agreement with the remediation reimbursement board and



the responsible person is remediating or has  
remediated the site pursuant to a plan of remediation  
as provided in chapter 161.

Sec. \_\_\_\_ NEW SECTION. 455B.602 DEFINITIONS.

As used in this division:

1. "Action level" means action level as provided in 567 IAC ch. 133 or 137.
2. "Active site cleanup" means treating, dispersing, removing, or disposing of contamination located in soil or water, including, but not limited to, excavating soil or installing institutional or technological controls to water quality.
3. "Background levels" means concentrations of a

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contaminant generally present in the environment in the vicinity of a site or an affected area and not the result of release.

4. "Contaminated site" means a site upon which contamination has been discovered.

5. "Contamination" means the presence of one or more pesticides, as defined in section 206.2, or the presence of fertilizer, as defined in section 200.3, in soil or groundwater at levels above those that would result at normal field application rates or above background levels.

6. "Passive site cleanup" means the removal or treatment of a contaminant in soil or water through management practices or the construction of barriers, trenches, and other similar facilities for prevention of contamination, as well as the use of natural processes such as groundwater recharge, natural decay, and chemical or biological decomposition.

7. "Remediation" means a process used to protect the public health and safety or the environment from contamination, including by doing all of the following:

a. Controlling, containing, or stabilizing the effects caused by a prohibited release.

b. Investigating, identifying, or analyzing a contaminant or a contamination source; collecting samples, including soil and water samples; assessing the condition of a site; monitoring a contaminated site; providing for structural testing; or providing for engineering services.

c. Providing for site cleanup.

8. a. "Responsible person" means a person who is legally liable for the contamination or who is legally responsible for abating contamination under any applicable law, including chapters 455B and 455E, and the common law. This may include a person causing,

37 allowing, or otherwise participating in the activities  
38 or events which cause the contamination, persons who  
39 have failed to conduct their activities so as to  
40 prevent the release of contaminants into groundwater,  
41 persons who are obligated to abate a condition, or  
42 persons responsible for or a successor to such  
43 persons.  
44 b. "Responsible person" does not include a person  
45 who caused contamination by acting in a manner  
46 unauthorized by the owner of the pesticide or  
47 fertilizer, including a person who trespasses upon a  
48 site.  
49 9. "Site cleanup" means measures used to contain,  
50 reduce, or eliminate contamination present at a site

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1 including by using active site cleanup or passive site  
2 cleanup measures, or complying with a correction  
3 action required or recommended by the department of  
4 natural resources or the United States environmental  
5 protection agency."  
6 8. Page 3, by striking lines 43 and 44, and  
7 inserting the following:  
8 " \_\_\_\_\_. Title page, by striking lines 2 and 3, and  
9 inserting the following: "and establishing a fund."  
10 9. By renumbering as necessary.

MIKE SEXTON

S-5542

1 Amend House File 2552, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 13, by striking line 19 and inserting the  
4 following:  
5 " .....\$ 6,759,782"  
6 2. Page 13, by striking line 25 and inserting the  
7 following:  
8 " .....\$ 4,073,106"  
9 3. Page 13, by striking line 31 and inserting the  
10 following:  
11 " .....\$ 3,170,636"  
12 4. Page 14, by striking line 2 and inserting the  
13 following:  
14 " .....\$ 11,584,205"  
15 5. Page 14, by striking line 8 and inserting the  
16 following:  
17 " .....\$ 8,752,086"  
18 6. Page 14, by striking line 14 and inserting the  
19 following:  
20 " .....\$ 5,212,007"

21 7. Page 14, by striking line 20 and inserting the  
22 following:  
23 ".....\$ 5,020,956"

GENE MADDOX

S-5543

1 Amend the amendment, S-5473, to House File 2562, as  
2 passed by the House, as follows:  
3 1. Page 1, by inserting after line 4 the  
4 following:  
5 ""Section 1. Section 421.60, subsection 2, Code  
6 1999, is amended by adding the following new  
7 paragraph:  
8 NEW PARAGRAPH. m. (1) The director may abate  
9 unpaid state sales and use taxes and local sales and  
10 services taxes owed by a retailer in the event that  
11 the retailer failed to collect tax from the purchaser  
12 as a result of erroneous written advice issued by the  
13 department that was specially directed to the retailer  
14 by the department and the retailer is unable to  
15 collect the tax, interest, or penalties from the  
16 purchaser. Before the tax, interest, and penalties  
17 shall be abated on the basis of erroneous written  
18 advice, the retailer must present a copy of the  
19 retailer's request for written advice to the  
20 department and a copy of the department's reply. The  
21 department shall not maintain a position against the  
22 retailer that is inconsistent with the erroneous  
23 written advice, except on the basis of subsequent  
24 written advice sent by the department to that  
25 retailer, or a change in state or federal law, a  
26 reported court case to the contrary, a contrary rule  
27 adopted by the department, a change in material facts  
28 or circumstances relating to the retailer, or the  
29 retailer's misrepresentation or incomplete or  
30 inadequate representation of material facts and  
31 circumstances in requesting the written advice.  
32 (2) The director shall abate the unpaid state  
33 sales and use taxes and any local sales and services  
34 taxes owed by a retailer where the retailer failed to  
35 collect the tax from the purchaser on the charges paid  
36 for access to on-line computer services as a result of  
37 erroneous written advice issued by the department  
38 regarding the taxability of charges paid for access to  
39 on-line computer services. To qualify for the  
40 abatement under this subparagraph, the erroneous  
41 written advice shall have been issued by the  
42 department prior to July 1, 1999, and shall have been  
43 specially directed to the retailer by the department.  
44 (3) The director shall prepare quarterly reports

45 summarizing each case in which abatement of tax,  
46 interest, or penalties was made. However, the report  
47 shall not disclose the identity of the taxpayer. An  
48 abatement authorized by this paragraph to a retailer  
49 shall not preclude the department from proceeding to  
50 collect the liability from a purchaser."

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1 2. Page 1, line 5, by striking the word and  
2 figure ""Section 1." and inserting the following:  
3 "Sec. 1A."

4 3. Page 1, by inserting after line 38 the  
5 following:

6 "Sec. \_\_\_\_ Section 422.45, subsection 56, Code  
7 Supplement 1999, is amended to read as follows:

8 56. The gross receipts from charges paid to a  
9 provider for access to on-line computer services. For  
10 purposes of this subsection, "on-line computer  
11 service" means a service that provides or enables  
12 computer access by multiple users to the internet or  
13 to other information made available through a computer  
14 server."

15 4. Page 2, by inserting after line 9 the  
16 following:

17 "Sec. \_\_\_\_ Section 422.52, subsection 6, paragraph  
18 a, Code Supplement 1999, is amended to read as  
19 follows:

20 a. If a purchaser fails to pay tax imposed by this  
21 division to the retailer required to collect the tax,  
22 then in addition to all of the rights, obligations,  
23 and remedies provided, the tax is payable by the  
24 purchaser directly to the department, and sections  
25 422.50, 422.51, 422.52, 422.54, 422.55, 422.56,  
26 422.57, 422.58, and 422.59 apply to the purchaser.  
27 For failure, the retailer and purchaser are liable,  
28 unless the circumstances described in section 421.60,  
29 subsection 2, paragraph "m", or section 422.47,  
30 subsection 3, paragraph "b" or "e", or subsection 4,  
31 paragraph "b" or "d", are applicable."

32 5. Page 3, by inserting after line 10 the  
33 following:

34 " \_\_\_\_ Page 2, line 11, by striking the words "and  
35 applies" and inserting the following: ". Sections  
36 1A, 2, and 3 of this Act, amending sections 422.43,  
37 422.45, by adding subsection 57, and 423.1, apply".

38 6. Page 3, line 13, by inserting after the word  
39 "established," the following: "relating to the  
40 exemption for on-line computer services, and providing  
41 sales and use tax abatements,".

S-5544

- 1 Amend House File 2552, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, by inserting before line 28 the
- 4 following:
- 5 "In addition to moneys appropriated in this
- 6 paragraph, there is appropriated an additional \$2,000
- 7 for the purchase of a trained guard dog for use at the
- 8 Fort Madison correctional facility."

MARK SHEARER  
GENE FRAISE

HOUSE AMENDMENT TO  
SENATE FILE 2447

S-5545

- 1 Amend Senate File 2447, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 16, by striking the word "and"
- 4 and inserting the following: "or".
- 5 2. Page 5, by striking line 25 and inserting the
- 6 following: "quality of life or the quality of
- 7 attraction or tourism employment in the community."
- 8 3. Page 5, line 27, by striking the words "and
- 9 tourism" and inserting the following: "or tourism".
- 10 4. Page 6, by inserting after line 9 the
- 11 following:
- 12 "g. The extent to which the project has taken the
- 13 following planning principles into consideration:
- 14 (1) Efficient and effective use of land resources
- 15 and existing infrastructure by encouraging development
- 16 in areas with existing infrastructure or capacity to
- 17 avoid costly duplication of services and costly use of
- 18 land.
- 19 (2) Provision for a variety of transportation
- 20 choices, including pedestrian traffic.
- 21 (3) Maintenance of a unique sense of place by
- 22 respecting local cultural and natural environmental
- 23 features.
- 24 (4) Conservation of open space and farmland and
- 25 preservation of critical environmental areas.
- 26 (5) Promotion of the safety, livability, and
- 27 revitalization of existing urban and rural
- 28 communities."
- 29 5. Page 9, line 9, by inserting after the word
- 30 "program." the following: "An applicant or the board
- 31 may divide a proposed project into component parts.
- 32 The board may choose to provide financial assistance
- 33 under the program to one or more component parts

34 instead of providing financial assistance under the  
35 program for the entire project."  
36 6. Page 11, by inserting after line 13 the  
37 following:  
38 "h. The extent to which the project has taken the  
39 following planning principles into consideration:  
40 (1) Efficient and effective use of land resources  
41 and existing infrastructure by encouraging development  
42 in areas with existing infrastructure or capacity to  
43 avoid costly duplication of services and costly use of  
44 land.  
45 (2) Provision for a variety of transportation  
46 choices, including pedestrian traffic.  
47 (3) Maintenance of a unique sense of place by  
48 respecting local cultural and natural environmental  
49 features.  
50 (4) Conservation of open space and farmland and

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1 preserve critical environmental areas.  
2 (5) Promotion of the safety, livability, and  
3 revitalization of existing urban and rural  
4 communities."  
5 7. Page 23, line 13, by inserting after the word  
6 "fifty" the following: "percent".  
7 8. Page 27, line 30, by inserting after the  
8 figure "2002." the following: "If the amount of  
9 grants awarded in a fiscal year is less than the  
10 maximum amount provided for grants for that fiscal  
11 year in this subsection, the amount of the difference  
12 shall be carried forward to subsequent fiscal years  
13 for purposes of providing grants under the program and  
14 the maximum amount of grants for each fiscal year, as  
15 provided in this subsection, shall be adjusted  
16 accordingly."  
17 9. Page 28, by inserting after line 29 the  
18 following:  
19 "9. If a school district receives financial  
20 assistance under the vision Iowa program created under  
21 section 15F.302 pursuant to a joint application  
22 submitted under section 15F.302, subsection 3, the  
23 school district shall not be eligible to receive  
24 financial assistance under the school infrastructure  
25 program."  
26 10. Page 28, by inserting after line 29 the  
27 following:  
28 "9. A school district located in whole or in part  
29 in a county which has imposed the maximum rate of  
30 sales and services tax for school infrastructure  
31 pursuant to section 422E.2 and has sales and services  
32 tax for school infrastructure revenue of more than the

33 statewide average of sales tax capacity per pupil, as  
34 defined in section 292.1, subsection 8, shall not be  
35 eligible for financial assistance under the program.  
36 For purposes of this subsection, an individual school  
37 district's sales tax capacity per pupil is the  
38 estimated total sales and services tax for  
39 infrastructure revenue to be actually received by the  
40 school district divided by the school district's  
41 enrollment as specified in section 292.1, subsection  
42 8."  
43 11. By renumbering, relettering, or redesignating  
44 and correcting internal references as necessary.

S-5546

1 Amend House File 2555, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 4, by inserting after line 8, the  
4 following:  
5 "3A. To the department of human services:  
6 For expansion of the school-based supervision  
7 program for children:  
8 .....\$ 650,000"  
9 2. Page 11, line 3, by striking the figure  
10 "3,800,000" and inserting the following: "3,150,000".

PATRICK J. DELUHERY

S-5547

1 Amend House File 2555, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 6, line 12, by striking the figure  
4 "9,345,394" and inserting the following:  
5 "10,845,395".  
6 2. Page 11, line 3, by striking the figure  
7 "3,800,000" and inserting the following: "2,300,000".

MICHAEL E. GRONSTAL

S-5548

1 Amend House File 2552, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 5, by inserting before line 28 the  
4 following:  
5 "In addition to moneys appropriated in this  
6 paragraph, there is appropriated an additional \$3,500  
7 for the purchase of a trained guard dog for use at the  
8 Fort Madison correctional facility."

MARK SHEARER

S-5549

1 Amend House File 2540, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 1, line 1, through page 2,  
4 line 7 and inserting the following:

5 "Section 1. Section 15.333, subsection 1, Code  
6 Supplement 1999, is amended to read as follows:

7 1. An eligible business may claim a corporate tax  
8 credit up to a maximum of ten percent of the new  
9 investment which is directly related to new jobs  
10 created by the location or expansion of an eligible  
11 business under the program. Any credit in excess of  
12 the tax liability for the tax year may be credited to  
13 the tax liability for the following seven years or  
14 until depleted, whichever occurs earlier. Subject to  
15 prior approval by the department of economic  
16 development in consultation with the department of  
17 revenue and finance, an eligible business whose  
18 project primarily involves the production of value-  
19 added agricultural products may elect to refund all or  
20 a portion of an unused tax credit. The refund may be  
21 used against a tax liability imposed under chapter  
22 422, division II, III, or V. If the business is a  
23 partnership, subchapter S corporation, limited  
24 liability company, or estate or trust electing to have  
25 the income taxed directly to the individual, an  
26 individual may claim the tax credit allowed. The  
27 amount claimed by the individual shall be based upon  
28 the pro rata share of the individual's earnings of the  
29 partnership, subchapter S corporation, limited  
30 liability company, or estate or trust. For purposes  
31 of this section, "new investment directly related to  
32 new jobs created by the location or expansion of an  
33 eligible business under the program" means the cost of  
34 machinery and equipment, as defined in section 427A.1,  
35 subsection 1, paragraphs "e" and "j", purchased for  
36 use in the operation of the eligible business, the  
37 purchase price of which has been depreciated in  
38 accordance with generally accepted accounting  
39 principles, and the cost of improvements made to real  
40 property which is used in the operation of the  
41 eligible business and which receives a partial  
42 property tax exemption for the actual value added  
43 under section 15.332.

44 1A. An eligible business whose project primarily  
45 involves the production of value-added agricultural  
46 products, that elects to receive a refund of all or a  
47 portion of an unused tax credit, shall apply to the  
48 department of economic development for tax credit  
49 certificates. An eligible business whose project  
50 primarily involves the production of value-added



**Page 2**

1 agricultural products shall not claim a tax credit  
2 under this section unless a tax credit certificate  
3 issued by the department of economic development is  
4 attached to the taxpayer's tax return for the tax year  
5 during which the tax credit is claimed. A tax credit  
6 certificate shall not be valid until the tax year  
7 following the date of the project completion. A tax  
8 credit certificate shall contain the taxpayer's name,  
9 address, tax identification number, the date of  
10 project completion, the amount of the tax credit,  
11 other information required by the department of  
12 revenue and finance. The department of economic  
13 development shall not issue tax credit certificates  
14 which total more than four million dollars during a  
15 fiscal year. If the department receives applications  
16 for tax credit certificates in excess of four million  
17 dollars, the applicants shall receive certificates for  
18 a prorated amount. The tax credit certificates shall  
19 not be transferred."

20 2. Page 2, line 27, by striking the words "which  
21 a" and inserting the following: "which an insurance  
22 premium".

23 3. Page 2, line 28, by striking the word "income"  
24 and inserting the following: "insurance premium".

25 4. Page 3, by inserting after line 12 the  
26 following:

27 "Sec. \_\_\_\_ Section 15E.192, Code 1999, is amended  
28 by adding the following new subsection:

29 NEW SUBSECTION. 2A. a. A county may designate an  
30 enterprise zone within an area located in one or more  
31 contiguous census tracts or other geographic units of  
32 the county that meets at least two of the following  
33 distress criteria:

34 (1) The area has a per capita income of nine  
35 thousand six hundred dollars or less based according  
36 to the 1990 census.

37 (2) The area has a family poverty rate of twelve  
38 percent or more according to the 1990 census.

39 (3) Ten percent or more of the housing units in  
40 the area are vacant.

41 (4) The valuations of each class of property in  
42 the designated area of the census tract is seventy-  
43 five percent or less of the countywide average for  
44 that classification based upon the most recent  
45 valuations for property tax purposes.

46 (5) The area is a blighted area, as defined in  
47 section 403.17.

48 b. The department shall not approve more than five  
49 enterprise zones designated under this subsection  
50 prior to July 1, 2001."

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1 5. Page 4, by striking lines 3 through 7 and  
2 inserting the following:  
3 "NEW PARAGRAPH. e. Information showing the total  
4 costs and sources of project financing that will be  
5 utilized for the new investment directly related to  
6 housing for which the business is seeking approval for  
7 a tax credit provided in subsection 6, paragraph "a"."

8 6. Page 4, by inserting after line 29 the  
9 following:

10 "Sec. 3. Section 15E.193B, Code 1999, is amended  
11 by adding the following new subsection:  
12 NEW SUBSECTION. 9. The amount of the tax credits  
13 determined pursuant to section 15E.193B, subsection 6,  
14 paragraph "a", for each project shall be approved by  
15 the department of economic development. The  
16 department shall utilize the financial information  
17 required to be provided under section 15E.193B,  
18 subsection 5, paragraph "e", to determine the tax  
19 credits allowed for each project. In determining the  
20 amount of tax credits to be allowed for a project, the  
21 department shall not include the portion of the  
22 project cost financed through federal, state, and  
23 local government tax credits, grants, and forgivable  
24 loans."

25 7. Page 4, line 31, by striking the word  
26 "subsections" and inserting the following:  
27 "subsection".

28 8. By striking page 4, line 32, through page 5,  
29 line 14.

30 9. By striking page 5, line 31, through page 8,  
31 line 22.

32 10. Page 8, line 25, by striking the word and  
33 figures "6, and 10" and inserting the following: "and  
34 6".

35 11. Page 8, line 27, by inserting after the word  
36 "date." the following: "Section 1 of this Act takes  
37 effect July 1, 2001, and applies to tax years  
38 beginning on or after that date."

39 12. By renumbering as necessary.

LARRY McKIBBEN

S-5550

1 Amend House File 2552, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 27, by inserting after line 23 the  
4 following:

5 "Sec. \_\_\_\_ DEPARTMENT OF CORRECTIONS INSTITUTION  
6 STAFFING-- STUDY -- REPORT. The department of

7 corrections, the Iowa department of personnel, and the  
8 applicable certified collective bargaining  
9 representative for the affected employees, shall  
10 jointly conduct a study concerning staffing  
11 requirements at department of corrections'  
12 institutions. The study participants shall examine  
13 and include findings in a joint report concerning the  
14 impact of current staffing authorizations at  
15 department of corrections' institutions on affected  
16 employees and on the ability of the institutions to  
17 efficiently operate, including, but not limited to,  
18 examination of the use of overtime by employees at the  
19 institutions and the ability of affected employees to  
20 utilize accrued leave. In addition, the study  
21 participants shall consider and include a  
22 recommendation in the joint report concerning what  
23 level of staffing at department of corrections'  
24 institutions would provide adequate staffing at the  
25 institutions based on the needs of both the  
26 institutions and the affected employees. In making a  
27 recommendation concerning staffing levels, the study  
28 participants shall consider what level of staffing at  
29 the institutions would allow for a reasonable  
30 reduction in the use of overtime by employees and  
31 would allow affected employees to reasonably utilize  
32 their accrued leave. In addition, the study  
33 participants shall consider and make findings  
34 concerning the possible costs, and possible cost  
35 savings, for establishing the staffing levels  
36 recommended. The study participants shall submit a  
37 joint report, concerning their findings and  
38 recommendations, to the general assembly by January 1,  
39 2001."  
40 2. By renumbering as necessary.

MARK SHEARER  
ROBERT E. DVORSKY  
GENE FRAISE

S-5551

1 Amend Senate File 2452 as follows:  
2 1. Page 2, by inserting after line 35 the  
3 following:  
4 "DIVISION \_\_\_\_  
5 MICROSOFT FUND  
6 Sec. \_\_\_\_ NEW SECTION. 12.67 MICROSOFT  
7 SETTLEMENT FUND.  
8 A Microsoft settlement fund is created in the  
9 office of the treasurer of state. The state portion  
10 of any moneys paid to the state by Microsoft in  
11 settlement of its federal antitrust trial or the

12 state's antitrust lawsuit shall be deposited in the  
13 Microsoft settlement fund. Moneys deposited in the  
14 fund shall be used only as provided in appropriations  
15 made by the general assembly.  
16 Notwithstanding section 12C.7, subsection 2,  
17 interest or earnings on moneys in the Microsoft  
18 settlement fund shall be credited to the Microsoft  
19 settlement fund."

DERRYL McLAREN

S-5552

1 Amend Senate File 2460 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. 1997 Iowa Acts, chapter 158, is  
5 amended by adding the following new section:  
6 NEW SECTION. SEC. 54. RETROACTIVE APPLICABILITY.  
7 Sections 14, 18, and 19 of this Act, amending sections  
8 422.42, 422.45, subsection 39, and 422.47, relating to  
9 aquaculture production, apply retroactively to April  
10 1, 1987.  
11 Sec. 2. Section 422.42, subsection 14, Code  
12 Supplement 1999, is amended to read as follows:  
13 14. "Retail sale" or "sale at retail" means the  
14 sale to a consumer or to any person for any purpose,  
15 other than for processing, for resale of tangible  
16 personal property or taxable services, or for resale  
17 of tangible personal property in connection with  
18 taxable services; and includes the sale of gas,  
19 electricity, water, and communication service to  
20 retail consumers or users; but does not include  
21 agricultural breeding livestock and domesticated fowl;  
22 does not include aquacultural breeding stock; and does  
23 not include commercial fertilizer, agricultural  
24 limestone, herbicide, pesticide, insecticide,  
25 including adjuvants, surfactants, and other products  
26 directly related to the application enhancement of  
27 those products, and food, medication, or agricultural  
28 drain tile, including installation of agricultural  
29 drain tile, any of which are to be used in disease  
30 control, weed control, insect control, or health  
31 promotion of plants or livestock produced as part of  
32 agricultural production for market; and does not  
33 include electricity, steam, or any taxable service  
34 when purchased and used in the processing of tangible  
35 personal property intended to be sold ultimately at  
36 retail.  
37 PARAGRAPH DIVIDED. When used by a manufacturer of  
38 food products, carbon dioxide in a liquid, solid, or  
39 gaseous form, electricity, steam, and other taxable

40 services are sold for processing when used to produce  
41 marketable food products for human consumption,  
42 including but not limited to, treatment of material to  
43 change its form, context, or condition, in order to  
44 produce the food product, maintenance of quality or  
45 integrity of the food product, changing or maintenance  
46 of temperature levels necessary to avoid spoilage or  
47 to hold the food product in marketable condition,  
48 maintenance of environmental conditions necessary for  
49 the safe or efficient use of machinery and material  
50 used to produce the food product, sanitation and

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1 quality control activities, formation of packaging,  
2 placement into shipping containers, and movement of  
3 the material or food product until shipment from the  
4 building of manufacture.  
5 PARAGRAPH DIVIDED. Tangible personal property is  
6 sold for processing within the meaning of this  
7 subsection only when it is intended that the property  
8 will, by means of fabrication, compounding,  
9 manufacturing, or germination become an integral part  
10 of other tangible personal property intended to be  
11 sold ultimately at retail; or will be consumed as fuel  
12 in creating heat, power, or steam for processing  
13 including grain drying, or for providing heat or  
14 cooling for livestock buildings or for greenhouses or  
15 buildings or parts of buildings dedicated to the  
16 production of flowering, ornamental, or vegetable  
17 plants intended for sale in the ordinary course of  
18 business, or for use in cultivation of agricultural  
19 products by aquaculture, or for generating electric  
20 current, or in implements of husbandry engaged in  
21 agricultural production; or the property is a  
22 chemical, solvent, sorbent, or reagent, which is  
23 directly used and is consumed, dissipated, or  
24 depleted, in processing personal property which is  
25 intended to be sold ultimately at retail or consumed  
26 in the maintenance or repair of fabric or clothing,  
27 and which may not become a component or integral part  
28 of the finished product.  
29 PARAGRAPH DIVIDED. The distribution to the public  
30 of free newspapers or shoppers guides is a retail sale  
31 for purposes of the processing exemption."  
32 2. Page 1, line 1, by striking the word and  
33 figure "Section 1" and inserting the following: "Sec.  
34 3."  
35 3. Page 1, by striking lines 19 through 22 and  
36 inserting the following:  
37 "Sec. \_\_\_\_\_. REFUNDS. Refunds of taxes, interests,  
38 or penalties which arise from claims resulting from

39 the enactment of the amendment to 1997 Iowa Acts,  
40 chapter 158, in this Act, and from the enactment of  
41 the amendment to section 422.42, subsection 14, for  
42 sales and rentals occurring between April 1, 1987, and  
43 June 30, 2000, shall be limited to five thousand  
44 dollars in the aggregate and shall not be allowed  
45 unless refund claims are filed prior to October 1,  
46 2000, notwithstanding any other provision of law. If  
47 the amount of claims totals more than five thousand  
48 dollars in the aggregate, the department of revenue  
49 and finance shall prorate the five thousand dollars  
50 among all claimants in relation to the amounts of the

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1 claimants' valid claims.  
2 Sec. \_\_\_\_ EFFECTIVE AND APPLICABILITY DATES.  
3 1. Section 1 of this Act, amending 1997 Iowa Acts,  
4 chapter 158, applies retroactively to July 1, 1997.  
5 2. Section 2 of this Act, amending section 442.42,  
6 applies retroactively to April 1, 1987.  
7 3. Section 3 of this Act, amending section 422.45,  
8 applies retroactively to January 1, 1988.  
9 4. This Act, being deemed of immediate importance,  
10 takes effect upon enactment."  
11 4. Title page, line 2, by inserting after the  
12 word "agriculture," the following: "and for the sales  
13 and rental of property used for or in aquacultural  
14 production,".

NEAL SCHUERER  
ROBERT E. DVORSKY

S-5553

1 Amend House File 2552, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 25, line 8, by inserting after the word  
4 "review," the following: "If the commissioner  
5 establishes by rule a fee for the performance of a  
6 building plan review by the department, the  
7 commissioner shall also provide by rule that the  
8 failure of the department to approve or disapprove a  
9 building plan review within sixty days of submission  
10 of the plan shall be deemed to be an approval of the  
11 plan."

GENE MADDOX

S-5554

- 1 Amend House File 2540, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 19, by striking the word "one",
- 4 and inserting the following: "~~one~~ two".

JEFF LAMBERTI

S-5555

- 1 Amend the amendment, S-5549, to House File 2540, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, by inserting after line 31 the
- 5 following:
- 6 " \_\_\_\_\_. "Page 8, by inserting before line 23 the
- 7 following:
- 8 "Sec. \_\_\_\_\_. Section 257.31, subsection 5, Code
- 9 1999, is amended by adding the following new
- 10 paragraph:
- 11 NEW PARAGRAPH. m. Unusual need for advance
- 12 funding to provide a program or other special
- 13 assistance to non-English speaking pupils as provided
- 14 in section 280.4, subsection 4.
- 15 Sec. \_\_\_\_\_. Section 280.4, Code 1999, is amended by
- 16 adding the following new subsection:
- 17 NEW SUBSECTION. 4. For any fiscal year beginning
- 18 on or after July 1, 2000, there is appropriated from
- 19 the general fund of the state to the department of
- 20 education for allocation by the school budget review
- 21 committee, an amount necessary to be distributed as
- 22 supplemental aid to a school district if the district
- 23 has an unusual need for advance funding to provide a
- 24 program or other special assistance to non-English
- 25 speaking pupils because an eligible recipient of
- 26 financing provided by an Iowa agricultural industry
- 27 finance corporation as provided in section 15E.209 is
- 28 located within ten miles of the school district.""
- 29 2. Page 3, by inserting after line 38 the
- 30 following:
- 31 " \_\_\_\_\_. "Title page, by striking lines 1 through 3
- 32 and inserting the following: "An Act relating to
- 33 economic development programs by making an
- 34 appropriation for certain school programs in relation
- 35 to eligible recipients of financing provided by an
- 36 Iowa agricultural industry finance corporation,
- 37 providing tax credits, and including effective and
- 38 retroactive applicability date provisions.""

BILL FINK

S-5556

1 Amend House File 2555, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 11, by inserting after line 34 the  
4 following:

5 "Sec. 101. NEW SECTION. 453A.39 TOBACCO PRODUCT  
6 AND CIGARETTE SAMPLES -- RESTRICTIONS --  
7 ADMINISTRATION.

8 1. A manufacturer, distributor, wholesaler,  
9 retailer, or distributing agent or agent thereof shall  
10 not give away cigarettes or tobacco products at any  
11 time in connection with the manufacturer's,  
12 distributor's, wholesaler's, retailer's, or  
13 distributing agent's business or for promotion of the  
14 business or product, except as provided in subsection  
15 2.

16 2. a. A manufacturer, distributor, wholesaler,  
17 retailer, or distributing agent or agent thereof shall  
18 not give away any cigarettes or tobacco products to  
19 any person under eighteen years of age, or within five  
20 hundred feet of any playground, school, high school,  
21 or other facility when such facility is being used  
22 primarily by persons under age eighteen for  
23 recreational, educational, or other purposes.

24 b. Proof of age shall be required if a reasonable  
25 person could conclude on the basis of outward  
26 appearance that a prospective recipient of a sample  
27 may be under eighteen years of age.

28 c. Persons engaged in sampling shall secure stocks  
29 of samples in safe locations in order to avoid  
30 inadvertent distribution of samples contrary to the  
31 provisions of this section.

32 d. Sampling shall cease at a particular location  
33 when circumstances arise that make it apparent that  
34 sampling cannot continue in a manner consistent with  
35 the provisions of this section; however, sampling may  
36 resume at that location when such circumstances abate.

37 e. All cigarette samples shall be shipped to a  
38 distributor that has a permit to stamp cigarettes or  
39 little cigars with Iowa tax. The manufacturer  
40 shipping samples under this section shall send an  
41 affidavit to the director stating the quantity and to  
42 whom the samples were shipped. The distributor  
43 receiving the shipment shall send an affidavit to the  
44 director stating the quantity and from whom the  
45 samples were shipped. These affidavits shall be duly  
46 notarized and submitted to the director at time of  
47 shipment and receipt of the samples. The distributor  
48 shall pay the tax on samples by separate remittance  
49 along with the affidavit."

50 2. Page 13, by inserting after line 3 the



**Page 2**

1 following:

2 "Sec. 102. Section 142A.6, subsection 6, as  
3 enacted by 2000 Iowa Acts, House File 2565, section 6,  
4 is amended by striking the subsection.

5 Sec. 103. 2000 Iowa Acts, House File 2565, section  
6 12, is repealed.

7 Sec. 104. REENACTMENT. Section 453A.39, Code  
8 1999, is reenacted, pursuant to section 4.10, if 2000  
9 Iowa Acts, House File 2565, is enacted prior to the  
10 enactment of this Act."

11 3. Page 13, by inserting after line 15 the  
12 following:

13 "Sec. \_\_\_\_ EFFECTIVE DATE. Sections 101, 102,  
14 103, and 104 of this Act, being deemed of immediate  
15 importance, take effect upon enactment."

16 4. Title page, line 2, by striking the words "an  
17 effective date" and inserting the following:  
18 "effective dates".

19 5. By renumbering as necessary.

JACK RIFE  
RICHARD F. DRAKE

S-5557

1 Amend the amendment, S-5549, to House File 2540, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 2, by striking line 50 and inserting the  
5 following: "prior to July 1, 2001.

6 c. A business locating or expanding its operations  
7 in an enterprise zone located and approved pursuant to  
8 this subsection shall agree to pay wages for all full-  
9 time employees of at least one hundred percent of the  
10 average county wage and provide and pay at least  
11 eighty percent of the cost of the standard medical  
12 insurance plan for all full-time employees.""

MATT McCOY

S-5558

1 Amend the amendment, S-5549, to House File 2540, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 2, by striking line 50 and inserting the  
5 following: "prior to July 1, 2001.

6 c. A business locating or expanding its operations  
7 in an enterprise zone located and approved pursuant to

- 8 this subsection shall enter into a good neighbor  
9 agreement as defined in section 15A.4.""

MATT McCOY

S-5559

- 1 Amend the amendment, S-5549, to House File 2540, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, by striking line 50 and inserting the  
5 following: "prior to July 1, 2001.  
6 c. An enterprise zone designated under this  
7 subsection shall not be located within ten miles of a  
8 city with a population of one hundred fifty thousand  
9 or more, according to the most recent census.""

MATT McCOY

S-5560

- 1 Amend House File 2555, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 11, by inserting after line 34 the  
4 following:  
5 "Sec. 101. **NEW SECTION.** 453A.39 TOBACCO PRODUCT  
6 AND CIGARETTE SAMPLES -- RESTRICTIONS --  
7 ADMINISTRATION.  
8 1. A manufacturer, distributor, wholesaler,  
9 retailer, or distributing agent or agent thereof shall  
10 not give away cigarettes or tobacco products at any  
11 time in connection with the manufacturer's,  
12 distributor's, wholesaler's, retailer's, or  
13 distributing agent's business or for promotion of the  
14 business or product, except as provided in subsection  
15 2.  
16 2. a. A manufacturer, distributor, wholesaler,  
17 retailer, or distributing agent or agent thereof shall  
18 not give away any cigarettes or tobacco products to  
19 any person under eighteen years of age, or within five  
20 hundred feet of any playground, school, high school,  
21 or other facility when such facility is being used  
22 primarily by persons under age eighteen for  
23 recreational, educational, or other purposes.  
24 b. Proof of age shall be required if a reasonable  
25 person could conclude on the basis of outward  
26 appearance that a prospective recipient of a sample  
27 may be under eighteen years of age.  
28 c. Persons engaged in sampling shall secure stocks  
29 of samples in safe locations in order to avoid  
30 inadvertent distribution of samples contrary to the  
31 provisions of this section.

32 d. Sampling shall cease at a particular location  
33 when circumstances arise that make it apparent that  
34 sampling cannot continue in a manner consistent with  
35 the provisions of this section; however, sampling may  
36 resume at that location when such circumstances abate.  
37 e. All cigarette samples shall be shipped to a  
38 distributor that has a permit to stamp cigarettes or  
39 little cigars with Iowa tax. The manufacturer  
40 shipping samples under this section shall send an  
41 affidavit to the director stating the quantity and to  
42 whom the samples were shipped. The distributor  
43 receiving the shipment shall send an affidavit to the  
44 director stating the quantity and from whom the  
45 samples were shipped. These affidavits shall be duly  
46 notarized and submitted to the director at time of  
47 shipment and receipt of the samples. The distributor  
48 shall pay the tax on samples by separate remittance  
49 along with the affidavit."  
50 2. Page 13, by inserting after line 3 the

**Page 2**

1 following:  
2 "Sec. 102. Section 142A.6, subsection 6, as  
3 enacted by 2000 Iowa Acts, House File 2565, section 6,  
4 is amended by striking the subsection.  
5 Sec. 103. 2000 Iowa Acts, House File 2565, section  
6 12, is repealed.  
7 Sec. 104. REENACTMENT. Section 453A.39, Code  
8 1999, is reenacted, pursuant to section 4.10, if 2000  
9 Iowa Acts, House File 2565, is enacted prior to the  
10 enactment of this Act."  
11 3. Page 13, by inserting after line 15 the  
12 following:  
13 "Sec. \_\_\_\_ EFFECTIVE DATE. Sections 101, 102,  
14 103, and 104 of this Act, being deemed of immediate  
15 importance, take effect upon enactment."  
16 4. Title page, line 2, by striking the words "an  
17 effective date" and inserting the following:  
18 "effective dates".  
19 5. By renumbering as necessary.

JACK RIFE  
RICHARD F. DRAKE

S-5561

1 Amend House File 2555, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 11, by inserting after line 34 the  
4 following:  
5 "Sec. 101. NEW SECTION. 453A.39 TOBACCO PRODUCT

6 AND CIGARETTE SAMPLES -- RESTRICTIONS --  
7 ADMINISTRATION.

8 1. A manufacturer, distributor, wholesaler,  
9 retailer, or distributing agent or agent thereof shall  
10 not give away cigarettes or tobacco products at any  
11 time in connection with the manufacturer's,  
12 distributor's, wholesaler's, retailer's, or  
13 distributing agent's business or for promotion of the  
14 business or product, except as provided in subsection  
15 2.

16 2. a. A manufacturer, distributor, wholesaler,  
17 retailer, or distributing agent or agent thereof shall  
18 not give away any cigarettes or tobacco products to  
19 any person under eighteen years of age, or within five  
20 hundred feet of any playground, school, high school,  
21 or other facility when such facility is being used  
22 primarily by persons under age eighteen for  
23 recreational, educational, or other purposes.

24 b. Proof of age shall be required if a reasonable  
25 person could conclude on the basis of outward  
26 appearance that a prospective recipient of a sample  
27 may be under eighteen years of age.

28 c. Persons engaged in sampling shall secure stocks  
29 of samples in safe locations in order to avoid  
30 inadvertent distribution of samples contrary to the  
31 provisions of this section.

32 d. Sampling shall cease at a particular location  
33 when circumstances arise that make it apparent that  
34 sampling cannot continue in a manner consistent with  
35 the provisions of this section; however, sampling may  
36 resume at that location when such circumstances abate.

37 e. All cigarette samples shall be shipped to a  
38 distributor that has a permit to stamp cigarettes or  
39 little cigars with Iowa tax. The manufacturer  
40 shipping samples under this section shall send an  
41 affidavit to the director stating the quantity and to  
42 whom the samples were shipped. The distributor  
43 receiving the shipment shall send an affidavit to the  
44 director stating the quantity and from whom the  
45 samples were shipped. These affidavits shall be duly  
46 notarized and submitted to the director at time of  
47 shipment and receipt of the samples. The distributor  
48 shall pay the tax on samples by separate remittance  
49 along with the affidavit.

50 3. The prohibitions in this section do not apply

**Page 2**

1 to transactions between manufacturers, distributors,  
2 wholesalers, or retailers."

3 2. Page 13, by inserting after line 3 the  
4 following:

- 5 "Sec. 102. Section 142A.6, subsection 6, as  
6 enacted by 2000 Iowa Acts, House File 2565, section 6,  
7 is amended by striking the subsection.  
8 Sec. 103. 2000 Iowa Acts, House File 2565, section  
9 12, is repealed."  
10 3. Page 13, by inserting after line 15 the  
11 following:  
12 "Sec. \_\_\_\_ EFFECTIVE DATE. Sections 101, 102, and  
13 103 of this Act, being deemed of immediate importance,  
14 take effect upon enactment."  
15 4. Title page, line 2, by striking the words "an  
16 effective date" and inserting the following:  
17 "effective dates".  
18 5. By renumbering as necessary.

JACK RIFE  
RICHARD F. DRAKE

HOUSE AMENDMENT TO  
SENATE FILE 2241

S-5562

- 1 Amend Senate File 2241, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 123.3, Code 1999, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 12A. "Designated security  
8 employee" means an agent or employee of a licensee or  
9 permittee who is primarily employed for security  
10 purposes.  
11 Sec. 2. Section 123.31, Code 1999, is amended by  
12 adding the following new subsection:  
13 NEW SUBSECTION. 6A. A statement, if required by  
14 the local authority indicating whether all designated  
15 security employees have received training and  
16 certification as provided in section 123.32.  
17 Sec. 3. Section 123.32, Code 1999, is amended by  
18 adding the following new subsection:  
19 NEW SUBSECTION. 3A. A local authority, as a  
20 condition of obtaining a license or permit may require  
21 a designated security employee as defined in section  
22 123.3, to be trained and certified in security  
23 methods. The training shall include but is not  
24 limited to mediation techniques, civil rights or  
25 unfair practices awareness as provided in section  
26 216.7, and providing instruction on the proper  
27 physical restraint methods used against a person who  
28 has become combative."  
29 2. Page 1, by inserting before line 1 the

30 following:

31 "Section 1. Section 124.401, subsection 1,  
32 paragraph a, subparagraph (2), unnumbered paragraph 1,  
33 Code Supplement 1999, is amended to read as follows:

34 More than five kilograms of a any compound, mixture  
35 or, preparation, or substance containing a detectable  
36 amount of any of the following:

37 Sec. 2. Section 124.401, subsection 1, paragraph  
38 a, subparagraph (2), subparagraph subdivisions (a),  
39 (b), and (c), Code Supplement 1999, are amended by  
40 striking the subparagraph subdivisions.

41 Sec. 3. Section 124.401, subsection 1, paragraph  
42 a, subparagraph (2), subparagraph subdivision (f),  
43 Code Supplement 1999, is amended to read as follows:

44 (f) Any compound, mixture, or preparation which  
45 contains any quantity of any of the substances  
46 referred to in subparagraph subdivisions (a) through  
47 (e) this subparagraph (2).

48 Sec. 4. Section 124.401, subsection 1, paragraph  
49 a, subparagraph (3), Code Supplement 1999, is amended  
50 to read as follows:

## Page 2

1 (3) More than fifty grams of a any compound,  
2 mixture or, preparation, or substance described in  
3 subparagraph (2) which contains cocaine base,  
4 containing a detectable amount of any of the  
5 following:

6 (a) Coca leaves, except coca leaves and extracts  
7 of coca leaves from which cocaine, ecgonine, and  
8 derivatives of ecgonine or their salts have been  
9 removed.

10 (b) Cocaine, its salts, optical and geometric  
11 isomers, and salts of isomers.

12 (c) Ecgonine, its derivatives, their salts,  
13 isomers, and salts of isomers.

14 (d) Cocaine base.

15 Sec. 5. Section 124.401, subsection 1, paragraph  
16 b, subparagraph (2), Code Supplement 1999, is amended  
17 by striking the subparagraph.

18 Sec. 6. Section 124.401, subsection 1, paragraph  
19 b, subparagraph (3), Code Supplement 1999, is amended  
20 to read as follows:

21 (3) More than five grams but not more than fifty  
22 grams of a any compound, mixture, preparation, or  
23 substance described in subparagraph (2) which contains  
24 cocaine base, containing a detectable amount of any of  
25 the following:

26 (a) Coca leaves, except coca leaves and extracts  
27 of coca leaves from which cocaine, ecgonine, and  
28 derivatives of ecgonine or their salts have been

29 removed.  
30 (b) Cocaine, its salts, optical and geometric  
31 isomers, and salts of isomers.  
32 (c) Ecgonine, its derivatives, their salts,  
33 isomers, and salts of isomers.  
34 (d) Cocaine base.  
35 Sec. 7. Section 124.401, subsection 1, paragraph  
36 c, subparagraph (2), Code Supplement 1999, is amended  
37 by striking the subparagraph.  
38 Sec. 8. Section 124.401, subsection 1, paragraph  
39 c, subparagraph (3), Code Supplement 1999, is amended  
40 to read as follows:  
41 (3) Five grams or less of a ~~any compound~~, mixt  
42 preparation, or substance ~~described in subparagraph~~  
43 ~~(2) which contains cocaine base, containing a~~  
44 detectable amount of any of the following:  
45 (a) Coca leaves, except coca leaves and extracts  
46 of coca leaves from which cocaine, ecgonine, and  
47 derivatives of ecgonine or their salts have been  
48 removed.  
49 (b) Cocaine, its salts, optical and geometric  
50 isomers, and salts of isomers.

### Page 3

1 (c) Ecgonine, its derivatives, their salts,  
2 isomers, and salts of isomers.  
3 (d) Cocaine base.  
4 Sec. 9. Section 232.22, subsection 1, paragraph e,  
5 subparagraph (2), Code 1999, is amended to read as  
6 follows:  
7 (2) A mixture or substance containing cocaine, its  
8 salts, optical and geometric isomers, and salts of  
9 isomers, and if the act was committed by an adult, it  
10 would be a violation of section 124.401, subsection 1,  
11 paragraph "a", subparagraph ~~(2)~~ (3), subparagraph  
12 subdivision (b), paragraph "b", subparagraph ~~(2)~~ (3),  
13 subparagraph subdivision (b), or paragraph "c",  
14 subparagraph ~~(2)~~ (3), subparagraph subdivision (b)."  
15 3. Page 1, by inserting before line 1 the  
16 following:  
17 "Section 1. Section 124.401, subsection 5,  
18 unnumbered paragraph 1, Code Supplement 1999, is  
19 amended to read as follows:  
20 It is unlawful for any person knowingly or  
21 intentionally to possess a controlled substance unless  
22 such substance was obtained directly from, or pursuant  
23 to, a valid prescription or order of a practitioner  
24 while acting in the course of the practitioner's  
25 professional practice, or except as otherwise  
26 authorized by this chapter. Any person who violates  
27 this subsection is guilty of a serious misdemeanor for

28 a first offense. A person who commits a violation of  
29 this subsection and who has previously been convicted  
30 of violating this ~~subsection~~ chapter or chapter 124A,  
31 124B, or 453B is guilty of an aggravated misdemeanor.  
32 A person who commits a violation of this subsection  
33 and has previously been convicted two or more times of  
34 violating this ~~subsection~~ chapter or chapter 124A,  
35 124B, or 453B is guilty of a class "D" felony."  
36 4. Title page by striking lines 1 through 3 and  
37 inserting the following: "An Act relating to  
38 penalties and regulations concerning certain criminal  
39 offenses and liquor licenses and permits."  
40 5. By renumbering, relettering, or redesignating  
41 and correcting internal references as necessary.

S-5563

1 Amend House File 2560, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 4, by inserting after line 24 the  
4 following:  
5 "Sec. \_\_\_\_ NEW SECTION. 296.8 TAX EXEMPTION.  
6 Any bonds or notes issued by a school district for  
7 school infrastructure purposes shall be exempt from  
8 taxation by this state and the interest on the bonds  
9 or notes shall be exempt from state income tax. For  
10 the purposes of this section, school infrastructure  
11 purposes shall refer to the purposes specified in  
12 section 296.1."  
13 2. Page 9, by inserting after line 7 the  
14 following:  
15 "Sec. \_\_\_\_ Section 422.7, Code 1999, is amended by  
16 adding the following new subsection:  
17 NEW SUBSECTION. 35. Subtract interest earned on  
18 bonds and notes issued by a school district for school  
19 infrastructure purposes as provided in section 296.8."  
20 3. Title page, line 7, by inserting after the  
21 word "and" the following: "an exemption for bonds  
22 issued for school infrastructure purposes and".

KITTY REHBERG  
STEVE KING  
LARRY McKIBBEN

S-5564

1 Amend House File 2552, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 27, by inserting after line 23 the  
4 following:  
5 "Sec. \_\_\_\_ SEX OFFENDER REGISTRY – STUDY. The  
6 legislative council is requested to establish a



7 legislative interim committee to study issues  
8 concerning the operation of the sex offender registry  
9 program pursuant to chapter 692A. The committee  
10 should be directed to assess the current effectiveness  
11 of the sex offender registry program and to consider,  
12 among other issues, the method of determining  
13 placement on the registry, the timeliness of  
14 information placed on the registry, and the  
15 dissemination of information on the registry. In  
16 conducting its study, the committee should examine the  
17 effectiveness of sex offender registry programs in  
18 other states and should consider testimony from  
19 interested stakeholders involved in Iowa's sex  
20 offender registry program at both the state and local  
21 level. The interim committee should submit a report,  
22 including its findings and recommendations, to the  
23 general assembly for the 2001 legislative session."  
24 2. By renumbering as necessary.

ROBERT E. DVORSKY  
GENE MADDOX  
JEFF ANGELO

S-5565

1 Amend House File 2545, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 18, lines 2 and 3, by striking the words  
4 and figure "and the implementation of section 24 of  
5 this Act".  
6 2. Page 18, by striking lines 5 through 18.  
7 3. By renumbering as necessary.

JOHN P. KIBBIE

S-5566

1 Amend House File 2545, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 18, line 4, by striking the figure  
4 "100,000" and inserting the following: "150,000".

JOHN P. KIBBIE

S-5567

1 Amend House File 2545, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 3, line 30, by striking the figure  
4 "92.50" and inserting the following: "93.50".  
5 2. Page 6, line 35, by striking the figure  
6 "1,903,765" and inserting the following: "1,967,539".

- 7 3. Page 7, line 19, by striking the figure  
8 "2,311,097" and inserting the following: "2,247,323".  
9 4. Page 7, line 30, by striking the figure  
10 "217,130" and inserting the following: "237,130".  
11 5. Page 9, line 31, by striking the figure  
12 "1,401,934" and inserting the following: "1,462,096".  
13 6. Page 10, line 2, by striking the figure  
14 "125,319" and inserting the following: "129,517".  
15 7. Page 10, line 9, by striking the figure  
16 "120,598" and inserting the following: "140,598".  
17 8. Page 10, line 10, by striking the figure  
18 "2.50" and inserting the following: "3.00".  
19 9. Page 10, line 19, by striking the figure  
20 "270,886" and inserting the following: "279,960".  
21 10. Page 11, line 8, by striking the figure  
22 "514,910" and inserting the following: "554,910".  
23 11. Page 11, line 32, by striking the figure  
24 "2,390,188" and inserting the following: "2,453,188".  
25 12. Page 12, line 3, by striking the figure  
26 "634,488" and inserting the following: "844,004".  
27 13. Page 12, line 4, by striking the figure  
28 "12.00" and inserting the following: "15.00".  
29 14. Page 14, line 6, by striking the figure  
30 "1,980,914" and inserting the following: "2,262,237".  
31 15. Page 14, line 7, by striking the figure  
32 "30.00" and inserting the following: "31.00".  
33 16. Page 14, by inserting after line 7 the  
34 following:  
35 "From the funds appropriated in this subsection,  
36 \$100,000 shall be allocated for one-time expenses  
37 associated with the redesign of the state budget  
38 system."  
39 17. Page 14, by inserting after line 13 the  
40 following:  
41 "3. STATEWIDE PROPERTY TAX ADMINISTRATION  
42 For salaries, support, and miscellaneous purposes,  
43 and for not more than the following full-time  
44 equivalent positions:  
45 .....\$ 75,000  
46 .....FTE 1.00  
47 4. COUNCIL OF STATE GOVERNMENTS  
48 For support of the membership assessment:  
49 .....\$ 86,554"  
50 18. Page 15, line 11, by striking the figure

**Page 2**

- 1 "1,734,417" and inserting the following: "1,833,417".  
2 19. Page 15, line 19, by striking the figure  
3 "2,891,481" and inserting the following: "2,956,481".  
4 20. Page 15, by inserting after line 20 the  
5 following:

6 "From the funds appropriated in this subsection,  
7 \$40,000 shall be credited to the training revolving  
8 fund created in section 19A.12."

9 21. Page 17, line 7, by striking the figure  
10 "5,555,302" and inserting the following: "5,539,567".

11 22. Page 27, line 9, by striking the figure  
12 "10,437,269" and inserting the following:  
13 "10,735,295".

14 23. Page 27, line 13, by striking the figure  
15 "11,066,674" and inserting the following:  
16 "11,416,309".

17 24. Page 27, line 17, by striking the figure  
18 "6,460,688" and inserting the following: "6,509,988".

19 25. Page 27, line 25, by striking the word  
20 "shall" and inserting the following: "may".

21 26. Page 28, line 31, by striking the figure  
22 "756,749" and inserting the following: "776,749".

23 27. Page 29, by inserting after line 19 the  
24 following:

25 "4. DECENNIAL REDISTRICTING

26 For costs associated with decennial redistricting:

27 .....\$ 25,000"

28 28. Page 30, by striking lines 5 through 7 and  
29 inserting the following:

30 "Of the moneys remaining on June 30, 2000, in the  
31 administrative fund established in section 12D.4A,  
32 \$150,000 shall not revert to the general fund of the  
33 state but shall be carried forward to the fiscal year  
34 beginning July 1, 2000, and may be expended for  
35 establishing an automated distribution system for  
36 educational savings plan benefits."

37 29. By striking page 30, line 30 through page 31,  
38 line 16.

39 30. By striking page 31, line 17 through page 32,  
40 line 6.

41 31. Page 32, by inserting before line 7 the  
42 following:

43 "Sec. \_\_\_\_ Section 99B.11, subsection 2, Code  
44 1999, is amended by adding the following new  
45 paragraph:

46 NEW PARAGRAPH. e. A video machine golf tournament  
47 game which is an interactive bona fide contest. A  
48 player operates a video machine golf tournament game  
49 with a trackball assembly which acts as the golfer's  
50 swing and determines the results of play and

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1 tournament scores. A video machine golf tournament  
2 game is capable of receiving program and data  
3 information from an off-site location. A tournament  
4 operator shall prominently display all tournament

5 rules."

6 32. Page 33, by striking lines 2 through 19.

JOHN REDWINE

HOUSE AMENDMENT TO  
SENATE FILE 2327

S-5568

1 Amend Senate File 2327, 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 6B.2A, subsection 3, as  
6 enacted by 2000 Iowa Acts, House File 2528, section 3,  
7 is amended to read as follows:

8 3. If the acquiring agency is a person required to  
9 obtain a franchise under chapter 478, compliance with  
10 section 478.2 shall satisfy the ~~notice~~ requirements of  
11 this section. If the acquiring agency is a person  
12 required to obtain a permit under chapter 479,  
13 compliance with section 479.5 shall satisfy the ~~notice~~  
14 requirements of this section."

HOUSE AMENDMENT TO  
SENATE FILE 2010

S-5569

1 Amend Senate File 2010, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1, the  
4 following:

5 "Sec. 101. DIRECTIONS TO TREASURER OF STATE –  
6 PSEUDORABIES. When entering into agreements with  
7 eligible lending institutions to receive traditional  
8 livestock producers linked investment loans as  
9 provided in section 12.43A, the treasurer of state  
10 shall provide a preference in entering into agreements  
11 in order to increase the availability of lower cost  
12 loans to traditional livestock producers who have  
13 liquidated swine herds on or after March 1, 2000,  
14 including by depopulation, due to the infection of  
15 pseudorabies."

16 2. Page 1, line 14, by striking the words  
17 "paragraph d" and inserting the following:  
18 "paragraphs c and d".

19 3. Page 1, line 15, by striking the word "is" and  
20 inserting the following: "are".

21 4. Page 1, by inserting after line 15 the  
22 following:

"c. The gross income earned by the borrower's farm operation must be more than fifty thousand dollars but not more than ~~three~~ five hundred thousand dollars for the borrower's last tax year."

5. Page 1, by inserting after line 21, the following:

"Sec. \_\_\_\_ REPEAL. Section 101 of this Act is repealed on July 1, 2001."

6. Title page, line 2, by inserting after the word "requirements" the following: ", and providing for a temporary preference in executing agreements".

7. By renumbering as necessary.

S-5570

Amend House File 2545, as amended, passed, and reprinted by the House, as follows:

1. Page 3, line 30, by striking the figure "92.50" and inserting the following: "93.50".

2. Page 6, line 35, by striking the figure "1,903,765" and inserting the following: "1,967,539".

3. Page 7, line 19, by striking the figure "2,311,097" and inserting the following: "2,247,323".

4. Page 7, line 30, by striking the figure "217,130" and inserting the following: "237,130".

5. Page 9, line 31, by striking the figure "1,401,934" and inserting the following: "1,462,096".

6. Page 10, line 2, by striking the figure "125,319" and inserting the following: "129,517".

7. Page 10, line 9, by striking the figure "120,598" and inserting the following: "140,598".

8. Page 10, line 10, by striking the figure "2.50" and inserting the following: "3.00".

9. Page 10, line 19, by striking the figure "270,886" and inserting the following: "279,960".

10. Page 11, line 8, by striking the figure "514,910" and inserting the following: "554,910".

11. Page 11, line 32, by striking the figure "2,390,188" and inserting the following: "2,453,188".

12. Page 12, line 3, by striking the figure "634,488" and inserting the following: "844,004".

13. Page 12, line 4, by striking the figure "12.00" and inserting the following: "15.00".

14. Page 14, line 6, by striking the figure "1,980,914" and inserting the following: "2,262,237".

15. Page 14, line 7, by striking the figure "30.00" and inserting the following: "31.00".

16. Page 14, by inserting after line 7 the following:

"From the funds appropriated in this subsection, \$100,000 shall be allocated for one-time expenses associated with the redesign of the state budget

38 system."

39 17. Page 14, by inserting after line 13 the  
40 following:

41 "3. STATEWIDE PROPERTY TAX ADMINISTRATION

42 For salaries, support, and miscellaneous purposes,

43 and for not more than the following full-time

44 equivalent positions:

45 .....\$ 75,000

46 .....FTE 1.00

47 4. COUNCIL OF STATE GOVERNMENTS

48 For support of the membership assessment:

49 .....\$ 86,554"

50 18. Page 15, line 11, by striking the figure

## Page 2

1 "1,734,417" and inserting the following: "1,833,417".

2 19. Page 15, line 19, by striking the figure

3 "2,891,481" and inserting the following: "2,916,481".

4 20. Page 15, by inserting after line 20 the

5 following:

6 "3. INSTITUTE FOR PUBLIC LEADERSHIP.

7 To be credited to the training revolving fund

8 created in section 19A.12 for expenses related to the

9 institute for public leadership:

10 .....\$ 40,000".

11 21. Page 17, line 7, by striking the figure

12 "5,555,302" and inserting the following: "5,539,567".

13 22. Page 27, line 9, by striking the figure

14 "10,437,269" and inserting the following:

15 "10,735,295".

16 23. Page 27, line 13, by striking the figure

17 "11,066,674" and inserting the following:

18 "11,416,309".

19 24. Page 27, line 17, by striking the figure

20 "6,460,688" and inserting the following: "6,509,988".

21 25. Page 27, line 25, by striking the word

22 "shall" and inserting the following: "may".

23 26. Page 28, line 31, by striking the figure

24 "756,749" and inserting the following: "776,749".

25 27. Page 29, by inserting after line 19 the

26 following:

27 "4. DECENNIAL REDISTRICTING

28 For costs associated with decennial redistricting:

29 .....\$ 25,000"

30 28. Page 30, by striking lines 5 through 7 and

31 inserting the following:

32 "Of the moneys remaining on June 30, 2000, in the

33 administrative fund established in section 12D.4A,

34 \$150,000 shall not revert to the general fund of the

35 state but shall be carried forward to the fiscal year

36 beginning July 1, 2000, and may be expended for

37 establishing an automated distribution system for  
38 educational savings plan benefits."  
39 29. By striking page 30, line 30 through page 31,  
40 line 16.  
41 30. By striking page 31, line 17 through page 32,  
42 line 6.  
43 31. Page 32, by inserting before line 7 the  
44 following:  
45 "Sec. \_\_\_\_ Section 99B.11, subsection 2, Code  
46 1999, is amended by adding the following new  
47 paragraph:  
48 NEW PARAGRAPH. e. A video machine golf tournament  
49 game which is an interactive bona fide contest. A  
50 player operates a video machine golf tournament game

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1 with a trackball assembly which acts as the golfer's  
2 swing and determines the results of play and  
3 tournament scores. A video machine golf tournament  
4 game is capable of receiving program and data  
5 information from an off-site location. A tournament  
6 operator shall prominently display all tournament  
7 rules."  
8 32. Page 33, by striking lines 2 through 19.

JOHN REDWINE

S-5571

1 Amend the amendment, S-5570, to House File 2545, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by inserting after line 22 the  
5 following:  
6 "\_\_\_\_. "Page 11, line 14, by striking the figure  
7 "477,328" and inserting the following: "540,681"."

MATT McCOY

S-5572

1 Amend the amendment, S-5570, to House File 2545, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, line 24, by striking the figure  
5 "756,749" and inserting the following: "811,749".  
6 2. Page 2, by inserting after line 24 the  
7 following:  
8 "\_\_\_\_. "Page 28, line 34, by striking the figure  
9 "20,000" and inserting the following: "50,000"."  
10 3. Page 2, by inserting after line 24, the

11 following:

12 " \_\_\_\_\_. "Page 29, line 14, by striking the figure:

13 "1,835,311" and inserting the following:

14 "1,860,311"."

MATT McCOY

S-5573

1 Amend Senate File 2452 as follows:

2 1. Page 17, by inserting before line 8 the  
3 following:

4 "DIVISION \_\_\_\_  
5 MOTOR VEHICLE FRANCHISES -- CONDITIONS BARRING  
6 CHANGE IN FRANCHISE

7 Sec. \_\_\_\_ Section 322A.11, Code 1999, is amended  
8 by adding the following new subsection:

9 NEW SUBSECTION. 5. The fact that the dealership  
10 does not meet an index or standard established by the  
11 franchiser, unless the franchiser proves that the  
12 failure of the dealership to meet the index or  
13 standard will be substantially detrimental to the  
14 distribution of the franchiser's motor vehicles in the  
15 community."

16 2. By renumbering as necessary.

RICHARD F. DRAKE  
MICHAEL E. GRONSTAL

S-5574

1 Amend the amendment, S-5570, to House File 2545, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. By striking page 1, line 3, through page 3,  
5 line 7, and inserting the following:

6 " \_\_\_\_\_. "Page 1, line 9, by striking the figure  
7 "1,397,432" and inserting the following: "1,490,432".

8 \_\_\_\_\_. Page 1, line 10, by striking the figure  
9 "114.26" and inserting the following: "115.20".

10 \_\_\_\_\_. Page 1, line 31, by striking the figure  
11 "501,066" and inserting the following: "530,766".

12 \_\_\_\_\_. Page 2, line 35, by striking the figure  
13 "1,569,380" and inserting the following: "1,592,587".

14 \_\_\_\_\_. Page 3, line 4, by striking the figure  
15 "25,000" and inserting the following: "37,000".

16 \_\_\_\_\_. Page 3, line 30, by striking the figure  
17 "92.50" and inserting the following: "94.00".

18 \_\_\_\_\_. Page 4, line 15, by striking the figure  
19 "869,826" and inserting the following: "889,607".

20 \_\_\_\_\_. Page 4, line 16, by striking the figure  
21 "11.00" and inserting the following: "12.00".



22 \_\_\_\_ Page 6, line 35, by striking the figure  
 23 "1,903,765" and inserting the following: "1,967,539".  
 24 \_\_\_\_ Page 7, line 30, by striking the figure  
 25 "217,130" and inserting the following: "237,130".  
 26 \_\_\_\_ Page 9, line 31, by striking the figure  
 27 "1,401,934" and inserting the following: "1,539,096".  
 28 \_\_\_\_ Page 9, line 32, by striking the figure  
 29 "17.25" and inserting the following: "18.25".  
 30 \_\_\_\_ Page 10, line 2, by striking the figure  
 31 "125,319" and inserting the following: "129,517".  
 32 \_\_\_\_ Page 10, line 9, by striking the figure  
 33 "120,598" and inserting the following: "140,598".  
 34 \_\_\_\_ Page 10, line 10, by striking the figure  
 35 "2.50" and inserting the following: "3.00".  
 36 \_\_\_\_ Page 10, line 19, by striking the figure  
 37 "270,886" and inserting the following: "279,960".  
 38 \_\_\_\_ Page 11, line 8, by striking the figure  
 39 "514,910" and inserting the following: "568,868".  
 40 \_\_\_\_ Page 11, line 14, by striking the figure  
 41 "477,328" and inserting the following: "540,681".  
 42 \_\_\_\_ Page 11, line 15, by striking the figure  
 43 "12.00" and inserting the following: "13.00".  
 44 \_\_\_\_ Page 11, line 20, by striking the figure  
 45 "469,262" and inserting the following: "488,365".  
 46 \_\_\_\_ Page 11, line 26, by striking the figure  
 47 "1,012,060" and inserting the following: "1,028,093".  
 48 \_\_\_\_ Page 11, line 27, by striking the figure  
 49 "40.00" and inserting the following: "41.00".  
 50 \_\_\_\_ Page 11, line 32, by striking the figure

## Page 2

1 "2,390,188" and inserting the following: "2,493,539".  
 2 \_\_\_\_ Page 12, line 3, by striking the figure  
 3 "634,488" and inserting the following: "844,004".  
 4 \_\_\_\_ Page 12, line 4, by striking the figure  
 5 "12.00" and inserting the following: "15.00".  
 6 \_\_\_\_ Page 12, line 9, by striking the figure  
 7 "33,885" and inserting the following: "35,178".  
 8 \_\_\_\_ Page 12, line 25, by striking the figure  
 9 "19.00" and inserting the following: "25.50".  
 10 \_\_\_\_ Page 13, line 6, by striking the figure  
 11 "2,073,848" and inserting the following: "2,155,379".  
 12 \_\_\_\_ Page 14, line 6, by striking the figure  
 13 "1,980,914" and inserting the following: "2,338,019".  
 14 \_\_\_\_ Page 14, line 7, by striking the figure  
 15 "30.00" and inserting the following: "32.00".  
 16 \_\_\_\_ Page 14, by inserting after line 13 the  
 17 following:  
 18 "\_\_\_\_. STATEWIDE PROPERTY TAX ADMINISTRATION.  
 19 For salaries, support, and miscellaneous purposes:  
 20 .....\$ 75,000"

21 \_\_\_\_ Page 14, by inserting after line 24 the  
 22 following:  
 23 " \_\_\_\_ In addition to the moneys appropriated to  
 24 the department of management in subsections 1 and 2,  
 25 there is appropriated from the general fund of the  
 26 state to the department of management for the fiscal  
 27 year beginning July 1, 2000, and ending June 30, 2001,  
 28 the following amount, or so much thereof as is  
 29 necessary, to be used to pay expenses related to the  
 30 Iowa 2010 project:  
 31 .....\$ 47,328"  
 32 \_\_\_\_ Page 15, line 19, by striking the figure  
 33 "2,891,481" and inserting the following: "3,152,448".  
 34 \_\_\_\_ Page 15, line 20, by striking the figure  
 35 "57.51" and inserting the following: "61.37".  
 36 \_\_\_\_ Page 17, line 8, by striking the figure  
 37 "77.53" and inserting the following: "77.54".  
 38 \_\_\_\_ Page 27, line 5, by striking the figure  
 39 "508.05" and inserting the following: "519.05".  
 40 \_\_\_\_ Page 27, line 9, by striking the figure  
 41 "10,437,269" and inserting the following:  
 42 "10,899,641".  
 43 \_\_\_\_ Page 27, line 13, by striking the figure  
 44 "11,066,674" and inserting the following:  
 45 "11,531,307".  
 46 \_\_\_\_ Page 27, line 17, by striking the figure  
 47 "6,460,688" and inserting the following: "6,817,661".  
 48 \_\_\_\_ Page 28, line 9, by striking the figure  
 49 "8,288,814" and inserting the following: "8,372,539".  
 50 \_\_\_\_ Page 28, line 31, by striking the figure

### Page 3

1 "756,749" and inserting the following: "811,749".  
 2 \_\_\_\_ Page 29, line 14, by striking the figure  
 3 "1,835,311" and inserting the following: "1,860,311".  
 4 \_\_\_\_ Page 30, line 3, by striking the figure  
 5 "1,158,904" and inserting the following:  
 6 "1,308,904".

MATT McCOY

S-5575

1 Amend House File 2552, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 5, by striking lines 26 and 27 and  
 4 inserting the following:  
 5 ".....\$ 30,153,729  
 6 .....FTE 533.50"  
 7 2. Page 5, by striking line 34 and inserting the  
 8 following:

9 " .....\$ 23,601,997"  
 10 3. Page 6, by striking line 9 and inserting the  
 11 following:  
 12 " .....\$ 21,300,914"  
 13 4. Page 6, by striking line 15 and inserting the  
 14 following:  
 15 " .....\$ 22,775,087"  
 16 5. Page 6, by striking line 23 and inserting the  
 17 following:  
 18 " .....\$ 21,490,369"  
 19 6. Page 6, by striking line 29 and inserting the  
 20 following:  
 21 " .....\$ 6,939,481"  
 22 7. Page 6, by striking line 35 and inserting the  
 23 following:  
 24 " .....\$ 17,814,313"  
 25 8. Page 7, by striking line 11 and inserting the  
 26 following:  
 27 " .....\$ 11,960,757"  
 28 9. Page 13, by striking line 13 and inserting the  
 29 following:  
 30 " .....\$ 8,793,845"  
 31 10. Page 13, by striking line 19 and inserting  
 32 the following:  
 33 " .....\$ 7,024,872"  
 34 11. Page 13, by striking line 25 and inserting  
 35 the following:  
 36 " .....\$ 4,311,723"  
 37 12. Page 13, by striking line 31 and inserting  
 38 the following:  
 39 " .....\$ 3,168,299"  
 40 13. Page 14, by striking line 2 and inserting the  
 41 following:  
 42 " .....\$ 11,708,518"  
 43 14. Page 14, by striking line 8 and inserting the  
 44 following:  
 45 " .....\$ 8,875,900"  
 46 15. Page 14, by striking line 20 and inserting  
 47 the following:  
 48 " .....\$ 5,062,560"  
 49 16. Page 20, by striking lines 26 and 27 and  
 50 inserting the following:

## Page 2

1 " .....\$ 12,470,844  
 2 .....FTEs 233.50"  
 3 17. Page 21, by striking lines 17 and 18 and  
 4 inserting the following:

5 " .....\$ 3,883,963  
6 .....FTEs 64.00"

GENE MADDOX

S-5576

1 Amend Senate File 2432 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 422.45, Code Supplement 1999,  
5 is amended by adding the following new subsection:  
6 NEW SUBSECTION. 28. a. The gross receipts from  
7 the sale or rental of the portion of central office  
8 equipment or transmission equipment primarily used by  
9 telecommunications providers to provide advanced  
10 services in rural areas. "Advanced services" shall be  
11 defined in rules by the utilities board.  
12 "Telecommunications provider" includes but is not  
13 limited to local exchange carriers and competitive  
14 local exchange service providers as defined in section  
15 476.96; franchised cable television operators, mutual  
16 companies, municipal utilities, cooperatives, and  
17 companies furnishing communications services which are  
18 not subject to rate regulation as provided in chapter  
19 476; long distance companies as defined in section  
20 477.10; or commercial mobile radio service, as defined  
21 in 47 C.F.R. } 20.3, furnishing telecommunication  
22 services on a commercial basis. For the purposes of  
23 this subsection, "central office equipment" means  
24 equipment utilized in the initiating, processing,  
25 amplifying, switching, or monitoring of  
26 telecommunication services. "Central office  
27 equipment" also includes ancillary equipment and  
28 apparatus which supports, regulates, controls,  
29 repairs, tests, or enables central office equipment to  
30 accomplish its function. "Rural areas" means areas  
31 not within five miles of any incorporated or census  
32 designated places containing more than twenty-five  
33 thousand people. "Transmission equipment" means  
34 equipment through which information is transmitted  
35 including, but not limited to, wire, coaxial cable,  
36 fiber optics, air or vacuum, and satellites.  
37 b. The tax paid on the gross receipts from sales  
38 or rentals described in paragraph "a" must be applied  
39 for not later than one year after the sale or rental  
40 occurred, in the manner and on the forms provided by  
41 the department. Refunds authorized shall accrue  
42 interest at the rate in effect under section 421.7  
43 from the first day of the second calendar month  
44 following the date the refund claim is received by the  
45 department.

46 Sec. \_\_\_\_ EFFECTIVE DATE. This Act takes effect  
47 July 1, 2001."

STEVE KING  
JOHN W. JENSEN

S-5577

1 Amend House File 2560, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 4, by striking lines 31 and 32 and  
4 inserting the following: "credits in excess of tax  
5 liabilities shall be refunded as provided in section  
6 404A.4, subsection 3."  
7 2. Page 5, by striking lines 28 through 31 and  
8 inserting the following: "the project completion  
9 date.  
10 For purposes of this chapter, qualified  
11 rehabilitation costs include amounts if they are  
12 properly includable in computing the basis for tax  
13 purposes of the eligible property. Amounts treated as  
14 an expense and deducted in the tax year in which they  
15 are paid or incurred and amounts that are otherwise  
16 not added to the basis for tax purposes of the  
17 eligible property are not qualified rehabilitation  
18 costs. Amounts incurred for architectural and  
19 engineering fees, site survey fees, legal expenses,  
20 insurance premiums, development fees, and other  
21 construction-related costs are qualified  
22 rehabilitation costs to the extent they are added to  
23 the basis for tax purposes of the eligible property.  
24 Costs of sidewalks, parking lots, and landscaping do  
25 not constitute qualified rehabilitation costs."  
26 3. Page 7, line 2, by striking the word  
27 "TRANSFER" and inserting the following: "REFUND".  
28 4. Page 7, line 15, by inserting after the word  
29 "credit," the following: "and".  
30 5. Page 7, by striking lines 16 through 30 and  
31 inserting the following: "information required by the  
32 department of revenue and finance.  
33 3. A person receiving a property rehabilitation  
34 tax credit under this chapter which is in excess of  
35 the person's tax liability for the tax year is  
36 entitled to a refund of the excess at a discounted  
37 value. The discounted value of the tax credit refund,  
38 as calculated by the historical preservation office in  
39 consultation with the department of revenue and  
40 finance, shall be determined based on the discounted  
41 value of the tax credit five years after the tax year  
42 of the project completion at an interest rate  
43 equivalent to the prime rate plus two percent. The  
44 refunded tax credit shall not exceed seventy-five

45 percent of the allowable tax credit."

46 6. Page 8, line 7, by inserting after the word  
47 "unused" the following: "and eligible for refund".

48 7. Page 11, line 9, by striking the word "is" and  
49 inserting the following: "shall be refunded as  
50 provided in section 404A.4, subsection 3."

## Page 2

1 8. Page 11, by striking lines 10 and 11.

2 9. Page 11, by striking lines 19 through 23.

3 10. Page 12, line 21 by striking the figure "9"  
4 and inserting the following: "8A".

5 11. Page 16, line 4, by striking the figure  
6 "422.11D" and inserting the following: "422.11E".

7 12. Page 17, by striking lines 9 through 15 and  
8 inserting the following: "tax liability shall be  
9 refunded as provided in section 404A.4, subsection 3."

10 13. Page 17, by inserting after line 17 the  
11 following:

12 "Sec. 100. Section 427.1, Code Supplement 1999, is  
13 amended by adding the following new subsection:  
14 NEW SUBSECTION. 31. BARN PRESERVATION. The  
15 increase in assessed value added to a farm structure  
16 constructed prior to 1937 as a result of improvements  
17 made to the farm structure for purposes of preserving  
18 the integrity of the internal and external features of  
19 the structure as a barn is exempt from taxation. To  
20 be eligible for the exemption, the structure must have  
21 been first placed in service as a barn prior to 1937.  
22 The exemption shall apply to the assessment year  
23 beginning after the completion of the improvements to  
24 preserve the structure as a barn.

25 For purposes of this subsection, "barn" means an  
26 agricultural structure, in whatever shape or design,  
27 which was originally used for the storage of farm  
28 products or feed or for the housing of farm animals,  
29 poultry, or farm equipment.

30 Application for this exemption shall be filed with  
31 the assessing authority not later than February 1 of  
32 the first year for which the exemption is requested,  
33 on forms provided by the department of revenue and  
34 finance. The application shall describe and locate  
35 the specific structure for which the added value is  
36 requested to be exempt.

37 Once the exemption is granted, the exemption shall  
38 continue to be granted for subsequent assessment years  
39 without further filing of applications as long as the  
40 structure continues to be used as a barn. The  
41 taxpayer shall notify the assessing authority when the  
42 structure ceases to be used as a barn.

43 Sec. \_\_\_\_ Section 25B.7 does not apply to the

- 44 exemption granted pursuant to section 100 of this  
45 Act."  
46 14. Title page, line 9, by inserting after the  
47 word "purposes" the following: "and a property tax  
48 exemption for increasing the value of certain barns as  
49 a result of the rehabilitation of the barns,".  
50 15. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS  
JOANN JOHNSON, Chairperson

HOUSE AMENDMENT TO  
SENATE FILE 2438

S-5578

- 1 Amend Senate File 2438, as amended, passed, and  
2 reprinted by Senate, as follows:  
3 1. Page 1, lines 12 and 13, by striking the words  
4 "sewage collection and treatment facilities,".

S-5579

- 1 Amend the amendment, S-5570, to House File 2545, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 36, by striking the word "one-  
5 time".

JOHN REDWINE

S-5580

- 1 Amend the amendment, S-5570, to House File 2545, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, by inserting after line 24 the  
5 following:  
6 " \_\_\_\_\_. Page 28, line 34, by striking the figure  
7 "20,000" and inserting the following: "30,000". "  
8 2. Page 2, by inserting after line 24, the  
9 following:  
10 " \_\_\_\_\_. Page 29, line 14, by striking the figure  
11 "1,835,311" and inserting the following:  
12 "1,860,311". "

MATT McCOY

S-5581

- 1 Amend House File 2351, as passed by the House, as  
2 follows:

- 3 1. Page 1, line 1, by striking the word and  
4 figure "Section 1." and inserting the following:  
5 "Section 1. Section 422.45, Code Supplement 1999,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 12B. The gross receipts from the  
8 sale of bottled, or otherwise packaged, water for  
9 human consumption including, but not limited to,  
10 distilled, effervescent, noneffervescent, soda, and  
11 mineral water.  
12 Sec. 1A."  
13 2. Page 1, line 21, by striking the word "This"  
14 and inserting the following: "Section 1A of this".  
15 3. Title page, line 2, by inserting  
16 after the word "annually" the following: "and for the  
17 sale of bottled and other packaged water for human  
18 consumption".

JOHNIE HAMMOND  
ELAINE SZYMONIAK  
ROBERT E. DVORSKY  
GENE FRAISE  
JOHN P. KIBBIE  
STEVE HANSEN  
DENNIS H. BLACK  
PATRICK J. DELUHERY  
MICHAEL E. GRONSTAL  
JOE BOLKCOM  
JOHN JUDGE  
MICHAEL W. CONNOLLY  
PATRICIA HARPER  
BETTY A. SOUKUP  
MATT McCOY  
TOM FLYNN  
BILL FINK  
MARK SHEARER

S-5582

- 1 Amend House File 2560, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 17, by inserting after line 17 the  
4 following:  
5 "Sec. \_\_\_\_ Section 422.45, Code Supplement 1999,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 12B. The gross receipts from the  
8 sale of bottled, or otherwise packaged, water for  
9 human consumption including, but not limited to,  
10 distilled, effervescent, noneffervescent, soda, and  
11 mineral water."  
12 2. Title page, line 9, by inserting after the  
13 word "purposes," the following: "and a sales and use



14 tax exemption for the sale of bottled and other  
15 packaged water for human consumption,".

JOHNIE HAMMOND  
ELAINE SZYMONIAK  
GENE FRAISE  
JOHN P. KIBBIE  
STEVE HANSEN  
DENNIS H. BLACK  
ROBERT E. DVORSKY  
PATRICK J. DELUHERY  
MICHAEL E. GRONSTAL  
JOE BOLKCOM  
JOHN JUDGE  
MICHAEL W. CONNOLLY  
PATRICIA HARPER  
BETTY A. SOUKUP  
MATT McCOY  
TOM FLYNN  
BILL FINK  
MARK SHEARER

S-5583

1 Amend House File 2545, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 33, by inserting after line 19 the  
4 following:  
5 "Sec. \_\_. NEW SECTION. 514L.1 LIABILITY OF A  
6 MANAGED CARE HEALTH PLAN OR HEALTH MAINTENANCE  
7 ORGANIZATION.  
8 1. For purposes of this section, unless the  
9 context otherwise requires:  
10 a. "Managed care health plan" means a health  
11 benefit plan that selects and contracts with health  
12 care providers; manages and coordinates health care  
13 delivery; monitors necessity, appropriateness, and  
14 quality of health care delivered by health care  
15 providers; and performs utilization review and cost  
16 control.  
17 b. "Health maintenance organization" means a  
18 health maintenance organization as defined in section  
19 514B.1, subsection 6.  
20 2. a. A managed care health plan or health  
21 maintenance organization shall exercise ordinary care  
22 when making health care treatment decisions and is  
23 liable for damages for harm to an insured or enrollee  
24 proximately caused by its failure to exercise ordinary  
25 care. An insured or enrollee may bring an action  
26 against a managed care health plan or health  
27 maintenance organization for a breach of the duty to  
28 exercise ordinary care.

29 For purposes of this section, a managed care health  
 30 plan or health maintenance organization includes an  
 31 employee, agent, or other person acting on behalf of  
 32 the managed care health plan or health maintenance  
 33 organization.  
 34 b. In any action brought under this section  
 35 against a managed care health plan or health  
 36 maintenance organization, the managed care health plan  
 37 or health maintenance organization may assert as a  
 38 defense either of the following:  
 39 (1) The managed care health plan or health  
 40 maintenance organization did not control, influence,  
 41 or participate in the health care treatment decision.  
 42 (2) The managed care health plan or health  
 43 maintenance organization did not deny or delay payment  
 44 for any treatment prescribed or recommended by a  
 45 health care provider.  
 46 c. This section does not create a duty on the part  
 47 of the managed care health plan or health maintenance  
 48 organization to provide treatment which is not covered  
 49 by the health care plan of the managed care health  
 50 plan or health maintenance organization.

## Page 2

1 d. In an action against a managed care health plan  
 2 or health maintenance organization, a finding that a  
 3 physician or other health care provider is an  
 4 employee, agent, or representative of such managed  
 5 care health plan or health maintenance organization  
 6 shall not be based solely on proof that such person's  
 7 name appears in a listing of approved health care  
 8 providers made available to insureds or enrollees."  
 9 2. By renumbering as necessary.

JOHNIE HAMMOND

S-5584

1 Amend House File 2552, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 5, by striking lines 26 and 27 and  
 4 inserting the following:  
 5 ".....\$ 30,153,729  
 6 .....FTEs 533.50"  
 7 2. Page 5, by striking line 34 and inserting the  
 8 following:  
 9 ".....\$ 23,601,997"  
 10 3. Page 6, by striking line 9 and inserting the  
 11 following:  
 12 ".....\$ 21,300,914"  
 13 4. Page 6, by striking line 15 and inserting the

14 following:  
 15 " .....\$ 22,775,087"  
 16 5. Page 6, by striking line 23 and inserting the  
 17 following:  
 18 " .....\$ 21,490,369"  
 19 6. Page 6, by striking line 29 and inserting the  
 20 following:  
 21 " .....\$ 6,939,481"  
 22 7. Page 6, by striking line 35 and inserting the  
 23 following:  
 24 " .....\$ 17,814,313"  
 25 8. Page 7, by striking line 11 and inserting the  
 26 following:  
 27 " .....\$ 11,960,757"  
 28 9. Page 13, by striking line 13 and inserting the  
 29 following:  
 30 " .....\$ 8,793,845"  
 31 10. Page 13, by striking line 19 and inserting  
 32 the following:  
 33 " .....\$ 7,024,872"  
 34 11. Page 13, by striking line 25 and inserting  
 35 the following:  
 36 " .....\$ 4,261,670"  
 37 12. Page 14, by striking line 2 and inserting the  
 38 following:  
 39 " .....\$ 11,708,518"  
 40 13. Page 14, by striking line 8 and inserting the  
 41 following:  
 42 " .....\$ 8,875,900"  
 43 14. Page 14, by striking line 20 and inserting  
 44 the following:  
 45 " .....\$ 5,062,560"  
 46 15. Page 20, by striking lines 26 and 27 and  
 47 inserting the following:  
 48 " .....\$ 12,470,844  
 49 .....FTEs 233.50"  
 50 16. Page 21, by striking lines 17 and 18 and

## Page 2

1 inserting the following:  
 2 " .....\$ 3,972,285  
 3 .....FTEs 65.00"

GENE MADDOX

S-5585

1 Amend the amendment, S-5584, to House File 2552, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

- 4 1. Page 1, line 21, by striking the figure  
5 "6,939,481" and inserting the following: "7,117,981".

MIKE SEXTON

S-5586

- 1 Amend House File 2545, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 5, by inserting after line 5 the  
4 following:  
5 "\_\_\_\_. UTILITIES DIVISION  
6 For the establishment of a registry of individuals  
7 who do not want to receive telephone solicitations  
8 pursuant to section 476B.1:  
9 .....\$ 50,000"  
10 2. Page 33, by inserting after line 19 the  
11 following:  
12 "Sec. \_\_\_\_ NEW SECTION. 476B.1 TELEPHONE  
13 SOLICITATION REGISTRY -- PROHIBITED ACT.  
14 1. The utilities board shall establish and  
15 maintain a telephone solicitation registry including a  
16 list of telephone numbers of residential telephone  
17 subscribers who object to receiving telephone  
18 solicitations. The board shall establish the registry  
19 by no later than January 1, 2001.  
20 2. A person shall not make or cause to be made a  
21 telephone solicitation to a residential telephone  
22 subscriber in this state who has requested that the  
23 board include such subscriber's number on the  
24 telephone solicitation registry.  
25 3. A person who makes or causes to be made a  
26 telephone solicitation in violation of subsection 2 is  
27 subject to the following:  
28 a. A civil penalty of five hundred dollars for a  
29 first violation.  
30 b. A civil penalty of one thousand dollars for  
31 each subsequent violation.  
32 4. Civil penalties imposed and collected as  
33 provided in subsection 3 shall be distributed as  
34 follows:  
35 a. Fifty percent of the civil penalty shall be  
36 remitted to the residential telephone subscriber who  
37 received the telephone solicitation in violation of  
38 subsection 2.  
39 b. Fifty percent of the civil penalty shall be  
40 deposited in the general fund of the state.  
41 5. The board shall adopt rules necessary to  
42 administer this section."  
43 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5587

- 1 Amend House File 2552, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 23, line 23, by striking the words "one
- 4 hundred percent of the" and inserting the following:
- 5 "eighty percent of the salary".
- 6 2. Page 23, line 25, by inserting after the word
- 7 "chapter" the following: "and an additional amount
- 8 for the division's costs to enforce this chapter
- 9 which, for all licensees, shall not exceed thirty
- 10 thousand dollars".
- 11 3. By striking page 23, line 31 through page 24,
- 12 line 6 and inserting the following: "the commission
- 13 plus the cost of salaries for no more than two special
- 14 agents and no more than four gaming enforcement
- 15 officers for each excursion gambling boat for the
- 16 division of criminal investigation's excursion
- 17 gambling boat activities and an amount for all
- 18 licensees, not to exceed one hundred twenty-five
- 19 thousand dollars, representing other associated costs
- 20 of the division, as the basis for determining the
- 21 amount of revenue to be raised from the license fees
- 22 and admission fees. The division's".
- 23 4. Page 24, line 7, by striking the words "one
- 24 hundred" and inserting the following: "eighty".
- 25 5. Page 24, line 8, by striking the words "and
- 26 sixty five," and inserting the following: "and sixty
- 27 five".
- 28 6. Page 24, line 9, by striking the words "one
- 29 hundred" and inserting the following: "eighty".
- 30 7. Page 24, line 9, by striking the word "salary"
- 31 and inserting the following: "salary".
- 32 8. Page 24, by striking lines 11 and 12 and
- 33 inserting the following: "laws and rules adopted by
- 34 the commission."
- 35 9. Page 24, line 16, by striking the words "one
- 36 hundred percent of the" and inserting the following:
- 37 "eighty percent of the salary".
- 38 10. By renumbering as necessary.

DERRYL McLAREN  
STEWART E. IVERSON, Jr.  
MICHAEL E. GRONSTAL  
TOM FLYNN

HOUSE AMENDMENT TO  
SENATE FILE 2246

S-5588

- 1 Amend Senate File 2246, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 6, by striking the word "shall"  
4 and inserting the following: "may".

S-5589

- 1 Amend House File 2554, as passed by the House, as  
2 follows:  
3 1. Page 6, by inserting after line 20 the  
4 following:  
5 "Sec. \_\_\_\_ Section 602.1301, subsection 2, Code  
6 1999, is amended to read as follows:  
7 2. a. As early as possible, but not later than  
8 December 1, the supreme court shall submit to the  
9 legislative fiscal bureau, and to the department of  
10 management, the annual budget request and detailed  
11 supporting information for the judicial branch. The  
12 submission shall be designed to assist the legislative  
13 fiscal bureau in its preparation for legislative  
14 consideration of the budget request. The information  
15 submitted shall contain and be arranged in a format  
16 substantially similar to the format specified by the  
17 director of the department of management and used by  
18 all departments and establishments in transmitting to  
19 the director estimates of their expenditure  
20 requirements pursuant to section 8.23, except the  
21 estimates of expenditure requirements shall be based  
22 upon one hundred percent of funding for the current  
23 fiscal year accounted for by program, and using the  
24 same line item definitions of expenditures as used for  
25 the current fiscal year's budget request, and the  
26 remainder of the estimate of expenditure requirements  
27 prioritized by program. The supreme court shall also  
28 make use of the department of management's automated  
29 budget system when submitting information to the  
30 director of the department of management to assist the  
31 director in the transmittal of information as required  
32 under section 8.35A. The supreme court shall budget  
33 and track expenditures by the following separate  
34 organization codes:  
35 (1) Iowa court information system.  
36 (2) Appellate courts.  
37 (3) Central administration.  
38 (4) District court administration.  
39 (5) Judges and magistrates.  
40 (6) Court reporters.

41 (7) Juvenile court officers.  
 42 (8) District court clerks.  
 43 (9) Jury and witness fees.  
 44 b. Before December 1, the supreme court shall  
 45 submit to the director of the department of  
 46 management, and to the chairpersons of the committees  
 47 on appropriations, an estimate of the total  
 48 expenditure requirements of the judicial branch. The  
 49 director of the department of management shall submit  
 50 this estimate received from the supreme court to the

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1 governor for ~~inclusion without change~~ the governor's  
 2 consideration in preparing the governor's proposed  
 3 budget for the succeeding fiscal year. ~~The estimate~~  
 4 ~~shall also be submitted to the chairpersons of the~~  
 5 ~~committees on appropriations. The governor shall not~~  
 6 be required to include the estimate without change in  
 7 the governor's proposed budget for the judicial branch  
 8 but may modify the estimate as determined by the  
 9 governor."  
 10 2. By renumbering as necessary.

GENE MADDOX

S-5590

1 Amend House File 2552, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking lines 10 and 11 and  
 4 inserting the following:  
 5 " .....\$ 8,635,862  
 6 .....FTEs 196.50"

ROBERT E. DVORSKY

S-5591

1 Amend House File 2552, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 3, by striking line 35 and inserting the  
 4 following:  
 5 " .....\$ 800,000"

ROBERT E. DVORSKY

S-5592

1 Amend the amendment, S-5584, to House File 2552, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

- 4 1. Page 1, by striking line 5 and inserting the
- 5 following:
- 6 " .....\$ 31,569,809"

GENE FRAISE

S-5593

- 1 Amend the amendment, S-5584, to House File 2552, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking lines 2 and 3 and
- 5 inserting the following:
- 6 " .....\$ 4,162,007
- 7 .....FTEs 67.00"

JOHN JUDGE

S-5594

- 1 Amend House File 2552, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 20, line 19, by inserting before the
- 4 words "For the" the following: "a."
- 5 2. Page 20, by inserting before line 28 the
- 6 following:
- 7 "b. For the division of criminal investigation and
- 8 bureau of identification, for the sex offender
- 9 registry program, and for not more than the following
- 10 full-time equivalent positions:
- 11 .....\$ 319,239
- 12 .....FTEs 5.00"
- 13 3. Page 20, line 28, by inserting before the word
- 14 "Riverboat" the following: "c."
- 15 4. Page 20, line 33, by inserting before the
- 16 words "The department" the following: "d."
- 17 5. By renumbering as necessary.

JOE BOLKCOM

S-5595

- 1 Amend the amendment, S-5584 to House File 2552, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 28 through 45 and
- 5 inserting the following:
- 6 "\_\_\_ Page 13, by striking line 13 and inserting
- 7 the following:
- 8 " .....\$ 8,889,920"
- 9 \_\_\_ Page 13, by striking line 19 and inserting
- 10 the following:



11 " .....\$ 7,179,949"  
 12 \_\_\_\_ Page 13, by striking line 25 and inserting  
 13 the following:  
 14 " .....\$ 4,361,810"  
 15 \_\_\_\_ Page 13, by striking line 31 and inserting  
 16 the following:  
 17 " .....\$ 3,370,590"  
 18 \_\_\_\_ Page 14, by striking line 2 and inserting  
 19 the following:  
 20 " .....\$ 12,126,800"  
 21 \_\_\_\_ Page 14, by striking line 8 and inserting  
 22 the following:  
 23 " .....\$ 9,022,393"  
 24 \_\_\_\_ Page 14, by striking line 14 and inserting  
 25 the following:  
 26 " .....\$ 5,240,926"  
 27 \_\_\_\_ Page 14, by striking line 20 and inserting  
 28 the following:  
 29 " .....\$ 5,118,239"  
 30 2. By renumbering as necessary.

ROBERT E. DVORSKY  
 GENE FRAISE

S-5596

1 Amend House File 2552, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 20, line 19, by inserting before the  
 4 words "For the" the following: "a."  
 5 2. Page 20, by inserting before line 28 the  
 6 following:  
 7 "b. For the division of criminal investigation and  
 8 bureau of identification, for the division's  
 9 criminalistics laboratory, and for not more than the  
 10 following full-time equivalent positions:  
 11 .....\$ 181,579  
 12 .....FTEs 5.00"  
 13 3. Page 20, line 28, by inserting before the word  
 14 "Riverboat" the following: "c."  
 15 4. Page 20, line 33, by inserting before the  
 16 words "The department" the following: "d."  
 17 5. By renumbering as necessary.

JOE BOLKCOM

S-5597

1 Amend the amendment, S-5584 to House File 2552, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by inserting after line 2 the

5 following:

6 " \_\_\_\_\_. Page 1, by striking line 10 and inserting

7 the following:

8 " .....\$ 8,647,279"

9 \_\_\_\_\_. Page 1, by striking line 16 and inserting

10 the following:

11 " .....\$ 327,665"

12 \_\_\_\_\_. Page 2, by striking line 31 and inserting

13 the following:

14 " .....\$ 135,120"

15 \_\_\_\_\_. Page 5, by striking line 11 and inserting

16 the following:

17 " .....\$ 2,677,872"

18 2. Page 1, by striking lines 7 through 27 and

19 inserting the following:

20 " \_\_\_\_\_. Page 5, by striking line 34 and inserting

21 the following:

22 " .....\$ 23,678,204"

23 \_\_\_\_\_. Page 6, by striking line 9 and inserting the

24 following:

25 " .....\$ 21,763,298"

26 \_\_\_\_\_. Page 6, by striking line 15 and inserting

27 the following:

28 " .....\$ 22,879,195"

29 \_\_\_\_\_. Page 6, by striking line 23 and inserting

30 the following:

31 " .....\$ 21,584,062"

32 \_\_\_\_\_. Page 6, by striking lines 29 and 30

33 inserting the following:

34 " .....\$ 7,170,892

35 .....FTEs 122.00"

36 \_\_\_\_\_. Page 6, by striking line 35 and inserting

37 the following:

38 " .....\$ 17,890,112"

39 \_\_\_\_\_. Page 7, by striking line 1 and inserting the

40 following:

41 " .....FTEs 293.75"

42 \_\_\_\_\_. Page 7, by striking line 11 and inserting

43 the following:

44 " .....\$ 12,045,125"

45 \_\_\_\_\_. Page 7, by striking line 17 and inserting

46 the following:

47 " .....\$ 24,994,480"

48 \_\_\_\_\_. Page 8, by striking line 29 and inserting

49 the following:

50 " .....\$ 2,433,211"

## Page 2

1 \_\_\_\_\_. Page 10, by striking line 26 and inserting

2 the following:

3 " .....\$ 486,847"

4 3. Page 1, by striking lines 46 through 49 and  
 5 inserting the following:  
 6 "\_\_\_\_. Page 17, by striking line 9 and inserting  
 7 the following:  
 8 ".....\$ 35,161,750"  
 9 \_\_\_\_\_. Page 17, by striking line 15 and inserting  
 10 the following:  
 11 ".....\$ 13,957,374"  
 12 \_\_\_\_\_. Page 18, by striking line 17 and inserting  
 13 the following:  
 14 ".....\$ 1,377,848"  
 15 \_\_\_\_\_. Page 19, by striking line 13 and inserting  
 16 the following:  
 17 ".....\$ 1,059,739"  
 18 \_\_\_\_\_. Page 19, by striking lines 30 and 31 and  
 19 inserting the following:  
 20 ".....\$ 5,027,184  
 21 .....FTEs 256.76"  
 22 \_\_\_\_\_. Page 20, by striking lines 6 and 7 and  
 23 inserting the following:  
 24 ".....\$ 1,039,364  
 25 .....FTEs 25.26"  
 26 \_\_\_\_\_. Page 20, by striking lines 17 and 18 and  
 27 inserting the following:  
 28 ".....\$ 2,701,818  
 29 .....FTEs 46.80"  
 30 \_\_\_\_\_. Page 20, by striking lines 26 and 27 and  
 31 inserting the following:  
 32 ".....\$ 12,694,059  
 33 ".....FTE 240.50"  
 34 4. Page 2, by inserting after line 3 the  
 35 following:  
 36 "\_\_\_\_. Page 21, by striking line 29 and inserting  
 37 the following:  
 38 ".....FTEs 38.80"  
 39 \_\_\_\_\_. Page 22, by striking line 8 and inserting  
 40 the following:  
 41 ".....\$ 1,391,970"  
 42 \_\_\_\_\_. Page 22, by striking line 18 and inserting  
 43 the following:  
 44 ".....\$ 38,795,191"  
 45 5. By renumbering as necessary.

TOM FLYNN

S-5598

1 Amend House File 2552, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 25, by inserting after line 14 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 123.3, Code 1999, is amended by

6 adding the following new subsection:

7 NEW SUBSECTION. 12A. "Designated security  
8 employee" means an agent or employee of a licensee or  
9 permittee who is primarily employed for security  
10 purposes at a commercial establishment licensed or  
11 permitted under chapter 123.

12 Sec. \_\_\_\_ Section 123.31, Code 1999, is amended by  
13 adding the following new subsection:

14 NEW SUBSECTION. 6A. A statement, if required by  
15 the local authority, indicating whether all designated  
16 security employees have received training and  
17 certification as provided in section 123.32.

18 Sec. \_\_\_\_ Section 123.32, Code 1999, is amended by  
19 adding the following new subsection:

20 NEW SUBSECTION. 3A. A local authority, as a  
21 condition of obtaining a license or permit for on  
22 premises consumption, may require a designated  
23 security employee as defined in section 123.3, to be  
24 trained and certified in security methods. The  
25 training shall include but is not limited to mediation  
26 techniques, civil rights or unfair practices awareness  
27 as provided in section 216.7, and providing  
28 instruction on the proper physical restraint methods  
29 used against a person who has become combative.

30 Sec. \_\_\_\_ Section 321.47, Code Supplement 1999, is  
31 amended by adding the following new unnumbered  
32 paragraph:

33 NEW UNNUMBERED PARAGRAPH. A person convicted of a  
34 violation of this section is guilty of a simple  
35 misdemeanor punishable as a scheduled violation under  
36 section 805.8, subsection 2, paragraph "ad".

37 Sec. \_\_\_\_ Section 321.91, subsection 2, Code 1999,  
38 is amended to read as follows:

39 ~~2. Any A person who abandons a vehicle shall be~~  
40 ~~convicted of a violation of this section is~~ guilty of  
41 a simple misdemeanor ~~punishable as a scheduled~~  
42 ~~violation under section 805.8, subsection 2, paragraph~~  
43 ~~"m".~~

44 Sec. \_\_\_\_ Section 321.99, Code 1999, is amended to  
45 read as follows:

46 321.99 FRAUDULENT USE OF REGISTRATION.

47 A person shall not knowingly lend to another a  
48 registration card, registration plate, special plate,  
49 or permit issued to the person if the other person  
50 desiring to borrow the card, plate, or permit would

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- 1 not be entitled to the use of it. A person shall not
- 2 knowingly permit the use of a registration card,
- 3 registration plate, special plate, or permit issued to
- 4 the person by one not entitled to it, nor shall a

5 person knowingly display upon a vehicle a registration  
6 card, registration plate, special plate, or permit not  
7 issued for that vehicle under this chapter. A person  
8 convicted of a violation of this section is guilty of  
9 a simple misdemeanor punishable as a scheduled  
10 violation under section 805.8, subsection 2, paragraph  
11 "o".

12 Sec. \_\_\_\_\_. Section 321.115, Code 1999, is amended  
13 by adding the following new subsection:

14 NEW SUBSECTION. 5. A person convicted of a  
15 violation of this section is guilty of a simple  
16 misdemeanor punishable as a scheduled violation under  
17 section 805.8, subsection 2, paragraph "o".

18 Sec. \_\_\_\_\_. Section 321.219, Code 1999, is amended  
19 to read as follows:

20 321.219 PERMITTING UNAUTHORIZED MINOR TO DRIVE.

21 ~~No~~ A person shall ~~not~~ cause or knowingly permit the  
22 person's child or ward under the age of eighteen years  
23 to drive a motor vehicle upon any highway when ~~such~~  
24 the minor is not authorized hereunder under this  
25 section or in violation of ~~any of the provisions of~~  
26 this chapter.

27 A person convicted of a violation of this section  
28 is guilty of a simple misdemeanor punishable as a  
29 scheduled violation under section 805.8, subsection 2,  
30 paragraph "w".

31 Sec. \_\_\_\_\_. Section 321.220, Code 1999, is amended  
32 by adding the following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. A person convicted of a  
34 violation of this section is guilty of a simple  
35 misdemeanor punishable as a scheduled violation under  
36 section 805.8, subsection 2, paragraph "w".

37 Sec. \_\_\_\_\_. Section 321.234A, Code Supplement 1999,  
38 is amended by adding the following new unnumbered  
39 paragraph:

40 NEW UNNUMBERED PARAGRAPH. A person convicted of a  
41 violation of this section is guilty of a simple  
42 misdemeanor punishable as a scheduled violation under  
43 section 805.8, subsection 4, paragraph "b".

44 Sec. \_\_\_\_\_. Section 321.247, Code 1999, is amended  
45 by adding the following new unnumbered paragraph:

46 NEW UNNUMBERED PARAGRAPH. A person convicted of a  
47 violation of this section is guilty of a simple  
48 misdemeanor punishable as a scheduled violation under  
49 section 805.8, subsection 2, paragraph "e".

50 Sec. \_\_\_\_\_. Section 321.302, Code 1999, is amended

### Page 3

1 by adding the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. A person convicted of a  
3 violation of this section is guilty of a simple

4 misdemeanor punishable as a scheduled violation under  
5 section 805.8, subsection 2, paragraph "h".  
6 Sec. \_\_\_\_\_. Section 321.327, Code 1999, is amended  
7 by adding the following new unnumbered paragraph:  
8 NEW UNNUMBERED PARAGRAPH. A person convicted of a  
9 violation of this section is guilty of a simple  
10 misdemeanor punishable as a scheduled violation under  
11 section 805.8, subsection 2, paragraph "i".  
12 Sec. \_\_\_\_\_. Section 321.366, unnumbered paragraph 3,  
13 Code 1999, is amended to read as follows:  
14 Violations ~~A person convicted of a violation of~~  
15 subsection 6 is guilty of a simple misdemeanor  
16 punishable as a scheduled violation under section  
17 805.8, subsection 2, paragraph "ai". Other violations  
18 of this section are punishable as provided in section  
19 321.482.  
20 Sec. \_\_\_\_\_. Section 321.421, Code 1999, is amended  
21 by adding the following new unnumbered paragraph:  
22 NEW UNNUMBERED PARAGRAPH. A person convicted of a  
23 violation of this section is guilty of a simple  
24 misdemeanor punishable as a scheduled violation under  
25 section 805.8, subsection 2, paragraph "e".  
26 Sec. \_\_\_\_\_. Section 331.302, subsection 2, Code  
27 Supplement 1999, is amended to read as follows:  
28 2. A county shall not provide a penalty in excess  
29 of a ~~two~~ five hundred dollar fine or in excess of  
30 thirty days imprisonment for the violation of an  
31 ordinance. The criminal penalty surcharge required by  
32 section 911.2 shall be added to a county fine and is  
33 not a part of the county's penalty.  
34 Sec. \_\_\_\_\_. Section 331.302, subsection 4A,  
35 paragraph a, subparagraph (2), Code Supplement 1999,  
36 is amended to read as follows:  
37 (2) A portion of the Code of Iowa may be adopted  
38 by reference only if the criminal penalty provided by  
39 the law adopted does not exceed thirty days'  
40 imprisonment or a ~~two~~ five hundred dollar fine.  
41 Sec. \_\_\_\_\_. Section 364.3, subsection 2, Code  
42 Supplement 1999, is amended to read as follows:  
43 2. A city shall not provide a penalty in excess of  
44 a ~~two~~ five hundred dollar fine or in excess of thirty  
45 days imprisonment for the violation of an ordinance.  
46 An amount equal to ten percent of all fines collected  
47 by cities shall be deposited in the account  
48 established in section 602.8108. However, one hundred  
49 percent of all fines collected by a city pursuant to  
50 section 321.236, subsection 1, shall be retained by

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1 the city. The criminal penalty surcharge required by  
2 section 911.2 shall be added to a city fine and is not

3 a part of the city's penalty.

4 Sec. \_\_\_\_ Section 380.10, subsection 2, Code 1999,  
5 is amended to read as follows:

6 2. A portion of the Code of Iowa may be adopted by  
7 reference only if the criminal penalty provided by the  
8 law adopted does not exceed thirty days' imprisonment  
9 ~~or and a one five~~ hundred dollar fine.

10 Sec. \_\_\_\_ Section 482.15, Code 1999, is amended to  
11 read as follows:

12 482.15 PENALTIES.

13 A person who violates ~~a provision of~~ this chapter  
14 or a rule issued under this chapter is guilty of a  
15 simple misdemeanor punishable as a scheduled violation  
16 under section 805.8, subsection 5, paragraph "e".

17 Sec. \_\_\_\_ Section 483A.42, Code 1999, is amended  
18 to read as follows:

19 483A.42 PENALTIES.

20 A person who violates ~~a provision of~~ this chapter  
21 is guilty of a simple misdemeanor ~~and shall be fined~~  
22 ~~not less than ten dollars for each cited offense~~  
23 punishable as a scheduled violation under section  
24 805.8, subsection 5, paragraph "e".

25 Sec. \_\_\_\_ Section 610A.3, subsection 1, paragraphs  
26 a and b, Code 1999, are amended to read as follows:

27 a. The loss of some or all of the ~~good conduct~~  
28 ~~earned~~ time credits acquired by the inmate or  
29 prisoner. Previous dismissals under section 610A.2  
30 may be considered in determining the appropriate level  
31 of penalty.

32 b. If the inmate or prisoner has no ~~good conduct~~  
33 ~~earned~~ time credits to deduct, the order of the court  
34 or the disciplinary hearing may deduct up to fifty  
35 percent of the average balance of the inmate account  
36 under section 904.702 or of any prisoner account.

37 Sec. \_\_\_\_ NEW SECTION. 622.51A COMPUTER  
38 PRINTOUTS.

39 For purposes of chapters 714 and 716, computer  
40 printouts shall be admitted as evidence of any  
41 computer software, program, or data contained in or  
42 taken from a computer, notwithstanding an applicable  
43 rule of evidence to the contrary.

44 Sec. \_\_\_\_ NEW SECTION. 702.1A COMPUTER  
45 TERMINOLOGY.

46 For purposes of section 714.1, subsection 7A, and  
47 section 716.6B:

48 1. "Computer" means an electronic device which  
49 performs logical, arithmetical, and memory functions  
50 by manipulation of electronic or magnetic impulses,

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1 and includes all input, output, processing, storage,  
2 computer software, and communication facilities which  
3 are connected or related to the computer in a computer  
4 system or computer network.

5 2. "Computer access" means to instruct,  
6 communicate with, store data in, or retrieve data from  
7 a computer, computer system, or computer network.

8 3. "Computer data" means a representation of  
9 information, knowledge, facts, concepts, or  
10 instructions that has been prepared or is being  
11 prepared in a formalized manner and has been  
12 processed, or is intended to be processed in a  
13 computer. Computer data may be in any form including,  
14 but not limited to, printouts, magnetic storage media,  
15 punched cards, and as stored in the memory of a  
16 computer.

17 4. "Computer network" means a set of related,  
18 remotely connected devices and communication  
19 facilities including two or more computers with  
20 capability to transmit data among them through  
21 communication facilities.

22 5. "Computer program" means an ordered set of  
23 instructions or statements that, when executed by a  
24 computer, causes the computer to process data.

25 6. "Computer services" means the use of a  
26 computer, computer system, or computer network and  
27 includes, but is not limited to, computer time, data  
28 processing, and storage functions.

29 7. "Computer software" means a set of computer  
30 programs, procedures, or associated documentation used  
31 in the operation of a computer.

32 8. "Computer system" means related, connected or  
33 unconnected, computers or peripheral equipment.

34 9. "Loss of property" means the greatest of the  
35 following:

36 a. The retail value of the property involved.

37 b. The reasonable replacement or repair cost,  
38 whichever is less.

39 10. "Loss of services" means the reasonable value  
40 of the damage created by the unavailability or lack of  
41 utility of the property or services involved until  
42 repair or replacement can be effected.

43 Sec. \_\_\_\_ Section 702.14, Code 1999, is amended to  
44 read as follows:

45 702.14 PROPERTY.

46 "Property" is anything of value, whether publicly  
47 or privately owned, including but not limited to  
48 computers and computer data, computer software, and  
49 computer programs. The term includes both tangible  
50 and intangible property, labor, and services. The



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1 term includes all that is included in the terms "real  
2 property" and "personal property".

3 Sec. \_\_\_\_ NEW SECTION. 702.20A VIDEO RENTAL  
4 PROPERTY.

5 "Video rental property" means an audiovisual  
6 recording, including a videotape, videodisc, or other  
7 tangible medium of expression on which an audiovisual  
8 work is recorded or otherwise stored, or any equipment  
9 or supplies used to view the recording, and which is  
10 held out for rental to the public in the ordinary  
11 course of business.

12 Sec. \_\_\_\_ Section 709.8, unnumbered paragraph 2,  
13 Code 1999, is amended to read as follows:

14 Any person who violates a provision of this section  
15 shall, upon conviction, be guilty of a class "D"  
16 felony. A person who violates a provision of this  
17 section and who is sentenced to a term of confinement  
18 shall also be sentenced to an additional term of  
19 parole or work release not to exceed two years. The  
20 board of parole shall determine whether the person  
21 should be released on parole or placed in a work  
22 release program. The sentence of an additional term  
23 of parole or work release supervision shall commence  
24 immediately upon the expiration of the preceding  
25 sentence and shall be under the terms and conditions  
26 as set out in chapter 906. Violations of parole or  
27 work release shall be subject to the procedures set  
28 out in chapter 905 or 908 or rules adopted under those  
29 chapters. The sentence of an additional term of  
30 parole or work release shall be consecutive to the  
31 original term of confinement.

32 Sec. \_\_\_\_ Section 713.6A, Code 1999, is amended to  
33 read as follows:

34 713.6A BURGLARY IN THE THIRD DEGREE.

35 1. All burglary which is not burglary in the first  
36 degree or burglary in the second degree is burglary in  
37 the third degree. Burglary in the third degree is a  
38 class "D" felony.

39 2. Notwithstanding any other provision of the Code  
40 to the contrary, a person who violates this section  
41 may be sentenced to a combination of any intermediate  
42 criminal sanction level or sublevel under section  
43 901B.1, subsection 1. If a person is sentenced to  
44 prison, the court, at its discretion, may sentence a  
45 person to a maximum indeterminate term which is less  
46 than the maximum term provided for class "D" felonies  
47 under section 902.9, if mitigating circumstances  
48 warrant a reduction in the maximum term and those  
49 circumstances are stated specifically on the record.  
50 The state may appeal the discretionary decision on the

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1 grounds that the stated mitigating circumstances do  
2 not warrant a reduction of the sentence.

3 Sec. \_\_\_\_ Section 714.1, Code 1999, is amended by  
4 adding the following new subsections:

5 NEW SUBSECTION. 7A. Knowingly and without  
6 authorization accesses or causes to be accessed a  
7 computer, computer system, or computer network, or any  
8 part thereof, for the purpose of obtaining computer  
9 services, information, or property or knowingly and  
10 without authorization and with the intent to  
11 permanently deprive the owner of possession, takes,  
12 transfers, conceals, or retains possession of a  
13 computer, computer system, or computer network or any  
14 computer software or computer program, or computer  
15 data contained in a computer, computer system, or  
16 computer network.

17 NEW SUBSECTION. 7B. a. Obtains the temporary use  
18 of video rental property with the intent to deprive  
19 the owner of the use and possession of the video  
20 rental property without the consent of the owner.  
21 b. Lawfully obtains the temporary use of video  
22 rental property and fails to return the video rental  
23 property by the agreed time with the intent to deprive  
24 the owner of the use and possession of the video  
25 rental property without the consent of the owner. The  
26 aggregate value of the video rental property involved  
27 shall be the original retail value of the video rental  
28 property.

29 Sec. \_\_\_\_ NEW SECTION. 714.6A VIDEO RENTAL  
30 PROPERTY THEFT -- EVIDENCE OF INTENTION -- AFFIRMATIVE  
31 DEFENSE.

32 1. The fact that a person obtains possession of  
33 video rental property by means of deception, including  
34 but not limited to furnishing a false name, address,  
35 or other identification to the owner, is evidence that  
36 possession was obtained with intent to knowingly  
37 deprive the owner of the use and possession of the  
38 video rental property.

39 2. The fact that a person, having lawfully  
40 obtained possession of video rental property, fails to  
41 pay the owner the fair market value of the video  
42 rental property or to return or make arrangements  
43 acceptable to the owner to return the video rental  
44 property to the owner, within forty-eight hours after  
45 receipt of written notice and demand from the owner is  
46 evidence of an intent to knowingly deprive the owner  
47 of the use and possession of the video rental  
48 property.

49 3. It shall be an affirmative defense to a  
50 prosecution under section 714.1, subsection 7B,

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paragraph "a", if the defendant in possession of video rental property pays the owner the fair market value of the video rental property or returns the property to the owner within forty-eight hours of arrest, together with any standard overdue charges for the period that the owner was unlawfully deprived of possession, but not to exceed one hundred twenty days, and the value of the damage to the property, if any.

Sec. \_\_\_\_\_. Section 715A.2, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding any other provision of the Code to the contrary a person who violates this section may be sentenced to a combination of any intermediate criminal sanction level or sublevel under section 901B.1, subsection 1. If a person is sentenced to prison, the court, at its discretion may sentence a person to a maximum indeterminate term which is less than the maximum term provided for class "D" felonies under section 902.9 or aggravated misdemeanors under section 903.1, if mitigating circumstances warrant a reduction in the maximum term and those circumstances are stated specifically in the record. The state may appeal the discretionary decision on the grounds that the stated mitigating circumstances do not warrant a reduction of the sentence.

Sec. \_\_\_\_\_. NEW SECTION. 716.6B UNAUTHORIZED COMPUTER ACCESS.

A person who knowingly and without authorization accesses a computer, computer system, or computer network commits a simple misdemeanor.

Sec. \_\_\_\_\_. Section 722.4, Code 1999, is amended to read as follows:

722.4 BRIBERY OF ELECTOR OR ELECTION OFFICIALS.

1. A person who offers, promises, or gives anything of value or any benefit to any elector for the purpose of influencing the elector's vote, in any election authorized by law, or any elector who receives anything of value or any benefit knowing that it was given for such purpose, commits an aggravated misdemeanor.

2. A person who offers, promises, or gives anything of value or any benefit to any precinct election official authorized by law, or to any executive officer attending the same, conditioned on some act done or omitted to be done contrary to the person's official duty in relation to such election, commits an aggravated misdemeanor.

Sec. \_\_\_\_\_. Section 722.8, Code 1999, is amended to read as follows:

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1 722.8 DURESS TO PREVENT OR PROCURE VOTING.

2 1. A person who unlawfully and by force, or  
3 threats of force, prevents or endeavors to prevent an  
4 elector from giving the elector's vote at any public  
5 election commits an aggravated misdemeanor.

6 2. A person who procures, or endeavors to procure,  
7 the vote of an elector for or against any candidate or  
8 for or against any issue by means of violence, threats  
9 of violence, or by any means of duress commits an  
10 aggravated misdemeanor.

11 Sec. \_\_\_\_ Section 805.8, subsection 2, paragraph  
12 e, Code Supplement 1999, is amended to read as  
13 follows:

14 e. For improperly used or nonused or defective or  
15 improper equipment under sections 321.383, 321.384,  
16 321.385, 321.386, 321.398, 321.402, 321.403, 321.404,  
17 321.409, 321.419, 321.420, 321.423, 321.430, and  
18 321.433, the scheduled fine is twenty dollars. For  
19 violations of sections 321.247 and 321.421, the  
20 scheduled fine is one hundred dollars.

21 Sec. \_\_\_\_ Section 805.8, subsection 2, paragraph  
22 h, Code Supplement 1999, is amended to read as  
23 follows:

24 h. For operating, passing, turning, and standing  
25 violations under section 321.236, subsections 3, 4, 9,  
26 and 12, section 321.275, subsections 1 through 7,  
27 sections 321.295, 321.297, 321.299, 321.303, 321.304,  
28 subsections 1 and 2, sections 321.305, 321.306,  
29 321.311, 321.312, 321.314, 321.315, 321.316, 321.318,  
30 321.323, 321.340, 321.353, 321.354, 321.363, 321.365,  
31 ~~321.366~~, 321.368, 321.382, and 321.395, the scheduled  
32 fine is fifteen dollars. For violations of section  
33 321.302, the scheduled fine is one hundred dollars.

34 Sec. \_\_\_\_ Section 805.8, subsection 2, paragraph  
35 i, Code Supplement 1999, is amended to read as  
36 follows:

37 i. For violations involving failures to yield or  
38 to observe pedestrians and other vehicles under  
39 section 321.257, subsection 2, sections 321.288,  
40 321.298, 321.307, 321.308, 321.313, 321.319, 321.320,  
41 321.321, 321.329, 321.333, and 321.367, the scheduled  
42 fine is twenty dollars. For violations of section  
43 321.327, the scheduled fine is one hundred dollars.

44 Sec. \_\_\_\_ Section 805.8, subsection 2, paragraph  
45 m, Code Supplement 1999, is amended to read as  
46 follows:

47 m. For height, weight, length, width, and load  
48 violations and towed vehicle violations under sections  
49 321.309, 321.310, 321.381, 321.394, 321.437, 321.454,  
50 321.455, 321.456, 321.457, 321.458, 321.461, and

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1 321.462, the scheduled fine is twenty-five dollars.  
2 For weight violations under sections 321.459 and  
3 321.466, the scheduled fine is twenty dollars for each  
4 two thousand pounds or fraction thereof of overweight.  
5 For abandoned vehicles under section 321.91, the  
6 scheduled fine is one hundred dollars.

7 Sec. \_\_\_\_ Section 805.8, subsection 2, paragraph  
8 o, Code Supplement 1999, is amended to read as  
9 follows:

10 o. For violation of registration provisions under  
11 section 321.17; violation of intrastate hauling on  
12 foreign registration under section 321.54; improper  
13 operation or failure to register under section 321.55;  
14 and violation of requirement for display of  
15 registration or plates under section 321.98, the  
16 scheduled fine is twenty dollars. For fraudulent use  
17 of registration violations under section 321.99 and  
18 violations of antique car registration requirements  
19 under section 321.115, the scheduled fine is one  
20 hundred dollars.

21 Sec. \_\_\_\_ Section 805.8, subsection 2, paragraph  
22 v, Code Supplement 1999, is amended to read as  
23 follows:

24 v. Violations of the schedule of axle and tandem  
25 axle and gross or group of axle weight violations in  
26 section 321.463 shall be scheduled violations subject  
27 to the provisions, procedures and exceptions contained  
28 in sections 805.6 to 805.11, irrespective of the  
29 amount of the fine under that schedule. Violations of  
30 the schedule of weight violations shall be chargeable,  
31 where the fine charged does not exceed one ~~hundred~~  
32 ~~thousand~~ dollars, only by uniform citation and  
33 complaint. Violations of the schedule of weight  
34 violations, where the fine charged exceeds one ~~hundred~~  
35 ~~thousand~~ dollars shall, when the violation is admitted  
36 and section 805.9 applies, be chargeable upon uniform  
37 citation and complaint, indictment, or county  
38 attorney's information, but otherwise, shall be  
39 chargeable only upon indictment or county attorney's  
40 information.

41 In all cases of charges under the schedule of  
42 weight violations, the charge shall specify the amount  
43 of fine charged under the schedule. Where a defendant  
44 is convicted and the fine under the foregoing schedule  
45 of weight violations exceeds one ~~hundred thousand~~  
46 dollars, the conviction shall be of an indictable  
47 offense although section 805.9 is employed and whether  
48 the violation is charged upon uniform citation and  
49 complaint, indictment, or county attorney's  
50 information.

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1 Sec. \_\_\_\_ Section 805.8, subsection 2, paragraph  
2 w, Code 1999, is amended to read as follows:  
3 w. For failure to have a valid license or permit  
4 for operating a motor vehicle on the highways of this  
5 state pursuant to section 321.174, or permitting an  
6 unauthorized minor to drive in violation of section  
7 321.219, or permitting an unauthorized person to drive  
8 in violation of section 321.220, the scheduled fine is  
9 one hundred dollars.

10 Sec. \_\_\_\_ Section 805.8, subsection 2, paragraph  
11 ad, Code Supplement 1999, is amended to read as  
12 follows:

13 ad. For violations of section 321.57, the  
14 scheduled fine is fifty dollars. For violations of  
15 section 321.62, the scheduled fine is fifty dollars.  
16 For violations of section 321.47, the scheduled fine  
17 is one hundred dollars.

18 Sec. \_\_\_\_ Section 805.8, subsection 2, Code  
19 Supplement 1999, is amended by adding the following  
20 new paragraph:

21 NEW PARAGRAPH. ai. For violations of section  
22 321.366, the scheduled fine is one hundred dollars.

23 Sec. \_\_\_\_ Section 805.8, subsection 4, paragraph  
24 b, Code Supplement 1999, is amended to read as  
25 follows:

26 b. For operating violations under section 321G.9,  
27 subsections 1, 2, 3, 4, 5 and 7, sections 321G.11, and  
28 321G.13, subsections 4 and 9, the scheduled fine is  
29 twenty dollars. For violations of section 321.234A,  
30 the scheduled fine is one hundred dollars.

31 Sec. \_\_\_\_ Section 805.8, subsection 5, paragraph  
32 e, Code Supplement 1999, is amended to read as  
33 follows:

34 e. For violations of sections 481A.85, 481A.93,  
35 481A.95, 481A.120, 481A.137, 481B.5, 482.3, ~~and~~ 482.9,  
36 482.15, and 483A.42, the scheduled fine is one hundred  
37 dollars.

38 Sec. \_\_\_\_ Section 901.5, subsection 9, paragraph  
39 a, Code 1999, is amended to read as follows:

40 a. That the defendant's term of incarceration may  
41 be reduced ~~by as much as half of from~~ the maximum  
42 sentence because of statutory ~~good conduct~~ earned  
43 time, work credits, and program credits.

44 Sec. \_\_\_\_ Section 901.5A, Code Supplement 1999, is  
45 amended by adding the following new subsection:

46 NEW SUBSECTION. 1A. A defendant may have a  
47 judgment and sentence entered under section 901.5  
48 reopened for resentencing if the following apply:

49 a. The sentence of the defendant is subject to a  
50 maximum accumulation of good conduct time of fifteen

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1 percent of the total sentence of confinement under  
2 section 902.12.

3 b. The board of parole and the department of  
4 corrections file a motion in the sentencing court to  
5 reopen the sentence of the defendant.

6 c. The county attorney from the county which  
7 prosecuted the defendant is served a copy of the  
8 motion to reopen by certified mail. The motion shall  
9 specify the county attorney has ninety days to consult  
10 with the victim if possible and to file a written  
11 objection.

12 d. The court, upon hearing, grants the motion.

13 Sec. \_\_\_\_\_. Section 901.5A, subsections 2 and 3,  
14 Code Supplement 1999, are amended to read as follows:

15 2. Upon a finding by the court that the defendant  
16 cooperated in the prosecution of other persons or upon  
17 the court granting a motion to reopen the sentence by  
18 the board of parole and the department of corrections,  
19 the court may reduce the maximum sentence imposed  
20 under the original sentencing order.

21 3. For purposes of calculating ~~good conduct~~ earned  
22 time under section 903A.2, the sentencing date for a  
23 defendant whose sentence has been reopened under this  
24 section shall be the date of the original sentencing  
25 order. If the original sentence was subject to the  
26 maximum accumulation of earned time of fifteen percent  
27 of the total sentence of confinement under section  
28 902.12, the maximum accumulation of earned time on the  
29 new sentence of confinement shall be fifteen percent  
30 of the new total sentence of confinement imposed by  
31 the court upon reopening. Any earned time accumulated  
32 on the original sentence shall be credited to the new  
33 sentence upon reopening.

34 Sec. \_\_\_\_\_. Section 903A.2, Code 1999, is amended to  
35 read as follows:

36 903A.2 ~~GOOD CONDUCT TIME~~ EARNED TIME.

37 1. Each inmate committed to the custody of the  
38 director of the department of corrections is eligible  
39 ~~for to earn~~ a reduction of sentence ~~for good behavior~~  
40 in the manner provided in this section. For purposes  
41 of calculating the amount of time by which an inmate's  
42 sentence may be reduced, inmates shall be grouped into  
43 the following two sentencing categories:

44 a. Category "A" sentences are those sentences  
45 which are not subject to a maximum accumulation of  
46 ~~good conduct~~ earned time of fifteen percent of the  
47 total sentence of confinement under section 902.12.  
48 To the extent provided in subsection 5, category "A"  
49 sentences also include life sentences imposed under  
50 section 902.1. An inmate of an institution under the

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1 control of the department of corrections who is  
2 serving a category "A" sentence is eligible for a  
3 reduction of sentence ~~equal to one day for each day of~~  
4 ~~good conduct while committed to one of the~~  
5 ~~department's institutions. In addition, each inmate~~  
6 ~~who is serving a category "A" sentence is eligible for~~  
7 ~~an additional reduction of up to five days per month~~  
8 ~~if the inmate participates satisfactorily in any of~~  
9 ~~the following activities equal to one and two-tenths~~  
10 days for each day the inmate demonstrates good conduct  
11 and satisfactorily participates in any program or  
12 placement status identified by the director to earn  
13 the reduction. The programs include but are not  
14 limited to the following:  
15 (1) Employment in the institution.  
16 (2) Iowa state industries.  
17 (3) An employment program established by the  
18 director.  
19 (4) A treatment program established by the  
20 director.  
21 (5) An inmate educational program approved by the  
22 director.  
23 b. Category "B" sentences are those sentences  
24 which are subject to a maximum accumulation of ~~good~~  
25 ~~conduct earned~~ time of fifteen percent of the total  
26 sentence of confinement under section 902.12. An  
27 inmate of an institution under the control of the  
28 department of corrections who is serving a category  
29 "B" sentence is eligible for a reduction of sentence  
30 equal to fifteen eighty-fifths of a day for each day  
31 of good conduct by the inmate.  
32 2. ~~Good conduct Earned time earned~~ accrued  
33 pursuant to this section may be forfeited in the  
34 manner prescribed in section 903A.3.  
35 3. Time served in a jail or another facility prior  
36 to actual placement in an institution under the  
37 control of the department of corrections and credited  
38 against the sentence by the court shall accrue for the  
39 purpose of reduction of sentence under this section.  
40 Time which elapses during an escape shall not accrue  
41 for purposes of reduction of sentence under this  
42 section.  
43 4. Time which elapses between the date on which a  
44 person is incarcerated, based upon a determination of  
45 the board of parole that a violation of parole has  
46 occurred, and the date on which the violation of  
47 parole was committed shall not accrue for purposes of  
48 reduction of sentence under this section.  
49 5. ~~Good conduct Earned~~ time accrued by inmates  
50 serving life sentences imposed under section 902.1



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1 shall not reduce the life sentence, but shall be  
2 credited against the inmate's sentence if the life  
3 sentence is commuted to a term of years under section  
4 902.2.

5 Sec. \_\_\_\_\_. Section 903A.3, subsections 1 and 3,  
6 Code 1999, are amended to read as follows:

7 1. Upon finding that an inmate has violated an  
8 institutional rule, or has had an action or appeal  
9 dismissed under section 610A.2, the independent  
10 administrative law judge may order forfeiture of any  
11 or all ~~good conduct earned time earned~~ accrued and not  
12 forfeited up to the date of the violation by the  
13 inmate and may order forfeiture of any or all ~~good~~  
14 ~~conduct earned time earned~~ accrued and not forfeited  
15 up to the date the action or appeal is dismissed,  
16 unless the court entered such an order under section  
17 610A.3. The independent administrative law judge has  
18 discretion within the guidelines established pursuant  
19 to section 903A.4, to determine the amount of time  
20 that should be forfeited based upon the severity of  
21 the violation. Prior violations by the inmate may be  
22 considered by the administrative law judge in the  
23 decision.

24 3. The director of the Iowa department of  
25 corrections or the director's designee, may restore  
26 all or any portion of previously forfeited ~~good~~  
27 ~~conduct earned~~ time for acts of heroism or for  
28 meritorious actions. The director shall establish by  
29 rule the requirements as to which activities may  
30 warrant the restoration of ~~good conduct earned~~ time  
31 and the amount of ~~good conduct earned~~ time to be  
32 restored.

33 Sec. \_\_\_\_\_. Section 903A.4, Code 1999, is amended to  
34 read as follows:

35 903A.4 POLICIES AND PROCEDURES.

36 The director of the Iowa department of corrections  
37 shall develop policy and procedural rules to implement  
38 sections 903A.1 through 903A.3. The rules may specify  
39 disciplinary offenses which may result in the loss of  
40 ~~good conduct earned~~ time, and the amount of ~~good~~  
41 ~~conduct earned~~ time which may be lost as a result of  
42 each disciplinary offense. The director shall  
43 establish rules as to what constitutes "satisfactory  
44 participation" for purposes of ~~additional a~~ reduction  
45 of ~~sentence under section 903A.3, for employment in~~  
46 ~~the institution, in Iowa state industries, in an~~  
47 ~~inmate employment program established by the director,~~  
48 ~~or for participation in an educational program~~  
49 ~~approved by the director, when such employment or~~  
50 ~~programs are available~~ sentence under section 903A.2,

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1 for programs that are available or unavailable. The  
2 rules shall specify that earned time shall be  
3 calculated on a monthly basis as it accrues. The  
4 department shall generate an earned time report for  
5 each inmate which shall include the amount of actual  
6 time served, the number of earned time credits which  
7 have not been lost or forfeited, and the amount of  
8 time remaining on an inmate's sentence.

9 Sec. \_\_\_\_ Section 903A.5, unnumbered paragraph 1,  
10 Code Supplement 1999, is amended to read as follows:  
11 An inmate shall not be discharged from the custody  
12 of the director of the Iowa department of corrections  
13 until the inmate has served the full term for which  
14 the inmate was sentenced, less ~~good conduct~~ earned  
15 time and other credits earned and not forfeited,  
16 unless the inmate is pardoned or otherwise legally  
17 released. ~~Good conduct~~ Earned time earned accrued and  
18 not forfeited shall apply to reduce a mandatory  
19 minimum sentence being served pursuant to section  
20 124.406, 124.413, 902.7, 902.8, 902.8A, or 902.11. An  
21 inmate shall be deemed to be serving the sentence from  
22 the day on which the inmate is received into the  
23 institution. If an inmate was confined to a county  
24 jail or other correctional or mental facility at any  
25 time prior to sentencing, or after sentencing but  
26 prior to the case having been decided on appeal,  
27 because of failure to furnish bail or because of being  
28 charged with a nonbailable offense, the inmate shall  
29 be given credit for the days already served upon the  
30 term of the sentence. However, if a person commits  
31 any offense while confined in a county jail or other  
32 correctional or mental health facility, the person  
33 shall not be granted jail credit for that offense.  
34 Unless the inmate was confined in a correctional  
35 facility, the sheriff of the county in which the  
36 inmate was confined shall certify to the clerk of the  
37 district court from which the inmate was sentenced and  
38 to the department of corrections' records  
39 administrator at the Iowa medical and classification  
40 center the number of days so served. The department  
41 of corrections' records administrator, or the  
42 administrator's designee, shall apply jail credit as  
43 ordered by the court of proper jurisdiction or as  
44 authorized by this section and section 907.3,  
45 subsection 3, and shall forward a copy of the number  
46 of days served to the clerk of the district court from  
47 which the inmate was sentenced.

48 Sec. \_\_\_\_ Section 903A.5, unnumbered paragraph 2,  
49 Code Supplement 1999, is amended to read as follows:  
50 An inmate shall not receive credit upon the

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1 inmate's sentence for time spent in custody in another  
2 state resisting return to Iowa following an escape, ~~or~~  
3 ~~for time served. However, an inmate shall receive~~  
4 credit upon the inmate's sentence while incarcerated  
5 in an institution or jail of another jurisdiction  
6 during any period of time the person is receiving  
7 credit upon a sentence of that other jurisdiction.

8 Sec. \_\_\_\_ Section 903A.7, Code 1999, is amended to  
9 read as follows:

10 903A.7 SEPARATE SENTENCES.

11 Consecutive multiple sentences that are within the  
12 same category under section 903A.2 shall be construed  
13 as one continuous sentence for purposes of calculating  
14 reductions of sentence for ~~good conduct~~ earned time.

15 If a person is sentenced to serve sentences of both  
16 categories, category "B" sentences shall be served  
17 before category "A" sentences are served, and ~~good~~  
18 ~~conduct earned time earned~~ accrued against the  
19 category "B" sentences shall not be used to reduce the  
20 category "A" sentences. If an inmate serving a  
21 category "A" sentence is sentenced to serve a category  
22 "B" sentence, the category "A" sentence shall be  
23 interrupted, and no further ~~good conduct~~ earned time  
24 shall accrue against that sentence until the category  
25 "B" sentence is completed."

26 2. Page 26, by inserting after line 7 the  
27 following:

28 "Sec. \_\_\_\_ Section 904.513, subsection 1, Code  
29 1999, is amended to read as follows:

30 1. a. The department of corrections, in  
31 cooperation with the judicial district departments of  
32 correctional services, shall establish in each  
33 judicial district a continuum of programming for the  
34 supervision and treatment of offenders convicted of  
35 violating chapter 321J who are sentenced to the  
36 custody of the director. The continuum shall include  
37 a range of sanctioning options that include, but are  
38 not limited to, prisons and residential facilities.

39 b. (1) The department of corrections shall  
40 develop standardized assessment criteria for the  
41 assignment of offenders pursuant to this chapter.

42 (2) Offenders convicted of violating chapter 321J,  
43 sentenced to the custody of the director, and awaiting  
44 placement in a community residential substance abuse  
45 treatment program for such offenders shall be placed  
46 in an institutional substance abuse program for such  
47 offenders within sixty days of admission to the  
48 institution or as soon as practical. When placing  
49 offenders convicted of violating chapter 321J in  
50 community residential substance abuse treatment

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1 programs for such offenders, the department shall give  
2 priority as appropriate to the placement of those  
3 offenders currently in institutional substance abuse  
4 programs for such offenders. The department shall  
5 work with each judicial district to enable such  
6 offenders to enter community residential substance  
7 abuse treatment programs at a level comparable to  
8 their prior institutional program participation.

9 (3) Assignment shall be for the purposes of risk  
10 management and substance abuse treatment and may  
11 include education or work programs when the offender  
12 is not participating in other program components.

13 (4) Assignment may also be made on the basis of  
14 the offender's treatment program performance, as a  
15 disciplinary measure, for medical needs, and for space  
16 availability at community residential facilities. If  
17 there is insufficient space at a community residential  
18 facility, the court may order an offender to be  
19 released to the supervision of the judicial district  
20 department of correctional services or held in jail."

21 3. Page 27, by inserting after line 13 the  
22 following:

23 "Sec. 101. CONVERSION OF GOOD CONDUCT TIME. On  
24 the effective date of this Act, the department shall  
25 convert the existing accrued good conduct time and  
26 other accrued reductions on each inmate's sentence to  
27 earned time. An inmate's sentence shall be credited  
28 with one day of earned time for every one day of  
29 reduction credited under section 903A.2 and not lost  
30 or forfeited under section 903A.3. The earned time  
31 credited to an inmate's sentence shall equal the  
32 amount of good conduct time or other reductions  
33 credited which have not been lost or forfeited prior  
34 to January 1, 2001. The department shall provide an  
35 inmate with the number of earned time credits which  
36 have been applied to the inmate's sentence as a result  
37 of the conversion by February 1, 2001."

38 4. Page 27, by inserting after line 23 the  
39 following:

40 "Sec. \_\_\_\_ Chapter 714C, Code 1999, is repealed.

41 Sec. \_\_\_\_ Chapter 716A, Code 1999 and Code  
42 Supplement 1999, is repealed.

43 Sec. \_\_\_\_ Sections 722.6 and 722.9, Code 1999, are  
44 repealed.

45 Sec. \_\_\_\_ EFFECTIVE DATE. The amendments in this  
46 Act to chapter 903A, and section 101 of this Act  
47 converting good conduct time, take effect on January  
48 1, 2001."

49 5. Title page, line 2, by inserting after the  
50 word "statutory" the following: "and criminal

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- 1 penalty".  
2 6. By renumbering as necessary.

ANDY McKEAN  
JEFF ANGELO  
ROBERT E. DVORSKY  
GENE FRAISE  
GENE MADDUX

S-5599

- 1 Amend House File 2552, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 20, by inserting before line 19 the  
4 following:  
5 "Of the funding appropriated in this subsection,  
6 the department shall expend the amount necessary to  
7 provide information on the availability of weapons  
8 training programs and for the promotion of safe weapon  
9 storage as required pursuant to section 724.22A as  
10 enacted in this Act."  
11 2. Page 25, by inserting after line 14 the  
12 following:  
13 "Sec. \_\_\_, NEW SECTION. 724.22A TRIGGER OR GUN  
14 LOCKS REQUIRED AT POINT-OF-SALE -- INSTRUCTIONS,  
15 INFORMATION, AND POSTING.  
16 1. A person that engages in the retail sale of  
17 handguns, other than an antique handgun, shall provide  
18 to a purchaser at the time of the sale of the handgun  
19 a trigger lock, gun lock, or gun-locking device  
20 appropriate for such handgun and shall demonstrate its  
21 use.  
22 2. A person that engages in the retail sale of  
23 handguns, other than an antique handgun, shall post  
24 information that shall be provided by the department  
25 of public safety promoting the safe storage of weapons  
26 and providing information on the availability of  
27 weapons training programs.  
28 3. This section does not apply to the sale of a  
29 handgun by an individual who is not regularly engaged,  
30 either full-time or part-time, in a business of  
31 selling, buying for resale, or exchanging firearms as  
32 a principal or agent."  
33 3. By renumbering as necessary.

PATRICIA HARPER

S-5600

- 1 Amend House File 2560, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 17, by striking lines 19 through 21 and
- 4 inserting the following: "in this Act, applies to
- 5 qualified rehabilitation costs incurred on or after
- 6 July 1, 2000."

STEVE HANSEN

S-5601

- 1 Amend House File 2560, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 27, by inserting after the word
- 4 "credit" the following: ", subject to the
- 5 availability of the credit,".
- 6 2. Page 7, by inserting before line 31 the
- 7 following:
- 8 "\_\_\_\_. The total amount of tax credits that may be
- 9 approved for a fiscal year under this chapter shall
- 10 not exceed two million five hundred thousand dollars.
- 11 Tax credit certificates shall be issued on the basis
- 12 of the earliest awarding of certifications of
- 13 completion as provided in subsection 1. The
- 14 departments of cultural affairs and revenue and
- 15 finance shall each adopt rules to jointly administer
- 16 this subsection and shall provide by rule for the
- 17 method to be used to determine for which fiscal year
- 18 the tax credits are approved."

JOANN JOHNSON

S-5602

- 1 Amend the House amendment, S-5387, to Senate File
- 2 2435, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 11 the
- 5 following:
- 6 "\_\_\_\_. Page 16, line 24, by striking the figure
- 7 "6,454,841" and inserting the following: "6,471,841".
- 8 \_\_\_\_\_. Page 18, by inserting after line 7 the
- 9 following:
- 10 "\_\_\_\_. The department shall expend up to \$51,000,
- 11 including federal financial participation, for the
- 12 fiscal year beginning July 1, 2000, for a child
- 13 support public awareness campaign. The department and
- 14 the office of the attorney general shall cooperate in
- 15 continuation of the campaign. The public awareness
- 16 campaign shall emphasize, through a variety of media

17 activities, the importance of maximum involvement of  
18 both parents in the lives of their children as well as  
19 the importance of payment of child support  
20 obligations.""  
21 2. By renumbering as necessary.

JACK RIFE

S-5603

1 Amend House File 2560, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 17, by inserting before line 18 the  
4 following:  
5 "Sec. 200. Section 427.1, Code Supplement 1999, is  
6 amended by adding the following new subsection:  
7 NEW SUBSECTION. 32. ONE-ROOM SCHOOLHOUSE  
8 PRESERVATION. The increase in assessed value added to  
9 a one-room schoolhouse as a result of improvements  
10 made to the structure for purposes of preserving the  
11 integrity of the internal and external features of the  
12 structure as a one-room schoolhouse is exempt from  
13 taxation. The exemption shall apply to the assessment  
14 year beginning after the completion of the  
15 improvements to preserve the structure as a one-room  
16 schoolhouse.  
17 Application for this exemption shall be filed with  
18 the assessing authority not later than February 1 of  
19 the first year for which the exemption is requested,  
20 on forms provided by the department of revenue and  
21 finance. The application shall describe and locate  
22 the specific one-room schoolhouse for which the added  
23 value is requested to be exempt.  
24 Once the exemption is granted, the exemption shall  
25 continue to be granted for subsequent assessment years  
26 without further filing of applications as long as the  
27 structure is not used for dwelling purposes and the  
28 structure is preserved as a one-room schoolhouse. The  
29 taxpayer shall notify the assessing authority when the  
30 structure ceases to be eligible. The exemption in  
31 this subsection applies even though the one-room  
32 schoolhouse is no longer used for instructional  
33 purposes.  
34 Sec. \_\_\_\_ Section 25B.7 does not apply to the  
35 exemption granted pursuant to section 200 of this  
36 Act."  
37 2. Title page, line 9, by inserting after the  
38 word "purposes" the following: "and a property tax  
39 exemption for increasing the value of one-room

40 schoolhouses as a result of the rehabilitation of the  
41 one-room schoolhouses,".  
42 3. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5604

1 Amend the amendment, S-5584, to House File 2552, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 30, by striking the figure  
5 "8,793,845", and inserting the following:  
6 "8,876,459".  
7 2. Page 1, line 33, by striking the figure  
8 "7,024,872", and inserting the following:  
9 "7,077,772".  
10 3. Page 1, line 36, by striking the figure  
11 "4,261,670", and inserting the following:  
12 "4,298,286".  
13 4. Page 1, by inserting after line 36 the  
14 following:  
15 "\_\_\_\_. Page 13, by striking line 31 and inserting  
16 the following:  
17 "..... \$ 3,157,660"."  
18 5. Page 1, line 39, by striking the figure  
19 "11,708,518", and inserting the following:  
20 "11,816,080".  
21 6. Page 1, line 42, by striking the figure  
22 "8,875,900", and inserting the following:  
23 "8,946,563".  
24 7. Page 1, by inserting after line 42 the  
25 following:  
26 "\_\_\_\_. Page 14, by striking line 14 and inserting  
27 the following:  
28 "..... \$ 5,219,210"."  
29 8. Page 1, line 45, by striking the figure  
30 "5,062,560", and inserting the following:  
31 "5,105,125".

ROBERT E. DVORSKY

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2562

S-5605

1 Amend the Senate amendment, H-9048, to House File  
2 2562, as passed by the House, as follows:  
3 1. Page 1, line 38, by striking the word and  
4 figures "December 31, 2002" and inserting the



5 following: "July 1, 2005".  
6 2. Page 2, line 17, by striking the word and  
7 figures "December 31, 2002" and inserting the  
8 following: "July 1, 2005".

S-5606

1 Amend House File 2351, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 422.7, subsection 31, Code  
6 1999, is amended to read as follows:  
7 31. For a person who is disabled, or is fifty-five  
8 years of age or older, or is the surviving spouse of  
9 an individual or a survivor having an insurable  
10 interest in an individual who would have qualified for  
11 the exemption under this subsection for the tax year,  
12 subtract, to the extent included, the total amount of  
13 a governmental or other pension or retirement pay,  
14 including, but not limited to, defined benefit or  
15 defined contribution plans, annuities, individual  
16 retirement accounts, plans maintained or contributed  
17 to by an employer, or maintained or contributed to by  
18 a self-employed person as an employer, and deferred  
19 compensation plans or any earnings attributable to the  
20 deferred compensation plans, up to a maximum of ~~five~~  
21 six thousand dollars for a person, other than a  
22 husband or wife, who files a separate state income tax  
23 return and up to a maximum of ~~ten~~ twelve thousand  
24 dollars for a husband and wife who file a joint state  
25 income tax return. However, a surviving spouse who is  
26 not disabled or fifty-five years of age or older can  
27 only exclude the amount of pension or retirement pay  
28 received as a result of the death of the other spouse.  
29 A husband and wife filing separate state income tax  
30 returns or separately on a combined state return are  
31 allowed a combined maximum exclusion under this  
32 subsection of up to ~~ten~~ twelve thousand dollars. The  
33 ~~ten~~ twelve thousand dollar exclusion shall be  
34 allocated to the husband or wife in the proportion  
35 that each spouse's respective pension and retirement  
36 pay received bears to total combined pension and  
37 retirement pay received."  
38 2. Page 1, line 22, by inserting after the word  
39 "enactment." the following:  
40 "Section 1 of this Act, amending section 422.7  
41 applies retroactively to January 1, 2000, for tax  
42 years beginning on or after that date."  
43 3. Title page, line 1, by inserting after the  
44 word "to" the following: "the pension exemption under  
45 the individual income tax and to".

46 4. Title page, line 3, by inserting after the  
47 word "date" the following: "and a retroactive  
48 applicability date provision".

PATRICK J. DELUHERY  
MICHAEL W. CONNOLLY  
PATRICIA HARPER  
JOHNIE HAMMOND  
JOHN JUDGE  
BETTY A. SOUKUP  
GENE FRAISE  
MICHAEL E. GRONSTAL  
DENNIS H. BLACK  
ROBERT E. DVORSKY  
MARK SHEARER  
BILL FINK  
TOM FLYNN  
JOHN P. KIBBIE  
WALLY E. HORN  
STEVE HANSEN  
MATT McCOY

S-5607

1 Amend Senate Resolution 127 as follows:  
2 1. Page 1, by inserting after line 13 the  
3 following:  
4 "WHEREAS, it is important to capture the greatest  
5 benefit from opportunities which rely upon the  
6 creation of synergies between such value-added  
7 ventures, and".  
8 2. Page 2, by inserting after line 4 the  
9 following:  
10 "BE IT FURTHER RESOLVED, That the interim study  
11 committee consider strategies to support renewable  
12 fuel production facilities which manufacture  
13 coproducts used to feed livestock, and specifically  
14 cattle, kept in facilities operating in conjunction  
15 with the renewable fuel production facilities, by  
16 encouraging local agricultural producer-led ventures  
17 formed on a cooperative basis; and".  
18 3. Page 2, by striking lines 6 and 7 and  
19 inserting the following: "representing motor vehicle  
20 fuel dealers, cooperative associations, and farmers,  
21 including corn growers and livestock producers,  
22 cooperate with the interim".

JOHN P. KIBBIE  
JACK RIFE  
STEVE KING

S-5608

- 1 Amend the amendment S-5577 to House File 2560, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, line 27, by striking the words "was
- 5 originally" and inserting the following: "is".

MERLIN E. BARTZ

S-5609

- 1 Amend Senate File 2452 as follows:
- 2 1. Page 2, by striking lines 25 through 35.

MICHAEL W. CONNOLLY

S-5610

- 1 Amend the House amendment, S-5387, to Senate File
- 2 2435, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "\_\_\_\_. Page 2, line 10, by striking the figure
- 7 "3,200,000" and inserting the following: "2,550,000".
- 8 \_\_\_\_\_. Page 2, line 16, by striking the figure
- 9 "3,200,000" and inserting the following: "2,550,000".
- 10 \_\_\_\_\_. Page 5, line 16, by striking the figure
- 11 "20,619,567" and inserting the following:
- 12 "23,219,567".
- 13 \_\_\_\_\_. Page 5, line 17, by striking the figure
- 14 "500,000" and inserting the following: "200,000".
- 15 \_\_\_\_\_. Page 6, line 2, by striking the figure
- 16 "500,000" and inserting the following: "200,000".
- 17 2. Page 1, by inserting after line 6 the
- 18 following:
- 19 "\_\_\_\_. Page 6, line 10, by striking the figure
- 20 "400,000" and inserting the following: "300,000".
- 21 \_\_\_\_\_. Page 6, by striking lines 19 through 27."
- 22 3. Page 1, line 7, by striking the words and
- 23 figure "after line 27" and inserting the following:
- 24 "before line 28".
- 25 4. Page 1, by inserting after line 11 the
- 26 following:
- 27 "\_\_\_\_. Page 16, line 24, by striking the figure
- 28 "6,454,841" and inserting the following: "6,654,841".
- 29 \_\_\_\_\_. Page 18, line 13, by inserting after the
- 30 word "assistance" the following: "reimbursement and
- 31 associated costs as specifically provided in the
- 32 reimbursement methodologies in effect on June 30,
- 33 2000, except as otherwise expressly authorized by

34 law". "

35 5. Page 1, line 14, by striking the figure

36 "422,129,000" and inserting the following:

37 "400,662,028".

38 6. Page 1, by striking lines 19 through 24.

39 7. Page 1, by striking lines 26 through 30 and

40 inserting the following: "inserting the following:

41 "mental illness under the medical assistance program,

42 and county funding shall be used to provide the match

43 for the federal funding, except for individuals with

44 state case status, for whom state funding shall

45 provide the match. The department and county

46 representatives shall appear in January 2001 before

47 the joint appropriations subcommittee on human

48 services to report their proposals concerning

49 implementation of the option.""

50 8. By striking page 1, line 50, through page 2,

## Page 2

1 line 4, and inserting the following: "for family and

2 pediatric nurse practitioners who are employed by a

3 hospital and are providing services in a hospital-

4 owned facility or in another location that is not on

5 or part of the hospital's licensed premises."

6 9. Page 2, by striking lines 5 through 11 and

7 inserting the following:

8 "\_\_\_\_. Of the funds appropriated in this section,

9 \$100,000 is allocated for development of options for

10 implementation of a personal assistance services

11 program, based upon the provisions outlined in House

12 File 2380, as introduced in the Seventy-eighth General

13 Assembly, 2000 Session."

14 10. Page 2, line 22, by inserting after the word

15 "committee" the following: "on or before September 1,

16 2000".

17 11. Page 2, by striking lines 40 and 41 and

18 inserting the following: "planning committee.

19 The planning committee shall review federal

20 guidelines and other guidance, other states'

21 approaches, and other resources in its planning

22 efforts. The planning committee shall submit to the

23 governor and the general assembly an initial set of

24 options on or before March 1, 2001, and a final set of

25 options, including a transition plan, on or before

26 January 31, 2002. The options which the planning

27 group shall provide shall include but are not limited

28 to all of the following:"

29 12. Page 5, by inserting after line 19 the

30 following:

31 "\_\_\_\_. Representatives of the community action

32 program agencies receiving funding from the state to

33 provide outreach for the HAWK-I program shall appear  
34 before the joint appropriations subcommittee on human  
35 services in January 2001 to report the outcomes of the  
36 outreach efforts."

37 13. Page 5, by inserting before line 20 the  
38 following:

39 "\_\_\_\_. Page 25, line 3, by striking the figure  
40 "8,276,282" and inserting the following:  
41 "8,426,282".

42 14. Page 5, by striking lines 25 through 31.

43 15. Page 5, by inserting before line 32 the  
44 following:

45 "\_\_\_\_. By striking page 27, line 12, through page  
46 28, line 4."

47 16. Page 5, line 38, by striking the figure  
48 "10,405,336" and inserting the following:  
49 "10,455,336".

50 17. Page 5, by inserting after line 38 the

### Page 3

1 following:

2 "\_\_\_\_. Page 29, line 35, by striking the figure  
3 "227.93" and inserting the following: "229.53".

4 \_\_\_\_\_. Page 30, line 22, by inserting after the  
5 word "services" the following: "reimbursement and  
6 associated costs as specifically provided in the  
7 reimbursement methodologies in effect on June 30,  
8 2000, except as otherwise expressly authorized by  
9 law".

10 18. Page 5, by striking lines 39 through 41.

11 19. Page 5, by inserting before line 42 the  
12 following:

13 "\_\_\_\_. Page 30, by inserting after line 23 the  
14 following:

15 "In addition to reimbursement methodology changes  
16 to implement the recommendations of the child welfare  
17 work group established by the legislative council, if  
18 the department has completed its review of  
19 reimbursement methodologies for child welfare  
20 services, has developed options for changing  
21 methodologies for child welfare services that are  
22 complementary to those being implemented in accordance  
23 with the child welfare work group recommendations, and  
24 reported the options to the persons designated by this  
25 Act to receive reports, the department may implement  
26 one or more options on a pilot project basis that  
27 affect not more than 50 children during the course of  
28 the fiscal year. The department shall adopt rules to  
29 implement any reimbursement changes for services paid  
30 for in whole or in part under this section."

31 \_\_\_\_\_. Page 31, by inserting after line 24 the

32 following:

33 "(3) The department shall work with private  
34 providers of PMIC services to develop and implement a  
35 plan that shall substantially reduce or eliminate  
36 collection of client participation by PMICs. The plan  
37 shall be implemented on or before December 1, 2000.""

38 20. Page 6, line 2, by inserting after the word  
39 "final" the following: "and inserting the following:  
40 "The department and the work group shall appear in  
41 January 2001 before the joint appropriations  
42 subcommittee on human services to discuss the work  
43 group findings and recommendations.""

44 21. Page 6, by inserting after line 18 the  
45 following:

46 "\_\_\_\_. Page 39, line 24, by striking the figure  
47 "12,782,425" and inserting the following:  
48 "12,807,425".

49 22. Page 7, line 18, by striking the figure  
50 "13,000,000" and inserting the following:

#### Page 4

1 "13,308,845".

2 23. By striking page 7, line 49, through page 8,  
3 line 10.

4 24. Page 8, line 18, by striking the figure  
5 "44,370,000" and inserting the following:  
6 "44,795,000".

7 25. Page 8, by inserting after line 18 the  
8 following:

9 "\_\_\_\_. Page 49, line 5, by striking the figure  
10 "1,918.54" and inserting the following: "1,921.50".

11 26. Page 8, by striking lines 29 and 30.

12 27. Page 8, line 33, by striking the figure  
13 "13,530,112" and inserting the following:  
14 "14,862,874".

15 28. Page 8, line 35, by striking the figure  
16 "359.13" and inserting the following: "366.00".

17 29. Page 8, by striking lines 38 through 49 and  
18 inserting the following:

19 ""4. The number of full-time equivalent positions  
20 authorized in this section includes a reduction of all  
21 but three of the full-time equivalent positions  
22 previously assigned to the state-county assistance  
23 team. One of the remaining full-time equivalent  
24 positions shall provide staffing services to the  
25 state-county management committee.""

26 30. Page 9, by striking line 12 and inserting the  
27 following: "with express authorization in law.""

28 31. Page 9, by striking lines 28 through 35 and  
29 inserting the following: "cost line item.""

30 32. Page 9, by inserting before line 36, the

31 following:

32 " \_\_\_\_\_. Page 52, by inserting before line 8, the  
33 following:

34 "c. The organizations representing certified nurse  
35 aides and nursing facilities and other providers of  
36 services employing certified nurse aides are requested  
37 to discuss how nursing facilities and the other  
38 providers can improve the ongoing training,  
39 communication skills development, mentoring, and other  
40 activities intended to enhance the expertise of  
41 certified nurse aides. It is the intent of the  
42 general assembly that the organizations involved with  
43 the discussions will make a presentation to the joint  
44 appropriations subcommittee on human services during  
45 January 2001 concerning their discussions and plans  
46 for improvements.""

47 33. Page 9, by inserting after line 48 the  
48 following:

49 " \_\_\_\_\_. Page 59, line 19, by striking the figure  
50 "21,273,602" and inserting the following:

**Page 5**

1 "20,982,446".

2 \_\_\_\_\_. Page 59, line 26, by striking the figure

3 "1,500,000" and inserting the following:

4 "1,208,844".

5 34. Page 10, line 2, by striking the word and  
6 figures "June 30, 2001" and inserting the following:  
7 "July 1, 2001".

8 35. By renumbering, relettering, or redesignating  
9 and correcting internal references as necessary.

MAGGIE TINSMAN

S-5611

1 Amend the House amendment, S-5562, to Senate File  
2 2241, as passed by the Senate, as follows:

3 1. Page 1, line 10, by inserting after the word  
4 "purposes" the following: "at a commercial  
5 establishment licensed or permitted under this  
6 chapter".

7 2. Page 1, line 20, by inserting after the word  
8 "permit" the following: "for on-premises  
9 consumption,".

JOHNIE HAMMOND  
ANDY McKEAN

S-5612

- 1 Amend House File 2560, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 17, line 22, by inserting after the
- 4 figure "2," the following: "8".
- 5 2. Page 17, line 24, by striking the words and
- 6 figure "Section 8 of".
- 7 3. Page 17, by striking lines 25 and 26.

PATRICK J. DELUHERY  
PATRICIA HARPER  
MICHAEL W. CONNOLLY  
WALLY E. HORN  
JOHN JUDGE  
JOE BOLKCOM  
MICHAEL E. GRONSTAL  
GENE FRAISE  
JOHNIE HAMMOND  
MATT McCOY  
MARK SHEARER  
TOM FLYNN  
STEVE HANSEN  
BILL FINK  
DENNIS H. BLACK  
ROBERT E. DVORSKY  
BETTY A. SOUKUP  
JOHN P. KIBBIE

S-5613

- 1 Amend Senate Concurrent Resolution 119 as follows:
- 2 1. Page 2, line 12, by striking the word "Board"
- 3 and inserting the following: "Board, in cooperation
- 4 with the state department of transportation, office of
- 5 rail,".

STEWART E. IVERSON, Jr.

S-5614

- 1 Amend the amendment, S-5610, to the House
- 2 amendment, S-5387, to Senate File 2435, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 1, by striking line 28 and inserting the
- 5 following:
- 6 ""6,454,841" and inserting the following:
- 7 "6,471,841".
- 8 \_\_\_\_\_. Page 18, by inserting after line 7 the
- 9 following:
- 10 "\_\_\_\_\_. The department shall expend up to \$51,000,
- 11 including federal financial participation, for the



12 fiscal year beginning July 1, 2000, for a child  
13 support public awareness campaign. The department and  
14 the office of the attorney general shall cooperate in  
15 continuation of the campaign. The public awareness  
16 campaign shall emphasize, through a variety of media  
17 activities, the importance of maximum involvement of  
18 both parents in the lives of their children as well as  
19 the importance of payment of child support  
20 obligations.""  
21 2. By renumbering as necessary.

JACK RIFE

S-5615

1 Amend House File 2560, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 4, line 27, by inserting after the word  
4 "credit" the following: ", subject to the  
5 availability of the credit,".  
6 2. Page 4, by striking lines 31 and 32 and  
7 inserting the following: "credits in excess of tax  
8 liabilities shall be refunded as provided in section  
9 404A.4, subsection 3."  
10 3. Page 5, by striking lines 28 through 31 and  
11 inserting the following: "the project completion  
12 date.  
13 For purposes of this chapter, qualified  
14 rehabilitation costs include amounts if they are  
15 properly includable in computing the basis for tax  
16 purposes of the eligible property. Amounts treated as  
17 an expense and deducted in the tax year in which they  
18 are paid or incurred and amounts that are otherwise  
19 not added to the basis for tax purposes of the  
20 eligible property are not qualified rehabilitation  
21 costs. Amounts incurred for architectural and  
22 engineering fees, site survey fees, legal expenses,  
23 insurance premiums, development fees, and other  
24 construction-related costs are qualified  
25 rehabilitation costs to the extent they are added to  
26 the basis for tax purposes of the eligible property.  
27 Costs of sidewalks, parking lots, and landscaping do  
28 not constitute qualified rehabilitation costs."  
29 4. Page 6, line 14, by striking the word "sixty"  
30 and inserting the following "one hundred twenty".  
31 5. Page 6, line 16, by striking the word "sixty-  
32 day" and inserting the following: "one hundred  
33 twenty-day".  
34 6. Page 7, line 2, by striking the word  
35 "TRANSFER" and inserting the following: "REFUND".  
36 7. Page 7, by striking line 11 and inserting the  
37 following: "department of economic development, in  
38 consultation with the state historical preservation

39 office, shall issue a property".  
40 8. Page 7, line 15, by inserting after the word  
41 "credit," the following: "and".  
42 9. Page 7, by striking lines 16 through 30 and  
43 inserting the following: "information required by the  
44 department of revenue and finance."  
45 3. A person receiving a property rehabilitation  
46 tax credit under this chapter which is in excess of  
47 the person's tax liability for the tax year is  
48 entitled to a refund of the excess at a discounted  
49 value. The discounted value of the tax credit refund,  
50 as calculated by the department of economic

## Page 2

1 development, in consultation with the department of  
2 revenue and finance, shall be determined based on the  
3 discounted value of the tax credit five years after  
4 the tax year of the project completion at an interest  
5 rate equivalent to the prime rate plus two percent.  
6 The refunded tax credit shall not exceed seventy-five  
7 percent of the allowable tax credit.  
8 4. The total amount of tax credits that may be  
9 approved for a fiscal year under this chapter shall  
10 not exceed two million four hundred thousand dollars.  
11 Tax credit certificates shall be issued on the basis  
12 of the earliest awarding of certifications of  
13 completion as provided in subsection 1. The  
14 departments of economic development and revenue and  
15 finance shall each adopt rules to jointly administer  
16 this subsection and shall provide by rule for the  
17 method to be used to determine for which fiscal year  
18 the tax credits are approved."  
19 10. Page 7, line 33, by inserting after the word  
20 "affairs" the following: ", in consultation with the  
21 department of economic development,".  
22 11. Page 8, line 7, by inserting after the word  
23 "unused" the following: "and eligible for refund".  
24 12. Page 11, line 9, by striking the word "is"  
25 and inserting the following: "shall be refunded as  
26 provided in section 404A.4, subsection 3."  
27 13. Page 11, by striking lines 10 and 11.  
28 14. Page 11, by striking lines 19 through 23.  
29 15. Page 12, line 21, by striking the figure "9"  
30 and inserting the following: "8A".  
31 16. Page 16, line 4, by striking the figure  
32 "422.11D" and inserting the following: "422.11E".  
33 17. Page 17, by striking lines 9 through 15 and  
34 inserting the following: "tax liability shall be  
35 refunded as provided in section 404A.4, subsection 3."  
36 18. Page 17, by inserting after line 17 the  
37 following:

38 "Sec. 100. Section 427.1, Code Supplement 1999, is  
39 amended by adding the following new subsection:  
40 NEW SUBSECTION. 31. BARN PRESERVATION. The  
41 increase in assessed value added to a farm structure  
42 constructed prior to 1937 as a result of improvements  
43 made to the farm structure for purposes of preserving  
44 the integrity of the internal and external features of  
45 the structure as a barn is exempt from taxation. To  
46 be eligible for the exemption, the structure must have  
47 been first placed in service as a barn prior to 1937.  
48 The exemption shall apply to the assessment year  
49 beginning after the completion of the improvements to  
50 preserve the structure as a barn.

**Page 3**

1 For purposes of this subsection, "barn" means an  
2 agricultural structure, in whatever shape or design,  
3 which is used for the storage of farm products or feed  
4 or for the housing of farm animals, poultry, or farm  
5 equipment.  
6 Application for this exemption shall be filed with  
7 the assessing authority not later than February 1 of  
8 the first year for which the exemption is requested,  
9 on forms provided by the department of revenue and  
10 finance. The application shall describe and locate  
11 the specific structure for which the added value is  
12 requested to be exempt.  
13 Once the exemption is granted, the exemption shall  
14 continue to be granted for subsequent assessment years  
15 without further filing of applications as long as the  
16 structure continues to be used as a barn. The  
17 taxpayer shall notify the assessing authority when the  
18 structure ceases to be used as a barn.  
19 Sec. \_\_\_\_ Section 25B.7 does not apply to the  
20 exemption granted pursuant to section 100 of this  
21 Act."  
22 19. Title page, line 9, by inserting after the  
23 word "purposes" the following: "and a property tax  
24 exemption for increasing the value of certain barns as  
25 a result of the rehabilitation of the barns,".  
26 20. By renumbering as necessary.

LARRY McKIBBEN

S-5616

1 Amend House File 2560, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 17, by inserting after line 17 the  
4 following:  
5 "Sec. \_\_\_\_ Section 422.45, Code Supplement 1999,

6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 57. The gross receipts from the  
8 rendering, furnishing, or performing of environmental  
9 test laboratory services including services of a  
10 mobile environmental testing laboratory and field  
11 testing services by an environmental test laboratory."  
12 2. Title page, line 9, by inserting after the  
13 word "purposes," the following: "and a sales and use  
14 tax exemption for environmental laboratory services,".

DENNIS H. BLACK  
DONALD B. REDFERN  
SHELDON RITTMER

S-5617

1 Amend House File 2549, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 39, by inserting after line 12 the  
4 following:  
5 "Sec. \_\_\_\_ Section 262.9, Code Supplement 1999, is  
6 amended by adding the following new subsection:  
7 NEW SUBSECTION. 30. Limit each institution of  
8 higher learning under the board to the provision of  
9 sabbaticals for not more than four and one-half  
10 percent of the institution's eligible employees."  
11 2. By renumbering as necessary.

KEN VEENSTRA

S-5618

1 Amend the House amendment, S-5336, to Senate File  
2 2252, as passed by the Senate, as follows:  
3 1. Page 1, by striking lines 3 through 12 and  
4 inserting the following:  
5 " \_\_\_\_ Page 1, by striking lines 5 through 26 and  
6 inserting the following:  
7 "NEW SUBSECTION. 4. LEGISLATIVE REVIEW. The  
8 provisions of this chapter shall be subject to  
9 legislative review at least every five years. The  
10 review shall be based upon a school finance formula  
11 status report containing the recommendations of a  
12 legislative interim committee appointed to conduct a  
13 review of the school finance formula, to be prepared  
14 with the assistance of the department of education, in  
15 association with the departments of management and  
16 revenue and finance. The report shall include  
17 recommendations for school finance formula changes or  
18 revisions based upon demographic changes, enrollment  
19 trends, and property tax valuation fluctuations  
20 observed during the preceding five-year interval; an

21 analysis of the operation of the school finance  
22 formula during the preceding five-year interval; and a  
23 summary of issues that have arisen since the previous  
24 review and potential approaches for their resolution.  
25 The first such report shall be submitted to the  
26 general assembly no later than January 1, 2005, with  
27 subsequent reports developed and submitted by January  
28 1 at least every fifth year thereafter.'''  
29 2. By renumbering as necessary.

DONALD B. REDFERN

S-5619

1 Amend House File 2579, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. FINDINGS AND INTENT.  
6 1. The general assembly finds that certain leading  
7 United States tobacco product manufacturers have  
8 entered into the master settlement agreement with  
9 various states and commonwealths of the United States,  
10 including this state, obligating the manufacturers, in  
11 return for a release of past, present, and certain  
12 future claims against them as described in the  
13 agreement, to pay substantial sums to the states,  
14 subject to future adjustments.  
15 2. Due to uncertainties related to any future  
16 adjustments in the sums to be paid under the master  
17 settlement agreement, it is the intent of the general  
18 assembly to determine if it is in the best interest of  
19 the state to develop a plan to provide for alternative  
20 funding options for conversion of all or a portion of  
21 the future payments into current funds, which, in  
22 turn, would be invested to provide a stable and secure  
23 source of future revenue.  
24 3. It is also the intent of the general assembly  
25 that a determination be made regarding whether, in  
26 order to provide for the receipt of payments under the  
27 master settlement agreement, to provide for issuance  
28 of bonds, and to provide that the bonds and the  
29 administration of the bonds be separate from the  
30 general credit of the state, it is in the best  
31 interest of the state to create a separate and  
32 distinct state instrumentality to which all or a  
33 portion of the amounts received under the master  
34 settlement agreement might be transferred and to grant  
35 this instrumentality necessary powers and duties. If  
36 it is in the best interest of the state, such an  
37 instrumentality would necessarily benefit the people  
38 of the state by better securing a future source of

39 revenues to meet the needs and goals of the state and  
40 to avoid obligations by the state, and by performing  
41 an essential government function in carrying out its  
42 powers and duties. Such an instrumentality would not  
43 create any obligation of this state or any political  
44 subdivision of this state within the meaning of any  
45 constitutional or statutory debt limitation.

46 Sec. 2. EVALUATION – REPORT TO LEGISLATIVE  
47 COUNCIL AND GOVERNOR.

48 1. In order to make the determinations specified  
49 in section 1 of th is Act, a task force shall be  
50 assembled to evaluate alternative funding options and

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1 to propose a structure for the administration of any  
2 funding options.

3 a. Any such funding options may include, but are  
4 not limited to, selling or pledging all or a portion  
5 of the state's share to a separate and distinct state  
6 instrumentality to issue bonds to provide for future  
7 revenues.

8 b. Any bonds issued would be payable solely from  
9 and secured solely by the sums received under the  
10 master settlement agreement and other funds pledged by  
11 the instrumentality. The bonds would not, in any  
12 event, constitute a claim against the full faith and  
13 credit or taxing powers of the state.

14 c. Any sale or pledge of all or a portion of the  
15 state's share would be irrevocable during the time  
16 when bonds are outstanding and would not be a part of  
17 the contractual obligation owed to the bondholders.  
18 The sale would constitute and be treated as a true  
19 sale and absolute transfer of the property so  
20 transferred and not as a pledge or other security  
21 interest for any borrowing. The characterization of  
22 such a sale as an absolute transfer would not be  
23 negated or adversely affected by the fact that only a  
24 portion of the state's share was being sold, or by the  
25 state's acquisition or retention of an ownership  
26 interest in the residual assets.

27 d. On or after the effective date of such sale,  
28 the state would have no right, title, or interest in  
29 the portion of the master settlement agreement sold  
30 and such portion would be the property of the  
31 instrumentality and not the state, and would be owned,  
32 received, held, and disbursed by the instrumentality  
33 or its trustee or assignee, and not the state.

34 2. The task force shall include all of the  
35 following members:

36 a. The treasurer of state, or the treasurer's  
37 designee.

- 38 b. The auditor of state, or the auditor's  
39 designee.  
40 c. The director of the department of management,  
41 or the director's designee.  
42 d. The attorney general, or the attorney general's  
43 designee.  
44 e. One member of the senate, selected by the  
45 majority leader and one member of the senate, selected  
46 by the minority leader.  
47 f. One member of the house of representatives,  
48 selected by the majority leader, and one member of the  
49 house of representatives, selected by the minority  
50 leader.

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- 1 3. The task force shall receive testimony and  
2 shall develop a program plan. The program plan shall  
3 include but is not limited to all of the following:  
4 a. An analysis of alternative funding options.  
5 b. The proposed structure of any state  
6 instrumentality to administer any funding option.  
7 c. The investment criteria to be used in investing  
8 funds.  
9 d. Recommendations to the governor and the general  
10 assembly regarding necessary statutory changes to  
11 implement any funding option.  
12 e. Recommendations as to the immediacy required  
13 for implementation of any funding option, including  
14 whether immediate action by the general assembly is  
15 required.  
16 4. The task force shall submit the program plan to  
17 the legislative council and to the governor on or  
18 before September 1, 2000.  
19 5. For the purposes of this Act:  
20 a. "Master settlement agreement" means the master  
21 settlement agreement as defined in section 453C.1.  
22 b. "State's share" means all of the state's  
23 monetary rights and interests, all rights of  
24 enforcement, and all rights necessary and convenient  
25 for enforcement of those monetary rights and interests  
26 in the master settlement agreement.  
27 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
28 immediate importance, takes effect upon enactment."  
29 2. Title page, by striking lines 1 and 2, and  
30 inserting the following: "An Act establishing a task  
31 force to evaluate funding options for the funds  
32 received under the tobacco master settlement  
33 agreement, and providing an effective date."

S-5620

1 Amend Senate File 2440 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 7C.5, Code 1999, is amended to  
5 read as follows:

6 7C.5 FORMULA FOR ALLOCATION.

7 1. Except as provided in subsection 2 and in  
8 section 7C.4A, subsections 1 through 5, the state  
9 ceiling shall be allocated among all political  
10 subdivisions on a statewide basis on the basis of the  
11 chronological orders of receipt by the governor's  
12 designee of the applications described in section 7C.6  
13 with respect to a definitive issue of bonds, as  
14 determined by the day, hour, and minute time-stamped  
15 on the application immediately upon receipt by the  
16 governor's designee. However, for the period January  
17 1 through June 30 of each year, allocations to bonds  
18 for which an amount of the state ceiling has been  
19 reserved pursuant to section 7C.4A, subsection 6,  
20 shall be made to the political subdivisions submitting  
21 the applications first from the reserved amount until  
22 the reserved amount has been fully allocated and then  
23 from the amount specified in section 7C.4A, subsection  
24 7.

25 2. a. Applications for the state ceiling  
26 allocation under section 7C.4A, subsection 5, shall be  
27 competitively rated by the governor's designee based  
28 on the following criteria:

29 (1) The total number of jobs created.

30 (2) The total number of jobs to be created which  
31 meet the wage threshold requirements of subparagraph

32 (3).

33 (3) The jobs to be created shall have a starting  
34 wage of the lowest of any of the following:

35 (a) Ninety percent of the average county wage.

36 (b) Ninety percent of the average regional wage.

37 (c) Nine dollars and fifty cents adjusted annually  
38 by calculating the percent increase or decrease in the  
39 average Iowa hourly earnings level for all production  
40 and nonproduction workers in the private sector from  
41 the month of June of the previous year to June of the  
42 current year.

43 (4) The provision and payment of at least eighty  
44 percent of the cost of a standard medical and dental  
45 plan for all full-time employees working at the  
46 project for which assistance has been requested.

47 (5) The impact of the applicant's proposed project  
48 on other businesses in competition with the applicant.  
49 The governor's designee shall make a good faith effort  
50 to prohibit the displacement of employees of existing



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1 businesses through an allocation of the state ceiling.

2 (6) The issuance to the applicant of all known  
3 required environmental permits and the applicant's  
4 compliance with all environmental regulations.

5 (7) The economic impact of the applicant's  
6 proposed project on the state and the region of the  
7 state in which the applicant will be locating.

8 b. Of the applications for the state ceiling  
9 allocation under section 7C.4A, subsection 5, the  
10 governor's designee shall place the highest rated  
11 applications into one of the two drawings provided in  
12 paragraph "c", subparagraph (1), based on the  
13 population of the political subdivision where the  
14 proposed project will be located. Upon request, the  
15 governor's designee shall make available a written  
16 rationale detailing the reasons used for selecting the  
17 particular applicants chosen for the drawings  
18 conducted pursuant to paragraph "c", subparagraph (1).

19 c. (1) On or before June 30 of each year, the  
20 state ceiling allocated under section 7C.4A,  
21 subsection 5, shall be allocated based on one drawing  
22 conducted by the governor's designee for each of the  
23 following groups:

24 (a) Applicants eligible pursuant to paragraph "b"  
25 whose proposed project would be located in a political  
26 subdivision with a population of twenty thousand or  
27 less according to the most recent census.

28 (b) Applicants eligible pursuant to paragraph "b"  
29 whose proposed project would be located in a political  
30 subdivision with a population over twenty thousand.

31 (2) One-half of the state ceiling allocated under  
32 section 7C.4A, subsection 5, shall be reserved for the  
33 applicants in the drawing conducted pursuant to  
34 subparagraph (1), subparagraph subdivision (a). The  
35 remaining one-half of the state ceiling allocated  
36 under section 7C.4A, subsection 5, shall be reserved  
37 for the applicants in the drawing conducted pursuant  
38 to subparagraph (1), subparagraph subdivision (b).

39 (3) Any remaining portion of the state ceiling  
40 allocated under section 7C.4A, subsection 5, which has  
41 not been awarded after the drawings under paragraph  
42 "c" shall become available to any applicant as  
43 determined by the governor's designee.

44 d. An applicant shall not be allocated a portion  
45 of the state ceiling under this subsection more than  
46 once during the same calendar year. An applicant  
47 shall not be allocated a portion of the state ceiling  
48 under this subsection if the applicant has a majority  
49 owner who is a majority owner of another applicant who  
50 has been allocated a portion of the state ceiling

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- 1 under this subsection during the same calendar year."  
2 2. By striking page 1, line 10, through page 2,  
3 line 26.  
4 3. Title page, by striking lines 1 through 3 and  
5 inserting the following: "An Act relating to the Iowa  
6 finance authority by providing for the issuance of  
7 closing protection letters and providing for the  
8 allocation of the state ceiling of federally tax-  
9 exempt private activity bonds."  
10 4. By renumbering as necessary.

JEFF LAMBERTI

S-5621

- 1 Amend House File 2373, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking page 1, line 1, through page 3,  
4 line 18.  
5 2. Page 3, by inserting after line 27 the  
6 following:  
7 "Sec. \_\_\_\_ Section 16.92, subsection 1, paragraph  
8 f, subparagraph (4), Code Supplement 1999, is amended  
9 to read as follows:  
10 (4) If after payment of the unpaid balance of the  
11 loan secured by the mortgage, the mortgage continues  
12 to secure any unpaid obligation due the mortgagee or  
13 any unfunded commitment by the mortgagor to the  
14 mortgagee, ~~the legal description of the property that~~  
15 ~~will continue to be subject to the mortgage, and the~~  
16 legal description of the property that will be  
17 released from the mortgage.  
18 Sec. \_\_\_\_ Section 16.92, subsection 2, paragraph  
19 a, subparagraph (1), subparagraph subdivision (b),  
20 Code Supplement 1999, is amended to read as follows:  
21 (b) The statement contains the legal description  
22 of the property to be released from the mortgage ~~and~~  
23 ~~the legal description of the property that will~~  
24 ~~continue to be subject to the mortgage.~~  
25 Sec. \_\_\_\_ Section 16.92, subsection 3, paragraph  
26 d, subparagraph (2), Code Supplement 1999, is amended  
27 to read as follows:  
28 (2) A statement that the certificate is a partial  
29 release of the mortgage, ~~and the legal description of~~  
30 ~~the property that will be released from the mortgage,~~  
31 ~~and the legal description of the property that will~~  
32 ~~continue to be subject to the mortgage.~~  
33 Sec. \_\_\_\_ Section 16.92, subsection 7, Code  
34 Supplement 1999, is amended to read as follows:  
35 7. PRIOR MORTGAGES.

36 a. If the real estate lender or closer has  
37 notified the division that a mortgage has been paid in  
38 full by someone other than the real estate lender or  
39 closer, or was paid by the real estate lender or  
40 closer under a previous transaction, and an effective  
41 release has not been filed of record, the division may  
42 execute and record a certificate of release without  
43 certification by the real estate lender or closer that  
44 payment was made pursuant to a payoff statement and  
45 the date payment was received by the mortgagee. A  
46 certificate of release filed pursuant to this  
47 subsection is subject to the requirements of  
48 subsection 2, paragraph "c".  
49 b. For purposes of this subsection, an effective  
50 release has not been filed of record if there appears

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1 that a mortgagee in the record chain of title to the  
2 mortgage has not, either on the mortgagee's own behalf  
3 or by the mortgagee's duly appointed servicer or  
4 attorney in fact as established of record by a filed  
5 servicing agreement or power of attorney, filed of  
6 record either an assignment of the mortgage to another  
7 mortgagee in the record chain of title to the mortgage  
8 or a release of the mortgagee's interest in the  
9 mortgage. For the purposes of this subsection and  
10 subsection 2, paragraph "c", "mortgage servicer"  
11 includes a mortgagee for which an effective release  
12 has not been filed of record as provided in this  
13 paragraph."

14 3. Page 5, by inserting after line 2 the  
15 following:

16 "Sec. \_\_\_\_ STUDY.

17 1. The treasurer of state or the designee of the  
18 treasurer of state, the auditor of state or the  
19 designee of the auditor of state, the director of the  
20 department of economic development or the designee of  
21 the director, and the executive director of the Iowa  
22 finance authority or the designee of the executive  
23 director shall submit a joint report to the general  
24 assembly regarding proposals for a new allocation  
25 method for the state ceiling allocation under section  
26 7C.4A, subsection 5. The report shall include, but  
27 shall not be limited to, a competitive rating system  
28 for applications and a method for allocating the state  
29 ceiling to political subdivisions of different sizes.  
30 The report shall be submitted to the general assembly  
31 by December 1, 2000.

32 Sec. \_\_\_\_ STATE CEILING ALLOCATION. For the  
33 calendar year beginning January 1, 2001, applications  
34 for the state ceiling allocation under section 7C.4A,

35 subsection 5, shall not be approved prior to March 1."  
36 4. Title page, line 2, by inserting after the  
37 word "letters" the following: "amending provisions  
38 regarding mortgage release certificates,".  
39 5. By renumbering as necessary.

JEFF LAMBERTI

S-5622

1 Amend House File 2549, 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 "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, 2000,  
9 and ending June 30, 2001, 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 .....\$ 325,801  
17 .....FTEs 5.40  
18 2. DES MOINES UNIVERSITY -- OSTEOPATHIC MEDICAL  
19 CENTER  
20 a. For forgivable loans to Iowa students attending  
21 the Des Moines university -- osteopathic medical  
22 center under the forgivable loan program pursuant to  
23 section 261.19:  
24 .....\$ 254,260  
25 b. For the Des Moines university -- osteopathic  
26 medical center 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 .....\$ 1,144,850  
34 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM  
35 For purposes of providing national guard  
36 educational assistance under the program established  
37 in section 261.86:  
38 .....\$ 1,250,000  
39 5. CHIROPRACTIC GRADUATE STUDENT FORGIVABLE LOAN  
40 PROGRAM  
41 For purposes of providing forgivable loans under  
42 the program established in section 261.71:

43 .....\$ 100,000  
 44 6. TEACHER SHORTAGE FORGIVABLE LOAN PROGRAM  
 45 For the teacher shortage forgivable loan program  
 46 established in section 261.111:  
 47 .....\$ 525,000  
 48 DEPARTMENT OF CULTURAL AFFAIRS  
 49 Sec. 2. There is appropriated from the general  
 50 fund of the state to the department of cultural

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1 affairs for the fiscal year beginning July 1, 2000,  
 2 and ending June 30, 2001, the following amounts, or so  
 3 much thereof as is necessary, to be used for the  
 4 purposes designated:  
 5 1. ARTS DIVISION  
 6 For salaries, support, maintenance, miscellaneous  
 7 purposes, including funds to match federal grants and  
 8 for not more than the following full-time equivalent  
 9 positions:  
 10 .....\$ 1,408,269  
 11 .....FTEs 10.00  
 12 2. HISTORICAL DIVISION  
 13 For salaries, support, maintenance, miscellaneous  
 14 purposes, and for not more than the following full-  
 15 time equivalent positions:  
 16 .....\$ 3,264,561  
 17 .....FTEs 65.70  
 18 Notwithstanding the full-time equivalent position  
 19 limit established in this subsection, for the fiscal  
 20 year ending June 30, 2001, if federal funding is  
 21 received to pay the costs of an additional employee  
 22 for the historical division, authorization to hire not  
 23 more than 1.0 additional full-time equivalent employee  
 24 is provided, the full-time equivalent position limit  
 25 shall be exceeded, and the additional employee shall  
 26 be hired by the division.  
 27 3. HISTORIC SITES  
 28 For salaries, support, maintenance, miscellaneous  
 29 purposes, and for not more than the following full-  
 30 time equivalent positions:  
 31 .....\$ 597,563  
 32 .....FTEs 8.00  
 33 4. ADMINISTRATION  
 34 For salaries, support, maintenance, miscellaneous  
 35 purposes, and for not more than the following full-  
 36 time equivalent positions:  
 37 .....\$ 241,853  
 38 .....FTEs 4.30  
 39 The department of cultural affairs shall coordinate  
 40 activities with the tourism division of the department  
 41 of economic development to promote attendance at the

42 state historical building and at this state's historic  
43 sites.  
44 5. COMMUNITY CULTURAL GRANTS  
45 For planning and programming for the community  
46 cultural grants program established under section  
47 303.3, and for not more than the following full-time  
48 equivalent position:  
49 .....\$ 691,149  
50 .....FTEs 0.70

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1 DEPARTMENT OF EDUCATION  
2 Sec. 3. There is appropriated from the general  
3 fund of the state to the department of education for  
4 the fiscal year beginning July 1, 2000, and ending  
5 June 30, 2001, the following amounts, or so much  
6 thereof as may be necessary, to be used for the  
7 purposes designated:  
8 1. GENERAL ADMINISTRATION  
9 For salaries, support, maintenance, miscellaneous  
10 purposes, and for not more than the following full-  
11 time equivalent positions:  
12 .....\$ 5,875,863  
13 .....FTEs 98.45  
14 The director of the department of education shall  
15 ensure that all school districts are aware of the  
16 state education resources available on the state  
17 website for listing teacher job openings and shall  
18 make every reasonable effort to enable qualified  
19 practitioners to post their resumes on the state  
20 website. The department shall administer the posting  
21 of job vacancies for school districts, accredited  
22 nonpublic schools, and area education agencies on the  
23 state website. The department may coordinate this  
24 activity with the Iowa school board association or  
25 other interested education associations in the state.  
26 2. VOCATIONAL EDUCATION ADMINISTRATION  
27 For salaries, support, maintenance, miscellaneous  
28 purposes, and for not more than the following full-  
29 time equivalent positions:  
30 .....\$ 566,741  
31 .....FTEs 15.60  
32 3. BOARD OF EDUCATIONAL EXAMINERS  
33 For salaries, support, maintenance, miscellaneous  
34 purposes, and for not more than the following full-  
35 time equivalent positions:  
36 .....\$ 200,454  
37 .....FTEs 6.00  
38 4. VOCATIONAL REHABILITATION SERVICES DIVISION  
39 a. For salaries, support, maintenance,  
40 miscellaneous purposes, and for not more than the

41 following full-time equivalent positions:  
42 .....\$ 4,878,700  
43 .....FTE 302.25  
44 From the funds appropriated in this lettered  
45 paragraph, up to \$2,000,000 shall be used to provide  
46 services to persons without regard to a waiting list.  
47 The division shall seek additional local matching  
48 funds in an amount sufficient to avoid any loss of  
49 federal funds.  
50 The division of vocational rehabilitation services

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1 shall seek a waiver from the federal government to  
2 accept assessments of clients performed by area  
3 education agencies or any other governmental  
4 subdivision. The division shall also seek additional  
5 federal waivers to improve and increase the  
6 availability of supported employment services to  
7 Iowans.  
8 The division of vocational rehabilitation services  
9 shall seek funds other than federal funds, which may  
10 include but are not limited to local funds from local  
11 provider entities, community colleges, area education  
12 agencies, and local education agencies, for purposes  
13 of matching federal vocational rehabilitation funds.  
14 The funds collected by the division may exceed the  
15 amount needed to match available federal vocational  
16 rehabilitation funds in an effort to qualify for  
17 additional federal funds when such funds become  
18 available.  
19 Except where prohibited under federal law, the  
20 division of vocational rehabilitation services of the  
21 department of education shall accept client  
22 assessments, or assessments of potential clients,  
23 performed by other agencies in order to reduce  
24 duplication of effort.  
25 Notwithstanding the full-time equivalent position  
26 limit established in this lettered paragraph, for the  
27 fiscal year ending June 30, 2001, if federal funding  
28 is received to pay the costs of additional employees  
29 for the vocational rehabilitation services division  
30 who would have duties relating to vocational  
31 rehabilitation services paid for through federal  
32 funding, authorization to hire not more than 4.00  
33 additional full-time equivalent employees shall be  
34 provided, the full-time equivalent position limit  
35 shall be exceeded, and the additional employees shall  
36 be hired by the division.  
37 b. For matching funds for programs to enable  
38 persons with severe physical or mental disabilities to  
39 function more independently, including salaries and

40 support, and for not more than the following full-time  
41 equivalent position:  
42 .....\$ 76,401  
43 .....FTEs 1.00  
44 The highest priority use for the moneys  
45 appropriated under this lettered paragraph shall be  
46 for programs that emphasize employment and assist  
47 persons with severe physical or mental disabilities to  
48 find and maintain employment to enable them to  
49 function more independently.  
50 5. STATE LIBRARY

**Page 5**

1 a. For salaries, support, maintenance,  
2 miscellaneous purposes, and for not more than the  
3 following full-time equivalent positions:  
4 .....\$ 3,131,600  
5 .....FTEs 20.00  
6 Reimbursement of the institutions of higher  
7 learning under the state board of regents for  
8 participation in the access plus program during the  
9 fiscal year beginning July 1, 2000, and ending June  
10 30, 2001, shall not exceed the total amount of  
11 reimbursement paid to the regents institutions of  
12 higher learning for participation in the access plus  
13 program during the fiscal year beginning July 1, 1999,  
14 and ending June 30, 2000.  
15 b. For the enrich Iowa program:  
16 .....\$ 1,000,000  
17 (1) Funds allocated for purposes of the enrich  
18 Iowa program as provided in this lettered paragraph  
19 shall be distributed by the division of libraries and  
20 information services to eligible public libraries that  
21 are in compliance with performance measures adopted by  
22 rule by the commission of libraries. The funds  
23 allocated as provided in this lettered paragraph shall  
24 not be used for the costs of administration by the  
25 division. The amount distributed to each eligible  
26 public library shall be based upon the following:  
27 (a) The level of compliance by the eligible public  
28 library with the performance measures adopted by the  
29 commission as provided in this subparagraph.  
30 (b) The number of people residing within an  
31 eligible library's geographic service area for whom  
32 the library provides services.  
33 (c) The amount of other funding the eligible  
34 public library received in the previous fiscal year  
35 for providing services to rural residents and to  
36 contracting communities.  
37 (2) Moneys received by a public library under this  
38 lettered paragraph shall supplement, not supplant, any



39 other funding received by the library.  
 40 (3) For purposes of this section, "eligible public  
 41 library" means a public library that meets all of the  
 42 following requirements:  
 43 (a) Submits to the division all of the following:  
 44 (i) The report provided for under section 256.51,  
 45 subsection 1, paragraph "h".  
 46 (ii) An application and accreditation report, in a  
 47 format approved by the commission, that provides  
 48 evidence of the library's compliance with at least one  
 49 level of the standards established in accordance with  
 50 section 256.51, subsection 1, paragraph "k".

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1 (iii) Any other application or report the division  
 2 deems necessary for the implementation of the enrich  
 3 Iowa program.  
 4 (b) Participates in the library resource and  
 5 information sharing programs established by the state  
 6 library.  
 7 (c) Is a public library established by city  
 8 ordinance or a county library as provided in chapter  
 9 336.  
 10 (4) Each eligible public library shall maintain a  
 11 separate listing within its budget for payments  
 12 received and expenditures made pursuant to this  
 13 lettered paragraph, and shall annually submit this  
 14 listing to the division.  
 15 (5) By January 15, 2001, the division shall submit  
 16 a program evaluation report to the general assembly  
 17 and the governor detailing the uses and the impacts of  
 18 funds allocated under this lettered paragraph. It is  
 19 the intent of the general assembly to address the  
 20 continuation of the enrich Iowa program during the  
 21 2001 legislative session.  
 22 (6) A public library that receives funds in  
 23 accordance with this lettered paragraph shall have an  
 24 internet use policy in place, which may or may not  
 25 include internet filtering. The library shall submit  
 26 a report describing the library's internet use efforts  
 27 to the division.

## 28 6. REGIONAL LIBRARY

29 For state aid:

30 .....\$ 1,687,000

## 31 7. PUBLIC BROADCASTING DIVISION

32 For salaries, support, maintenance, capital  
 33 expenditures, miscellaneous purposes, and for not more  
 34 than the following full-time equivalent positions:

35 .....\$ 8,048,155

36 .....FTEs 106.40

## 37 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

38 For reimbursement for vocational education  
39 expenditures made by secondary schools:  
40 .....\$ 3,308,850  
41 Funds appropriated in this subsection shall be used  
42 for expenditures made by school districts to meet the  
43 standards set in sections 256.11, 258.4, and 260C.14  
44 as a result of the enactment of 1989 Iowa Acts,  
45 chapter 278. Funds shall be used as reimbursement for  
46 vocational education expenditures made by secondary  
47 schools in the manner provided by the department of  
48 education for implementation of the standards set in  
49 1989 Iowa Acts, chapter 278.  
50 9. SCHOOL FOOD SERVICE

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1 For use as state matching funds for federal  
2 programs that shall be disbursed according to federal  
3 regulations, including salaries, support, maintenance,  
4 miscellaneous purposes, and for not more than the  
5 following full-time equivalent positions:  
6 .....\$ 2,716,119  
7 .....FTEs 14.00  
8 10. IOWA EMPOWERMENT FUND  
9 For deposit in the school ready children grants  
10 account of the Iowa empowerment fund created in  
11 section 28.9:  
12 .....\$ 15,600,000  
13 a. From the moneys deposited in the school ready  
14 children grants account for the fiscal year beginning  
15 July 1, 2000, and ending June 30, 2001, not more than  
16 \$200,000 is allocated for the community empowerment  
17 office and other technical assistance activities. It  
18 is the intent of the general assembly that regional  
19 technical assistance teams will be established and  
20 will include staff from various agencies, as  
21 appropriate, including the area education agencies,  
22 community colleges, and the Iowa state university of  
23 science and technology cooperative extension service  
24 in agriculture and home economics. The state  
25 empowerment board shall direct staff to work with the  
26 advisory council to inventory technical assistance  
27 needs. Funds allocated under this lettered paragraph  
28 may be used by the state empowerment board for the  
29 purpose of skills development and support for ongoing  
30 training of the regional technical assistance teams.  
31 However, funds shall not be used for additional staff  
32 or for the reimbursement of staff.  
33 As a condition of receiving funding appropriated in  
34 this subsection, each local empowerment board shall  
35 report to the state empowerment board progress on each  
36 of the state indicators approved by the state board,

37 as well as progress on local indicators.  
38 School ready children grants account funds shall be  
39 distributed through a grant application process.  
40 Grant awards shall be contingent upon the availability  
41 of funds. The deadline for applications for school  
42 ready children grants in the fiscal year beginning  
43 July 1, 2000, shall be August 31, 2000, with grant  
44 awards to be made on or about October 2, 2000.  
45 b. For the fiscal year beginning July 1, 2000, the  
46 Iowa empowerment board shall award up to a maximum  
47 allocation amount, determined in accordance with this  
48 paragraph and paragraphs "c" and "d", for those  
49 designated community empowerment areas that have never  
50 been awarded a school ready children grant. The board

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1 shall utilize the maximum allocation amount in  
2 negotiating grant amounts and grant provisions with  
3 such community empowerment areas for that fiscal year.  
4 c. The maximum allocation amount for each such  
5 area that has never been awarded a school ready  
6 children grant shall be determined by applying the  
7 factors in paragraph "d" to the full amount available  
8 for distribution for school ready children grants in  
9 the fiscal year beginning July 1, 2000, and utilizing  
10 the results only for determining an amount for the  
11 county areas participating in such areas. However,  
12 the maximum allocation amounts determined for such  
13 areas for the fiscal year shall be adjusted so that  
14 the total of those amounts is equivalent to the amount  
15 available for those areas after distribution of grant  
16 moneys to areas previously approved for a school ready  
17 children grant. An adjustment amount shall be in  
18 proportion to the amount an individual area allocation  
19 bears to the total of the allocations for all such  
20 areas. The grant period for such areas shall also be  
21 adjusted in proportion to the percentage amount of the  
22 total allocation amount adjustment.  
23 d. The following factors shall be applied as  
24 required in paragraph "c":  
25 (1) Forty-five percent based upon the proportion  
26 that the county's population of children from birth  
27 through age five whose family income is equal to or  
28 less than one hundred eighty-five percent of the  
29 federal poverty level bears to the state's population  
30 of children in that same age group and income level.  
31 (2) Thirty-five percent based upon the proportion  
32 that the county's population of children from birth  
33 through age five bears to the state's general  
34 population of children in that age group.  
35 (3) An amount determined by equally dividing among

36 all counties twenty percent of the amount available  
37 for distribution in that fiscal year.  
38 11. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS  
39 To provide funds for costs of providing textbooks  
40 to each resident pupil who attends a nonpublic school  
41 as authorized by section 301.1. The funding is  
42 limited to \$20 per pupil and shall not exceed the  
43 comparable services offered to resident public school  
44 pupils:  
45 .....\$ 650,000  
46 12. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION  
47 To assist a vocational agriculture youth  
48 organization sponsored by the schools to support the  
49 foundation established by that vocational agriculture  
50 youth organization and for other youth activities:

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1 .....\$ 94,400  
2 13. NATIONAL BOARD CERTIFICATION  
3 For the issuance of national board certification  
4 awards in accordance with section 256.44:  
5 .....\$ 1,380,000  
6 Notwithstanding section 8.33, funds appropriated  
7 for purposes of this subsection which remain  
8 unencumbered or unobligated at the close of the fiscal  
9 year, shall not revert but shall be available for  
10 expenditure for purposes of issuing national board  
11 certification awards during the succeeding fiscal  
12 year.  
13 14. BEGINNING TEACHER INDUCTION PROGRAM  
14 For purposes of the beginning teacher induction  
15 program as provided in section 256E.2:  
16 .....\$ 775,000  
17 Notwithstanding section 8.33, moneys appropriated  
18 in this subsection that remain unencumbered or  
19 unobligated at the close of the fiscal year shall not  
20 revert but shall remain available for expenditure for  
21 the purposes designated until the close of the  
22 succeeding fiscal year.  
23 15. FAMILY RESOURCE CENTER DEMONSTRATION PROGRAM  
24 For support of the family resource center  
25 demonstration program established under chapter 256C:  
26 .....\$ 90,000  
27 16. EDUCATION INNOVATION PROJECT GRANTS  
28 To support innovative research-based K -12 education  
29 projects:  
30 .....\$ 425,000  
31 a. From the funds appropriated in this subsection,  
32 the sum of \$225,000 shall be used by the department of  
33 education for a study of methods to improve teacher  
34 compensation and to award education innovation project

35 grants. Eligible projects shall demonstrate research-  
 36 based innovative methods to improve the quality of  
 37 teaching or promote attraction and retention of  
 38 teachers in the teaching profession, identify  
 39 measurable performance indicators and annually report  
 40 results, and demonstrate how the project can be self -  
 41 supporting within a three-year to five-year period.  
 42 Notwithstanding section 8.33, unencumbered or  
 43 unobligated funds remaining on June 30 of the fiscal  
 44 year from funds allocated in this paragraph shall not  
 45 revert but shall be available for expenditure for the  
 46 following fiscal year for the purposes of this  
 47 paragraph.  
 48 b. The department shall establish pilot regional  
 49 academies in cooperation with school districts, area  
 50 education agencies, and postsecondary institutions.

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1 From the funds appropriated in this subsection, not  
 2 more than \$200,000 shall be used to plan and implement  
 3 pilot regional academies to provide high school  
 4 students with advanced level courses and technical  
 5 courses not currently available within the curriculum  
 6 in their district of attendance.

7 c. The department shall submit a report on the  
 8 status of the projects receiving grants under this  
 9 subsection to the senate and house standing committees  
 10 on education and the joint appropriations subcommittee  
 11 on education by December 1, 2000.

## **12 17. LOCAL ARTS COMPREHENSIVE EDUCATIONAL 13 STRATEGIES PROGRAM (LACES)**

14 For contracting with the Iowa alliance for arts  
 15 education to execute their local arts comprehensive  
 16 educational strategies:

17 .....\$ 25,000

## **18 18. CONNECTING EDUCATION AND WORKFORCE DEVELOPMENT**

19 For purposes of providing support to statewide  
 20 school-to-work implementation through professional  
 21 development opportunities, employability skill  
 22 revalidation, partnership capacity building,  
 23 connecting to the department of workforce  
 24 development's making connections system  
 25 implementation, and the integration of academic and  
 26 vocational education.

27 .....\$ 210,000

## **28 19. EMPLOYABILITY SKILLS ASSESSMENTS REIMBURSEMENTS**

29 For reimbursement of school district claims for the  
 30 costs of acquiring and using employability skills  
 31 assessment tools as provided in this subsection:

32 .....\$ 200,000

33 a. The department of education shall reimburse

34 school district claims for the costs of acquiring,  
35 administering, and scoring assessment tools to assess  
36 the employability skills of students. The director of  
37 education shall identify available employability  
38 skills assessment tools that school districts may use  
39 to meet the claim reimbursement requirements of this  
40 subsection.  
41 b. In order to be eligible for reimbursement under  
42 this subsection, a school district shall submit a  
43 claim on forms provided by the department by July 15,  
44 2001, and the claim shall state the actual costs  
45 incurred and shall be accompanied by an affidavit of  
46 an officer of the school district affirming the  
47 accuracy of the claim.  
48 c. A school district that submits to the  
49 department a claim for reimbursement in accordance  
50 with this subsection shall develop and integrate

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1 specific employability skills goals and activities  
2 into the comprehensive school improvement plan  
3 required under section 256.7, subsection 21, paragraph  
4 "a".  
5 d. The department of education shall certify to  
6 the department of revenue and finance the amounts of  
7 approved claims to be paid, and the department of  
8 revenue and finance shall draw warrants payable to  
9 school districts with approved claims, taking into  
10 consideration the relative budget and cash position of  
11 the state resources.  
12 e. Moneys received under this subsection shall not  
13 be commingled with state aid payments made under  
14 section 257.16 to a school district and shall be  
15 accounted for by the school district separately from  
16 state aid payments. Payments made to a school  
17 district under this subsection are miscellaneous  
18 income for purposes of chapter 257.  
19 f. If the funds appropriated in this subsection  
20 are insufficient to pay in full the claims submitted  
21 by school districts and approved by the department,  
22 the amounts of approved claims shall be prorated among  
23 all school districts with approved claims.  
24 20. JOBS FOR AMERICA'S GRADUATES  
25 For school districts to provide direct services to  
26 the most at-risk senior high school students enrolled  
27 in school districts through direct intervention by a  
28 "jobs for America's graduates" specialist:  
29 .....\$ 333,000  
30 21. AMERICORPS AFTER-SCHOOL INITIATIVE  
31 For purposes of the americorps after-school  
32 initiative:

33	.....	\$	121,000
34	22. AMBASSADOR TO EDUCATION		
35	For purposes of the ambassador to education program		
36	established in section 256.45:		
37	.....	\$	75,000
38	23. COMMUNITY COLLEGES		
39	For general state financial aid, including general		
40	financial aid to merged areas in lieu of personal		
41	property tax replacement payments, to merged areas as		
42	defined in section 260C.2, for vocational education		
43	programs in accordance with chapters 258 and 260C:		
44	.....	\$	147,577,403
45	The funds appropriated in this subsection shall be		
46	allocated as follows:		
47	a. Merged Area I .....	\$	7,082,328
48	b. Merged Area II .....	\$	8,319,148
49	c. Merged Area III .....	\$	7,728,299
50	d. Merged Area IV .....	\$	3,777,429

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1	e. Merged Area V .....	\$	7,902,847
2	f. Merged Area VI .....	\$	7,321,837
3	g. Merged Area VII .....	\$	10,564,438
4	h. Merged Area IX .....	\$	12,993,495
5	i. Merged Area X .....	\$	20,391,658
6	j. Merged Area XI .....	\$	21,642,884
7	k. Merged Area XII .....	\$	8,526,664
8	l. Merged Area XIII .....	\$	8,767,984
9	m. Merged Area XIV .....	\$	3,822,470
10	n. Merged Area XV .....	\$	12,027,969
11	o. Merged Area XVI .....	\$	6,707,953
12	Sec. 4. DISTRIBUTION OF FUNDS APPROPRIATED. For		
13	the fiscal year beginning July 1, 2000, and ending		
14	June 30, 2001, moneys appropriated by the general		
15	assembly from the general fund of the state to the		
16	department of education for community colleges for a		
17	fiscal year shall be allocated to each community		
18	college by the department of education in the		
19	following manner:		
20	1. BASE FUNDING. The base funding for a fiscal		
21	year shall be equal to the amount each community		
22	college received as an allocation from appropriations		
23	made from the general fund of the state in the most		
24	recent fiscal year.		
25	2. DISTRIBUTION FOR INFLATION. First priority		
26	shall be to give each college an increase based upon		
27	inflation. The inflation increase shall be not less		
28	than 2 percent. However, the inflation increase shall		
29	be equal to the national inflation rate, if it exceeds		
30	2 percent, if the amount of state aid appropriated is		
31	equal to or greater than the national inflation rate.		

32 3. DISTRIBUTION BASED ON PROPORTIONAL SHARE OF  
33 ENROLLMENT. The balance of the growth in state aid  
34 appropriations, once the inflation increase has been  
35 satisfied, shall be distributed based on each  
36 college's proportional share of enrollment. However,  
37 a minimum of one percent of the total growth shall be  
38 distributed in this manner.  
39 4. If the total appropriation made by the general  
40 assembly is less than 2 percent growth, the entire  
41 increase shall be distributed as inflation.  
42 Sec. 5. PROVIDING LIMITED PHASE III MONEYS  
43 DISTRIBUTION AUTHORITY TO THE DIRECTOR.  
44 Notwithstanding the appropriations in section 294A.25,  
45 subsections 6, 9, and 14 for the fiscal year beginning  
46 July 1, 2000, the director of the department of  
47 education is authorized to determine the amount of  
48 phase III moneys which shall be distributed for the  
49 purposes described in section 294A.25, subsections 6,  
50 9, and 14 for the fiscal year beginning July 1, 2000.

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1 Sec. 6. AREA EDUCATION AGENCY REORGANIZATION  
2 STUDY. The department of education shall complete a  
3 study and make recommendations for the alignment of  
4 area education boundaries in the event of voluntary  
5 area education agency merger or restructuring to best  
6 ensure the equitable, effective, and efficient  
7 delivery of core area education agency services to  
8 students and schools. The study shall be conducted in  
9 conjunction with representative administrators and  
10 board members from area education agencies, and in  
11 consultation with other K - 12 representatives as  
12 determined by the department. The study shall  
13 consider population projections of the merged areas,  
14 enrollment projections, number of school districts and  
15 schools served, financial resources, efficient and  
16 effective delivery of core services as required under  
17 area education agency accreditation under chapter 273,  
18 existing and possible regional collaborations, and  
19 possible reorganization incentives. The department  
20 shall forward recommendations and any possible  
21 reorganization plans to the area education agency  
22 boards no later than July 1, 2001. The department  
23 shall forward any recommendations for statutory  
24 changes that may be required to accomplish area  
25 education agency reorganization to the senate and  
26 house standing committees on education and the joint  
27 appropriations subcommittee on education not later  
28 than December 15, 2000.  
29 Sec. 7. BOARD OF EDUCATIONAL EXAMINERS LICENSING  
30 FEES. Notwithstanding section 272.10, up to 85



31 percent of any funds received annually resulting from  
32 an increase in fees approved and implemented for  
33 licensing by the state board of educational examiners  
34 after July 1, 1997, shall be available for the fiscal  
35 year beginning July 1, 2000, to the state board for  
36 purposes related to the state board's duties,  
37 including, but not limited to, additional full-time  
38 equivalent positions. The director of revenue and  
39 finance shall draw warrants upon the treasurer of  
40 state from the funds appropriated as provided in this  
41 section and shall make the funds resulting from the  
42 increase in fees available during the fiscal year to  
43 the state board on a monthly basis.

44 Sec. 8. PROFESSIONAL DEVELOPMENT STUDY. The board  
45 of educational examiners shall conduct a study of the  
46 use of school days for the professional development of  
47 teachers by school districts and area education  
48 agencies. Each school district and area education  
49 agency shall submit to the board by August 1, 2000, in  
50 the manner required by the board, data relating to the

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1 use of school days for the professional development of  
2 teachers. The board shall develop and recommend  
3 alternatives to reduce the number of school days used  
4 for the professional development of teachers. The  
5 board shall submit its recommendations by December 1,  
6 2000, in a report to the senate and house standing  
7 committees on education and the joint appropriations  
8 subcommittee on education.

9 Sec. 9. LOCAL PUBLIC LIBRARIES SUPPORT SERVICES  
10 STUDY. The commission of libraries shall coordinate a  
11 study of the state library structure. The commission,  
12 the area education agencies, and the regional  
13 libraries jointly shall compile a list of the support  
14 functions currently provided to local libraries by the  
15 regional system, including but not limited to the  
16 continuation of consultation and educational programs  
17 for library staff and trustees concerning all facets  
18 of library management and operation and intraregional  
19 interlibrary loan and information services, and shall  
20 develop a plan to provide those support functions and  
21 services more effectively and efficiently. The plan  
22 shall be submitted by December 1, 2000, to the senate  
23 and house standing committees on education, the joint  
24 appropriations subcommittee on education, and the  
25 legislative fiscal bureau.

26 Sec. 10. 1999 Iowa Acts, chapter 205, section 7,  
27 subsections 13 and 15, are amended to read as follows:

28 13. NATIONAL BOARD CERTIFICATION

29 For the issuance of national board certification

30 awards in accordance with section 256.44, if 1999 Iowa  
31 Acts, House File 766, is enacted:  
32 .....\$ 1,000,000  
33 Notwithstanding section 8.33, funds appropriated  
34 for purposes of this ~~section~~ subsection which remain  
35 unencumbered or unobligated at the close of the fiscal  
36 year, shall not revert but shall be available for  
37 expenditure for purposes of issuing national board  
38 certification awards during the succeeding fiscal  
39 year.  
40 15. BEGINNING TEACHER INDUCTION PROGRAM  
41 For purposes of the beginning teacher induction  
42 program as provided in section 256E.2:  
43 .....\$ 300,000  
44 Notwithstanding section 8.33, moneys appropriated  
45 in this ~~section~~ subsection that remain unencumbered or  
46 unobligated at the close of the fiscal year shall not  
47 revert but shall remain available for expenditure for  
48 the purposes designated until the close of the  
49 succeeding fiscal year.  
50 STATE BOARD OF REGENTS

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1 Sec. 11. There is appropriated from the general  
2 fund of the state to the state board of regents for  
3 the fiscal year beginning July 1, 2000, and ending  
4 June 30, 2001, the following amounts, or so much  
5 thereof as may be necessary, to be used for the  
6 purposes designated:  
7 1. OFFICE OF STATE BOARD OF REGENTS  
8 a. For salaries, support, maintenance,  
9 miscellaneous purposes, and for not more than the  
10 following full-time equivalent positions:  
11 .....\$ 1,281,134  
12 .....FTEs 15.63  
13 The state board of regents, the department of  
14 management, and the legislative fiscal bureau shall  
15 cooperate to determine and agree upon, by November 15,  
16 2000, the amount that needs to be appropriated for  
17 tuition replacement for the fiscal year beginning July  
18 1, 2001.  
19 The state board of regents shall submit a monthly  
20 financial report in a format agreed upon by the state  
21 board of regents office and the legislative fiscal  
22 bureau.  
23 b. For allocation by the state board of regents to  
24 the state university of Iowa, the Iowa state  
25 university of science and technology, and the  
26 university of northern Iowa to reimburse the  
27 institutions for deficiencies in their operating funds  
28 resulting from the pledging of tuitions, student fees

29 and charges, and institutional income to finance the  
 30 cost of providing academic and administrative  
 31 buildings and facilities and utility services at the  
 32 institutions:

33 .....\$ 28,174,854

34 c. For funds to be allocated to the southwest Iowa  
 35 graduate studies center:

36 .....\$ 114,324

37 d. For funds to be allocated to the siouxland  
 38 interstate metropolitan planning council for the  
 39 tristate graduate center under section 262.9,  
 40 subsection 21:

41 .....\$ 83,778

42 e. For funds to be allocated to the quad-cities  
 43 graduate studies center:

44 .....\$ 171,382

45 2. STATE UNIVERSITY OF IOWA

46 a. General university, including lakeside  
 47 laboratory

48 For salaries, support, maintenance, equipment,  
 49 miscellaneous purposes, and for not more than the  
 50 following full-time equivalent positions:

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1 .....\$ 247,817,103

2 .....FTEs 4,055.62

3 It is the intent of the general assembly that the  
 4 university continue progress on the school of public  
 5 health and the public health initiative for the  
 6 purposes of establishing an accredited school of  
 7 public health and for funding an initiative for the  
 8 health and independence of elderly Iowans. From the  
 9 funds appropriated in this lettered paragraph, the  
 10 university may use up to \$2,100,000 for the school of  
 11 public health and the public health initiative.

12 b. University hospitals

13 For salaries, support, maintenance, equipment, and  
 14 miscellaneous purposes and for medical and surgical  
 15 treatment of indigent patients as provided in chapter  
 16 255, for medical education, and for not more than the  
 17 following full-time equivalent positions:

18 .....\$ 32,515,915

19 .....FTEs 5,626.24

20 The university of Iowa hospitals and clinics shall,  
 21 within the context of chapter 255 and when medically  
 22 appropriate, make reasonable efforts to extend the  
 23 university of Iowa hospitals and clinics' use of home  
 24 telemedicine and other technologies to reduce the  
 25 frequency of visits to the hospital required by  
 26 indigent patients. The university of Iowa hospitals  
 27 and clinics shall submit a report to the general

28 assembly and the legislative fiscal bureau by January  
29 15, 2001, describing its use of these technologies to  
30 accomplish this purpose.  
31 The university of Iowa hospitals and clinics shall  
32 submit quarterly a report regarding the portion of the  
33 appropriation in this lettered paragraph expended on  
34 medical education. The report shall be submitted in a  
35 format jointly developed by the university of Iowa  
36 hospitals and clinics, the legislative fiscal bureau,  
37 and the department of management, and shall delineate  
38 the expenditures and purposes of the funds.  
39 Funds appropriated in this lettered paragraph shall  
40 not be used to perform abortions except medically  
41 necessary abortions, and shall not be used to operate  
42 the early termination of pregnancy clinic except for  
43 the performance of medically necessary abortions. For  
44 the purpose of this lettered paragraph, an abortion is  
45 the purposeful interruption of pregnancy with the  
46 intention other than to produce a live-born infant or  
47 to remove a dead fetus, and a medically necessary  
48 abortion is one performed under one of the following  
49 conditions:  
50 (1) The attending physician certifies that

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1 continuing the pregnancy would endanger the life of  
2 the pregnant woman.  
3 (2) The attending physician certifies that the  
4 fetus is physically deformed, mentally deficient, or  
5 afflicted with a congenital illness.  
6 (3) The pregnancy is the result of a rape which is  
7 reported within 45 days of the incident to a law  
8 enforcement agency or public or private health agency  
9 which may include a family physician.  
10 (4) The pregnancy is the result of incest which is  
11 reported within 150 days of the incident to a law  
12 enforcement agency or public or private health agency  
13 which may include a family physician.  
14 (5) The abortion is a spontaneous abortion,  
15 commonly known as a miscarriage, wherein not all of  
16 the products of conception are expelled.  
17 The total quota allocated to the counties for  
18 indigent patients for the fiscal year beginning July  
19 1, 2000, shall not be lower than the total quota  
20 allocated to the counties for the fiscal year  
21 commencing July 1, 1998. The total quota shall be  
22 allocated among the counties on the basis of the 1990  
23 census pursuant to section 255.16.  
24 c. Psychiatric hospital  
25 For salaries, support, maintenance, equipment,  
26 miscellaneous purposes, for the care, treatment, and

27 maintenance of committed and voluntary public  
 28 patients, and for not more than the following full-  
 29 time equivalent positions:  
 30 .....\$ 8,241,465  
 31 .....FTEs 279.85  
 32 d. Hospital-school  
 33 For salaries, support, maintenance, miscellaneous  
 34 purposes, and for not more than the following full-  
 35 time equivalent positions:  
 36 .....\$ 7,305,037  
 37 .....FTEs 157.69  
 38 From the funds appropriated in this lettered  
 39 paragraph, \$200,000 shall be allocated for purposes of  
 40 the creative employment options program.  
 41 e. Oakdale campus  
 42 For salaries, support, maintenance, miscellaneous  
 43 purposes, and for not more than the following full-  
 44 time equivalent positions:  
 45 .....\$ 3,169,417  
 46 .....FTEs 43.25  
 47 f. State hygienic laboratory  
 48 For salaries, support, maintenance, miscellaneous  
 49 purposes, and for not more than the following full-  
 50 time equivalent positions:

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1 .....\$ 4,074,514  
 2 .....FTEs 102.49  
 3 g. Family practice program  
 4 For allocation by the dean of the college of  
 5 medicine, with approval of the advisory board, to  
 6 qualified participants, to carry out chapter 148D for  
 7 the family practice program, including salaries and  
 8 support, and for not more than the following full-time  
 9 equivalent positions:  
 10 .....\$ 2,398,895  
 11 .....FTEs 192.40  
 12 h. Child health care services  
 13 For specialized child health care services,  
 14 including childhood cancer diagnostic and treatment  
 15 network programs, rural comprehensive care for  
 16 hemophilia patients, and the Iowa high-risk infant  
 17 follow-up program, including salaries and support, and  
 18 for not more than the following full-time equivalent  
 19 positions:  
 20 .....\$ 655,199  
 21 .....FTEs 9.22  
 22 i. Agricultural health and safety programs  
 23 For agricultural health and safety programs, and  
 24 for not more than the following full-time equivalent  
 25 positions:

26	.....	\$	279,690
27	.....	FTEs	3.48
28	j. Statewide cancer registry		
29	For the statewide cancer registry, and for not more		
30	than the following full-time equivalent positions:		
31	.....	\$	214,020
32	.....	FTEs	2.40
33	k. Substance abuse consortium		
34	For funds to be allocated to the Iowa consortium		
35	for substance abuse research and evaluation, and for		
36	not more than the following full-time equivalent		
37	positions:		
38	.....	\$	75,536
39	.....	FTEs	1.50
40	l. Center for biocatalysis		
41	For the center for biocatalysis, and for not more		
42	than the following full-time equivalent positions:		
43	.....	\$	1,074,259
44	.....	FTEs	5.20
45	m. Primary health care initiative		
46	For the primary health care initiative in the		
47	college of medicine and for not more than the		
48	following full-time equivalent positions:		
49	.....	\$	901,405
50	.....	FTEs	7.75

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1 From the funds appropriated in this lettered  
2 paragraph, \$330,000 shall be allocated to the  
3 department of family practice at the state university  
4 of Iowa college of medicine for family practice  
5 faculty and support staff.  
6 n. Birth defects registry  
7 For the birth defects registry and for not more  
8 than the following full-time equivalent position:  
9 ..... \$ 51,984  
10 ..... FTEs 1.30  
11 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY  
12 a. General university  
13 For salaries, support, maintenance, equipment,  
14 miscellaneous purposes, and for not more than the  
15 following full-time equivalent positions:  
16 ..... \$ 196,418,464  
17 ..... FTEs 3,607.44  
18 It is the intent of the general assembly that the  
19 university continue progress on the center for  
20 excellence in fundamental plant sciences. From the  
21 funds appropriated in this lettered paragraph, the  
22 university may use up to \$4,670,000 for the center for  
23 excellence in fundamental plant sciences.  
24 The general assembly declares that it is possible

that a few large companies may be able to control all levels of the food chain, including production, because these companies own the genetics needed to participate in the food system of the future, and finds this possibility to be a major threat to the independence and profitability of Iowa's agricultural producers. To ensure public ownership of plant genetic material, all rights to the research products developed by the Iowa state university of science and technology's botany institute using state-appropriated funds will be made available to the extent practicable for commercialization, for the benefit of all Iowans, including Iowa's agricultural producers, through a public process which normally involves nonexclusive licensing of genes and germplasm.

b. Agricultural experiment station

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 36,184,371

..... FTEs 546.98

From the funds appropriated in this lettered paragraph, and notwithstanding chapter 124, at least \$20,000 shall be used by Iowa state university to conduct research regarding the feasibility of producing and marketing industrial hemp as a

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profitable crop for Iowa producers, including but not limited to production and harvesting practices. The university shall cooperate with universities or agencies in other states conducting similar research. The university shall collaborate with agencies of the United States government, including the drug enforcement administration of the United States department of justice, in order to produce and possess industrial hemp according to the terms and conditions required by the United States government.

c. Cooperative extension service in agriculture and home economics

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 22,821,278

..... FTEs 430.91

From the funds appropriated in this lettered paragraph, \$150,000 shall be used for the food, fiber, and environmental science program, and \$1,066,000 shall be used for the value-added agricultural projects as part of the extension 21 program.

The cooperative extension service in agriculture

24 and home economics at Iowa state university of science  
25 and technology shall conduct a study, in consultation  
26 with the department of human services, that identifies  
27 all educational materials, seminars, and assistance  
28 offered by the extension service which are  
29 duplicative, either directly or in subject area, of  
30 educational materials, seminars, and assistance  
31 offered by the department of human services. The  
32 cooperative extension service shall submit its  
33 findings in a report to the general assembly and the  
34 legislative fiscal bureau by January 15, 2001.  
35 d. Leopold center  
36 For agricultural research grants at Iowa state  
37 university under section 266.39B, and for not more  
38 than the following full-time equivalent positions:  
39 .....\$ 576,969  
40 .....FTEs 11.25  
41 e. Livestock disease research  
42 For deposit in and the use of the livestock disease  
43 research fund under section 267.8, and for not more  
44 than the following full-time equivalent positions:  
45 .....\$ 279,077  
46 .....FTEs 3.17  
47 4. UNIVERSITY OF NORTHERN IOWA  
48 a. General university  
49 For salaries, support, maintenance, equipment,  
50 miscellaneous purposes, and for not more than the

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1 following full-time equivalent positions:  
2 .....\$ 87,811,041  
3 .....FTEs 1,416.86  
4 It is the intent of the general assembly that the  
5 university continue progress on the implementation of  
6 a masters in social work program. From the funds  
7 appropriated in this lettered paragraph, the  
8 university may use up to \$450,000 for the  
9 implementation of the masters in social work program,  
10 up to \$100,000 for the roadside vegetation project,  
11 and up to \$200,000 for the Iowa office for staff  
12 development.  
13 b. Recycling and reuse center  
14 For purposes of the recycling and reuse center, and  
15 for not more than the following full-time equivalent  
16 positions:  
17 .....\$ 248,878  
18 .....FTEs 1.50  
19 5. STATE SCHOOL FOR THE DEAF  
20 For salaries, support, maintenance, miscellaneous  
21 purposes, and for not more than the following full-  
22 time equivalent positions:



23 .....\$ 7,964,367  
 24 .....FTEs 126.60  
 25 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL  
 26 For salaries, support, maintenance, miscellaneous  
 27 purposes, and for not more than the following full-  
 28 time equivalent positions:  
 29 .....\$ 4,447,925  
 30 .....FTEs 91.05  
 31 7. TUITION AND TRANSPORTATION COSTS  
 32 For payment to local school boards for the tuition  
 33 and transportation costs of students residing in the  
 34 Iowa braille and sight saving school and the state  
 35 school for the deaf pursuant to section 262.43 and for  
 36 payment of certain clothing and transportation costs  
 37 for students at these schools pursuant to section  
 38 270.5:  
 39 .....\$ 16,941  
 40 Sec. 12. MEDICAL ASSISTANCE – SUPPLEMENTAL  
 41 AMOUNTS. For the fiscal year beginning July 1, 2000,  
 42 and ending June 30, 2001, the department of human  
 43 services shall continue the supplemental  
 44 disproportionate share and a supplemental indirect  
 45 medical education adjustment applicable to state-owned  
 46 acute care hospitals with more than 500 beds and shall  
 47 reimburse qualifying hospitals pursuant to that  
 48 adjustment with a supplemental amount for services  
 49 provided medical assistance recipients. The  
 50 adjustment shall generate supplemental payments

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1 intended to equal the state appropriation made to a  
 2 qualifying hospital for treatment of indigent patients  
 3 as provided in chapter 255. To the extent of the  
 4 supplemental payments, a qualifying hospital shall,  
 5 after receipt of the funds, transfer to the department  
 6 of human services an amount equal to the actual  
 7 supplemental payments that were made in that month.  
 8 The aggregate amounts for the fiscal year shall not  
 9 exceed the state appropriation made to the qualifying  
 10 hospital for treatment of indigent patients as  
 11 provided in chapter 255. The department of human  
 12 services shall deposit these funds in the department's  
 13 medical assistance account. To the extent that state  
 14 funds appropriated to a qualifying hospital for the  
 15 treatment of indigent patients as provided in chapter  
 16 255 have been transferred to the department of human  
 17 services as a result of these supplemental payments  
 18 made to the qualifying hospital, the department shall  
 19 not, directly or indirectly, recoup the supplemental  
 20 payments made to a qualifying hospital for any reason,  
 21 unless an equivalent amount of the funds transferred

22 to the department of human services by a qualifying  
23 hospital pursuant to this provision is transferred to  
24 the qualifying hospital by the department.  
25 If the state supplemental amount allotted to the  
26 state of Iowa for the federal fiscal year beginning  
27 October 1, 2000, and ending September 30, 2001,  
28 pursuant to section 1923(f)(3) of the federal Social  
29 Security Act, as amended, or pursuant to federal  
30 payments for indirect medical education is greater  
31 than the amount necessary to fund the federal share of  
32 the supplemental payments specified in the preceding  
33 paragraph, the department of human services shall  
34 increase the supplemental disproportionate share or  
35 supplemental indirect medical education adjustment by  
36 the lesser of the amount necessary to utilize fully  
37 the state supplemental amount or the amount of state  
38 funds appropriated to the state university of Iowa  
39 general education fund and allocated to the university  
40 for the college of medicine. The state university of  
41 Iowa shall transfer from the allocation for the  
42 college of medicine to the department of human  
43 services, on a monthly basis, an amount equal to the  
44 additional supplemental payments made during the  
45 previous month pursuant to this paragraph. A  
46 qualifying hospital receiving supplemental payments  
47 pursuant to this paragraph that are greater than the  
48 state appropriation made to the qualifying hospital  
49 for treatment of indigent patients as provided in  
50 chapter 255 shall be obligated as a condition of its

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1 participation in the medical assistance program to  
2 transfer to the state university of Iowa general  
3 education fund on a monthly basis an amount equal to  
4 the funds transferred by the state university of Iowa  
5 to the department of human services. To the extent  
6 that state funds appropriated to the state university  
7 of Iowa and allocated to the college of medicine have  
8 been transferred to the department of human services  
9 as a result of these supplemental payments made to the  
10 qualifying hospital, the department shall not,  
11 directly or indirectly, recoup these supplemental  
12 payments made to a qualifying hospital for any reason,  
13 unless an equivalent amount of the funds transferred  
14 to the department of human services by the state  
15 university of Iowa pursuant to this paragraph is  
16 transferred to the qualifying hospital by the  
17 department.  
18 Continuation of the supplemental disproportionate  
19 share and supplemental indirect medical education  
20 adjustment shall preserve the funds available to the

university hospital for medical and surgical treatment of indigent patients as provided in chapter 255 and to the state university of Iowa for educational purposes at the same level as provided by the state funds initially appropriated for that purpose.

The department of human services shall, in any compilation of data or other report distributed to the public concerning payments to providers under the medical assistance program, set forth reimbursements to a qualifying hospital through the supplemental disproportionate share and supplemental indirect medical education adjustment as a separate item and shall not include such payments in the amounts otherwise reported as the reimbursement to a qualifying hospital for services to medical assistance recipients.

For purposes of this section, "supplemental payment" means a supplemental payment amount paid for medical assistance to a hospital qualifying for that payment under this section.

Sec. 13. 2000 Iowa Acts, House File 2039, section 24, is amended to read as follows:

SEC. 24. MEDICAL ASSISTANCE CLAIMING BY STATE BOARD OF REGENTS. The state shall enter into a contract to enhance claiming of medical assistance program reimbursement payable for services provided by the state university of Iowa hospitals and clinics. After payment of contract costs, the first ~~\$4,000,000~~ \$12,000,000 received in additional reimbursement from the enhanced claiming during the period beginning with

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the effective date of this Act, and ending June 30, 2001, shall be credited to the general fund of the state. The balance of the additional reimbursement received during the period is appropriated to the state board of regents for the state university of Iowa hospitals and clinics for other expenses associated with the enhanced claiming and for the provision of services. The state board of regents shall report quarterly during the period delineated in this section to the department of management and the legislative fiscal bureau concerning the enhanced claiming and reimbursement that is received and anticipated.

For purposes of this section, "enhanced claiming" does not include any process already being utilized by the state university of Iowa hospitals and clinics to identify and seek reimbursement from appropriate payors. Individual patient accounts shall not be eligible for participation in enhanced claiming

20 activities until the state university of Iowa  
21 hospitals and clinics certifies that its internal  
22 processes to identify and seek reimbursement from  
23 appropriate payors have been completed. Should  
24 additional reimbursement from the enhanced claiming  
25 fail to equal the targeted amount to be credited to  
26 the general fund, the state university of Iowa  
27 hospitals and clinics shall not be held responsible  
28 for making up the shortfall.  
29 Sec. 14. STATE UNIVERSITY OF IOWA – DEPARTMENT OF  
30 HUMAN SERVICES. The department of human services  
31 shall transfer to the state university of Iowa for the  
32 purposes of the creative employment options program  
33 the same amount of moneys in the fiscal year beginning  
34 July 1, 2000, and ending June 30, 2001, as was  
35 transferred in the fiscal year beginning July 1, 1997,  
36 and ending June 30, 1998.  
37 Sec. 15. For the fiscal year beginning July 1,  
38 2000, and ending June 30, 2001, the state board of  
39 regents may use notes, bonds, or other evidences of  
40 indebtedness issued under section 262.48 to finance  
41 projects that will result in energy cost savings in an  
42 amount that will cause the state board to recover the  
43 cost of the projects within an average of six years.  
44 Sec. 16. Notwithstanding section 270.7, the  
45 department of revenue and finance shall pay the state  
46 school for the deaf and the Iowa braille and sight  
47 saving school the moneys collected from the counties  
48 during the fiscal year beginning July 1, 2000, for  
49 expenses relating to prescription drug costs for  
50 students attending the state school for the deaf and

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1 the Iowa braille and sight saving school.  
2 Sec. 17. Section 135.11, subsection 18, Code  
3 Supplement 1999, is amended to read as follows:  
4 18. Consult with the office of statewide clinical  
5 education programs at the university of Iowa college  
6 of medicine and annually submit a report to the  
7 general assembly by January 15 verifying the number of  
8 physicians in active practice in Iowa by county who  
9 are engaged in providing obstetrical care. To the  
10 extent data are readily available, the report shall  
11 include information concerning the number of  
12 deliveries per year by specialty and county, the age  
13 of physicians performing deliveries, and the number of  
14 current year graduates of the university of Iowa  
15 college of medicine and the Des Moines university of  
16 osteopathic medicine and health sciences medical  
17 center entering into residency programs in obstetrics,  
18 gynecology, and family practice. The report may

include additional data relating to access to obstetrical services that may be available.

Sec. 18. NEW SECTION. 135.26 OBSTETRICAL BRACHIAL PLEXUS PALSY CONSULTATION.

The university of Iowa hospitals and clinics shall develop and maintain a comprehensive database of information regarding obstetrical brachial plexus palsy treatment options and success rates. In every case where a diagnosis of obstetrical brachial plexus palsy is made, the parents or legal guardians of an infant so diagnosed shall be given the opportunity to consult with an obstetrical brachial plexus palsy specialist regarding treatment options and reported success rates currently documented in medical literature for obstetrical brachial plexus palsy. The objective of the consultation shall be to place a parent or legal guardian in the position of subsequently making an educated and informed decision regarding the pursuit of obstetrical brachial plexus palsy treatment.

Sec. 19. Section 135.107, subsection 3, paragraph d, subparagraph (1), Code 1999, is amended to read as follows:

(1) The Iowa department of public health, in cooperation with a primary care collaborative effort including the university of Iowa college of medicine, the Des Moines university of -- osteopathic medicine and health sciences medical center, and other primary care professional educational institutions in Iowa, shall develop and establish area health education centers. The effort shall involve making application for a federal grant under 42 U.S.C. } 293j, as

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prescribed by that section.

Sec. 20. Section 135.107, subsection 4, Code 1999, is amended to read as follows:

4. The director of public health shall establish a primary care collaborative work group to coordinate all statewide recruitment and retention activities established pursuant to this section and to make recommendations to the department and the center for rural health and primary care relating to the implementation of subsection 3. Membership of the work group shall consist, at a minimum, of representatives from the university of Iowa college of medicine, Des Moines university of -- osteopathic medicine and health sciences medical center, university of Iowa physician assistant school, university of Iowa nurse practitioner school, Des Moines university of -- osteopathic medicine and

18 ~~health sciences medical center~~ physician assistant  
19 program, Iowa-Nebraska primary care association, Iowa  
20 medical society, Iowa osteopathic medical association,  
21 Iowa chapter of American college of osteopathic family  
22 physicians, Iowa academy of family physicians, nurse  
23 practitioner association, Iowa nurses association,  
24 association of Iowa hospitals and health systems, and  
25 Iowa physicians assistants association.

26 Sec. 21. Section 235C.3, subsection 2, paragraph  
27 b, Code Supplement 1999, is amended to read as  
28 follows:

29 b. A health professional training campaign,  
30 including recommendations concerning the curriculum  
31 offered at the college of medicine at the state  
32 university of Iowa and the Des Moines university of --  
33 ~~osteopathic medicine and health sciences medical~~  
34 center, providing assistance in the identification of  
35 women at risk of substance abuse during pregnancy and  
36 strategies to be employed in assisting those women to  
37 maintain healthy lifestyles during pregnancy. This  
38 education campaign shall offer information to health  
39 professionals on assessment, laboratory testing, and  
40 referrals.

41 Sec. 22. Section 256.42, subsection 4, Code 1999,  
42 is amended by striking the subsection.

43 Sec. 23. Section 256B.15, subsection 7, paragraph

44 a, Code 1999, is amended to read as follows:

45 a. The treasurer of the state shall credit  
46 receipts received under this section to the department  
47 of human services to pay contractual fees incurred by  
48 the department to maximize federal funding for special  
49 education services. All remaining receipts in excess  
50 of the amount necessary to pay contractual fees shall

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1 be credited to the ~~general fund of the state~~  
2 department of human services medical assistance  
3 account.

4 Sec. 24. Section 256C.2, unnumbered paragraph 2,  
5 Code 1999, is amended to read as follows:

6 A district applying for a grant under this section  
7 shall agree, for each dollar of grant funds, to  
8 provide twenty cents in matching cash or in-kind  
9 resources. Grants may be awarded for four years,  
10 beginning July 1, 1994, and ending June 30, 1998. ~~Up~~  
11 ~~to ten percent of the moneys appropriated for the~~  
12 ~~grant program may be used by the council for staffing,~~  
13 ~~technical assistance, and external evaluation~~  
14 ~~development.~~ Notwithstanding section 8.33,  
15 unencumbered or unobligated funds remaining on June 30  
16 of the fiscal year for which the funds were

appropriated shall not revert but shall be available for expenditure for the following fiscal year for the purposes of this section.

Sec. 25. Section 261.12, subsection 1, paragraph b, Code Supplement 1999, is amended to read as follows:

b. For the fiscal year beginning July 1, ~~1999~~ 2000, and for each following fiscal year, ~~three~~ four thousand ~~nine hundred~~ dollars.

Sec. 26. Section 261.19, subsections 1 through 4, Code 1999, are amended to read as follows:

1. A physician recruitment program is established, to be administered by the college student aid commission, for the Des Moines university of ~~-- osteopathic medicine and health sciences of Des Moines, Iowa~~ medical center. The program shall consist of a forgivable loan program and a tuition scholarship program for students and a loan repayment program for physicians. The commission shall regularly adjust the physician service requirement under each aspect of the program to provide, to the extent possible, an equal financial benefit for each period of service required. From funds appropriated for purposes of the program by the general assembly, the commission shall pay a fee to the Des Moines university of ~~-- osteopathic medicine and health sciences~~ medical center for the administration of the program. A portion of the fee shall be paid by the commission to the university based upon the number of physicians recruited under subsection 4.

2. A forgivable loan may be awarded to a resident of Iowa who is enrolled at the Des Moines university of ~~-- osteopathic medicine and health sciences~~ medical center if the student agrees to practice in this state

## Page 28

for a period of time to be determined by the commission at the time the loan is awarded. Forgivable loans to eligible students shall not become due and interest on the loan shall not accrue until after the student completes a residency program. If the student completes the period of practice established by the commission and agreed to by the student, the loan amount shall be forgiven. The loan amount shall not be forgiven if the osteopathic physician fails to complete the required time period of practice in this state or fails to satisfactorily continue in the university's program of medical education.

3. A student enrolled at the Des Moines university of ~~-- osteopathic medicine and health sciences~~ medical

16 center shall be eligible for a tuition scholarship for  
17 the student's study at the university. The  
18 scholarship shall be for an amount not to exceed the  
19 annual tuition at the university. A student who  
20 receives a tuition scholarship shall not be eligible  
21 for the loan repayment program provided for by this  
22 section. A student who receives a tuition scholarship  
23 shall agree to practice in an eligible rural community  
24 in this state for a period of time to be determined by  
25 the commission at the time the scholarship is awarded.  
26 The student shall repay the scholarship to the  
27 commission if the student fails to practice in a  
28 medically underserved rural community in this state  
29 for the required period of time.

30 4. A physician shall be eligible for the physician  
31 loan repayment program if the physician agrees to  
32 practice in an eligible rural community in this state.  
33 The Des Moines university of \_ osteopathic medicine  
34 and health sciences medical center shall recruit and  
35 place physicians in rural communities which have  
36 agreed to provide additional funds for the physician's  
37 loan repayment. The contract for the loan repayment  
38 shall stipulate the time period the physician shall  
39 practice in an eligible rural community in this state.  
40 In addition, the contract shall stipulate that the  
41 physician repay any funds paid on the physician's loan  
42 by the commission if the physician fails to practice  
43 in an eligible rural community in this state for the  
44 required period of time. For purposes of this  
45 subsection, "eligible rural community" means a  
46 medically underserved rural community which agrees to  
47 match state funds provided on at least a dollar-for-  
48 dollar basis for the loan repayment of a physician who  
49 practices in the community.

50 Sec. 27. Section 261.25, subsection 1, Code

## Page 29

1 Supplement 1999, is amended to read as follows:  
2 1. There is appropriated from the general fund of  
3 the state to the commission for each fiscal year the  
4 sum of ~~forty-seven~~ forty-eight million ~~six~~ eight  
5 hundred ~~sixty-four~~ thirty thousand ~~seven~~ hundred fifty  
6 seventy-five dollars for tuition grants.

7 Sec. 28. Section 261.85, unnumbered paragraph 1,  
8 Code 1999, is amended to read as follows:

9 There is appropriated from the general fund of the  
10 state to the commission for each fiscal year the sum  
11 of two million ~~nine~~ seven hundred fifty thousand  
12 dollars for the work-study program.

13 Sec. 29. NEW SECTION. 262.76 ASSIGNMENT OF  
14 STUDENT TEACHERS - ACCREDITED NONPUBLIC SCHOOLS.



The state board of regents shall adopt rules authorizing approved practitioner preparation program faculty to assign a student enrolled in the program to an accredited nonpublic school for student teaching experience if the coursework and the curriculum the student is assigned to teach are nonsectarian, nonreligious, and would reasonably be expected to be taught in any public school district in the state.

Sec. 30. Section 266.39C, subsection 3, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Iowa state university of science and technology shall employ a director for the center, who shall be appointed by the president of Iowa state university of science and technology. The director of the center shall employ necessary research and support staff. The director and staff shall be employees of Iowa state university of science and technology. No more than ~~five~~ seven hundred thousand dollars of the funds made available by appropriation from state revenues in any one year shall be expended by the center for the salaries and benefits of the employees of the center, including the salary and benefits of the director. The remainder of the funds appropriated from state funds shall be used to sponsor research grants and projects submitted on a competitive basis by Iowa colleges and universities and private nonprofit agencies and foundations. The center may also solicit additional grants and funding from public and private nonprofit agencies and foundations.

Sec. 31. Section 272.12, Code 1999, as amended by 2000 Iowa Acts, House File 2146, section 5, if enacted, is amended to read as follows:

272.12 PARA-EDUCATOR CERTIFICATES.

The board of educational examiners shall adopt rules pursuant to chapter 17A relating to a voluntary certification system for para-educators. The rules

## Page 30

shall specify rights, responsibilities, levels, and qualifications for the certificate. Applicants shall be disqualified for any reason specified in section 272.6 or in administrative rule. Notwithstanding section 272.6, subsection 1, paragraph "a", the board may issue a para-educator certificate to a person who is at least eighteen years of age. A person holding a para-educator certificate shall not perform the duties of a licensed practitioner. A certificate issued pursuant to this chapter shall not be considered a teacher or administrator license for any purpose specified by law, including the purposes specified under this chapter or chapter 279.

14 Sec. 32. Section 283A.2, subsection 2, paragraph  
15 b, unnumbered paragraph 1, and paragraph c, as enacted  
16 by 1999 Iowa Acts, chapter 147, section 1, are amended  
17 to read as follows:

18 The board of directors of a school district that  
19 wishes to provide safe, reasonable student access to a  
20 school breakfast program, rather than operate or  
21 provide for the operation of a school breakfast  
22 program at a specific attendance center within the  
23 school district shall develop an alternative site plan  
24 to operate the school breakfast program at another  
25 attendance center or other site within the school  
26 district and shall annually certify to the department  
27 that the plan meets the following criteria:

28 c. The board of directors of a school district  
29 that wishes to provide access to a school breakfast  
30 program in accordance with paragraph "b", shall notify  
31 the parent, guardian, or legal or actual custodian of  
32 a child enrolled in the school district of the school  
33 district's intention to develop and implement a plan  
34 to provide school breakfast programs ~~only in certain~~  
35 ~~attendance centers~~ at an alternative site. At any  
36 time in which the school district proposes to make  
37 substantive changes to a plan certified with the  
38 department of education, the notification requirements  
39 of this paragraph shall apply.

40 Sec. 33. Section 294A.25, subsections 6, 10, and  
41 14, Code Supplement 1999, are amended to read as  
42 follows:

43 6. For the fiscal year beginning July 1, ~~1999~~  
44 2000, and ending June 30, ~~2000~~ 2001, from phase III  
45 moneys the amount of fifty thousand dollars to the  
46 department of education for the geography alliance.

47 10. For the fiscal year beginning July 1, ~~1998~~  
48 2000, and for each succeeding fiscal year, the amount  
49 of one hundred seventy thousand dollars to the state  
50 board of regents for ~~equal~~ distribution in the amount

## Page 31

1 ~~of sixty-eight thousand dollars~~ to the Iowa braille  
2 and sight saving school and in the amount of one  
3 hundred two thousand dollars to the Iowa state school  
4 for the deaf from phase III moneys.

5 14. For the fiscal year beginning July 1, ~~1999~~  
6 2000, and ending June 30, ~~2000~~ 2001, to the department  
7 of education from phase III moneys the amount of fifty  
8 thousand dollars for the Iowa mathematics and science  
9 coalition.

10 Sec. 34. Section 294A.25, subsection 7, Code  
11 Supplement 1999, is amended by striking the  
12 subsection.

13 Sec. 35. RETROACTIVE APPLICABILITY. Section  
 14 256C.2, unnumbered paragraph 2, as amended in this  
 15 Act, is retroactively applicable to July 1, 1999. Any  
 16 moneys retained by the child development coordinating  
 17 council for the fiscal year beginning July 1, 1999,  
 18 for staffing, technical assistance, and external  
 19 evaluation development shall be awarded in  
 20 demonstration program grants as provided in chapter  
 21 256C.

22 Sec. 36. EFFECTIVE DATE. Section 10 of this Act,  
 23 relating to 1999 Iowa Acts, chapter 205; section 23,  
 24 amending section 256C.2; and section 34, relating to  
 25 retroactive applicability, being deemed of immediate  
 26 importance, take effect upon enactment."

KITTY REHBERG

S-5623

1 Amend the amendment, S-5622, to House File 2549, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 1, by striking line 16 and inserting the  
 5 following:  
 6 ".....\$ 344,397"

7 2. Page 1, by striking line 24 and inserting the  
 8 following:  
 9 ".....\$ 379,260"

10 3. Page 1, by striking line 33 and inserting the  
 11 following:  
 12 ".....\$ 1,161,850"

13 4. Page 2, by striking line 10 and inserting the  
 14 following:  
 15 ".....\$ 1,413,091"

16 5. Page 2, by striking line 16 and inserting the  
 17 following:  
 18 ".....\$ 3,284,005"

19 6. Page 2, by striking line 31 and inserting the  
 20 following:  
 21 ".....\$ 598,887"

22 7. Page 2, by striking line 37 and inserting the  
 23 following:  
 24 ".....\$ 245,859"

25 8. Page 2, by striking line 49 and inserting the  
 26 following:  
 27 ".....\$ 691,286"

28 9. Page 3, by striking line 12 and inserting the  
 29 following:  
 30 ".....\$ 5,957,330"

31 10. Page 3, by striking line 30 and inserting the  
 32 following:  
 33 ".....\$ 578,234"

34 11. Page 3, by striking line 36 and inserting the  
 35 following:  
 36 ".....\$ 214,872"  
 37 12. Page 3, by striking line 42 and inserting the  
 38 following:  
 39 ".....\$ 4,889,813"  
 40 13. Page 4, by striking line 42 and inserting the  
 41 following:  
 42 ".....\$ 76,421"  
 43 14. Page 6, by striking line 35, and inserting  
 44 the following:  
 45 ".....\$ 8,266,389"  
 46 15. Page 11, by inserting after line 37 the  
 47 following:  
 48 "\_\_\_\_. STRENGTHENING FAMILIES PROGRAM  
 49 For communities to participate in the strengthening  
 50 families program:

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1 ".....\$ 50,000"  
 2 16. Page 15, by striking line 11 and inserting  
 3 the following:  
 4 ".....\$ 1,287,045"  
 5 17. Page 21, by striking line 23 and inserting  
 6 the following:  
 7 ".....\$ 7,976,998"  
 8 18. Page 21, by striking line 29 and inserting  
 9 the following:  
 10 ".....\$ 4,455,283"  
 11 19. Page 21, by striking line 39 and inserting  
 12 the following:  
 13 ".....\$ 18,400"  
 14 20. Page 25, by inserting after line 1 the  
 15 following:  
 16 "Sec. \_\_\_\_\_. Section 28.8, Code Supplement 1999, is  
 17 amended by adding the following new subsection:  
 18 NEW SUBSECTION. 3A. The Iowa board, in  
 19 consultation with community empowerment area boards,  
 20 shall develop and adopt criteria to be addressed in a  
 21 school ready children grant application. The criteria  
 22 shall include but is not limited to the following  
 23 quality indicators for the services and programs  
 24 funded under a grant:  
 25 a. Services are delivered by qualified persons.  
 26 b. Services are delivered using research-based  
 27 methods.  
 28 c. Programs include adequate parental involvement.  
 29 d. Programs include effective local assessments."  
 30 21. Page 27, by inserting after line 19 the  
 31 following:  
 32 "Sec. \_\_\_\_\_. Section 256E.2, subsection 2, Code

33 Supplement 1999, is amended to read as follows:  
 34 2. The department shall adopt rules concerning the  
 35 grant application and award process, including  
 36 reasonable cost estimates for beginning teacher  
 37 induction programs. The department may disapprove a  
 38 plan submitted by a board if the plan does not meet  
 39 the minimum criteria set forth in section 256E.3,  
 40 subsection 2, or the plan exceeds the reasonable costs  
 41 as determined by the department. If the cost  
 42 estimates submitted by a board exceed reasonable cost  
 43 estimates as determined by the department, the  
 44 department shall work with the board to identify  
 45 measures for reducing plan costs. ~~If the department~~  
 46 ~~determines that moneys appropriated by the general~~  
 47 ~~assembly are insufficient to meet the grant requests~~  
 48 ~~for all approved beginning teacher induction program~~  
 49 ~~plans, the department shall award grants based on the~~  
 50 ~~geographic location and district population of the~~

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1 ~~school districts with approved plans.~~ Grants may be  
 2 awarded in subsequent years based upon the most recent  
 3 plan on file with the department. It is the intent of  
 4 the general assembly that the department approve plans  
 5 that incorporate local innovation and take into  
 6 consideration local needs."  
 7 22. Page 29, by inserting after line 12 the  
 8 following:  
 9 "Sec. \_\_\_\_ Section 261.111, subsections 2 and 4,  
 10 Code Supplement 1999, are amended to read as follows:  
 11 2. The director of the department of education, in  
 12 consultation with the director of human services,  
 13 shall annually designate the areas in which teacher  
 14 shortages are anticipated. The director shall  
 15 periodically conduct a survey of school districts,  
 16 accredited nonpublic schools, and approved  
 17 practitioner preparation programs to determine current  
 18 shortage areas and predict future shortage areas. The  
 19 director of human services shall periodically conduct  
 20 a survey of high-quality child care providers, as  
 21 determined under section 237A.30, subsection 1, to  
 22 determine current and to predict future preschool  
 23 teacher shortage areas.  
 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, or a  
 31 high-quality child care provider that is a holder of

32 the gold seal quality designation as provided in  
33 section 237A.30, as a practitioner in the teacher  
34 shortage area for which the loan was approved. If the  
35 commission determines that the person does not meet  
36 the criteria for forgiveness of the principal and  
37 interest payments, the commission shall establish a  
38 plan for repayment of the principal and interest over  
39 a ten-year period. If a person required to make the  
40 repayment does not make the required payments, the  
41 commission shall provide for payment collection."  
42 23. By renumbering as necessary.

MICHAEL W. CONNOLLY  
JOHN P. KIBBIE

S-5624

- 1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by striking line 47 and inserting the  
5 following:  
6 ".....\$ 600,000"  
7 2. Page 9, by striking line 5 and inserting the  
8 following:  
9 ".....\$ 1,700,000"

MICHAEL W. CONNOLLY  
JOHN P. KIBBIE

S-5625

- 1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by inserting after line 47 the  
5 following:  
6 "7. CAREER OPPORTUNITIES AND RESOURCES FOR  
7 EDUCATION (CORE) GRANTS.  
8 For expanded educational assistance to encourage  
9 Iowans to enroll in shortage area vocational programs  
10 as provided in section 261.22:  
11 .....\$ 500,000"  
12 2. Page 28, by inserting after line 49 the  
13 following:  
14 "Sec. \_\_\_, **NEW SECTION.** 261.22 CAREER  
15 OPPORTUNITIES AND RESOURCES FOR EDUCATION GRANTS.  
16 1. A career opportunities and resources for  
17 education grant program is established to be  
18 administered by the college student aid commission.  
19 An individual is eligible for the grant program if the  
20 individual is a resident of this state who is enrolled

21 at a community college in a vocational program  
22 designated as a career opportunities and resources for  
23 education program in accordance with the provisions of  
24 this section. The college student aid commission  
25 shall adopt rules pursuant to chapter 17A to  
26 administer this section.

27 2. The department of economic development shall  
28 identify, at least every four years, targeted  
29 industries that pay high wages and offer excellent  
30 benefits and that correspond to Iowa's areas of  
31 competitive advantage. The director of the department  
32 of economic development shall submit this list of  
33 targeted industries to the director of the department  
34 of education.

35 3. The Iowa workforce development board shall  
36 identify, at least every two years, targeted  
37 occupations associated with the targeted industries  
38 identified by the department of economic development  
39 pursuant to subsection 2. In determining current and  
40 predicting future targeted occupations, the director  
41 of the department of workforce development shall seek  
42 the cooperation and expertise of, among others, the  
43 department of economic development, the college  
44 student aid commission, the Iowa state occupational  
45 information coordinating committee, the department of  
46 education, business and technology advisory councils,  
47 educators, labor organizations, chambers of commerce,  
48 economic development professionals, trade  
49 associations, and researchers. The director of the  
50 department of workforce development shall submit the

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1 approved list of targeted occupations to the director  
2 of the department of education.

3 4. A community college may submit to the  
4 department of education a proposal for designation as  
5 a career opportunities and resources for education  
6 program. A proposed program may be a new or existing  
7 community college program and shall meet all of the  
8 following criteria:

9 a. The program educates students to meet or exceed  
10 the prerequisites for employment in a targeted  
11 industry or targeted occupation identified in  
12 accordance with this section.

13 b. A business guarantees to provide matching cash  
14 or in-kind contributions to the community college for  
15 the costs of the program. The matching funds or in-  
16 kind contributions shall be equivalent to, at a  
17 minimum, twenty percent of the program costs.  
18 Matching funds shall not include tuition assistance  
19 provided to a student who is employed by the business.

20 c. The program has an agreement with a business  
21 whereby the business pledges to provide intellectual  
22 assistance during the program's development and  
23 implementation; internships, externships, and  
24 scholarships to students in the program; and hiring  
25 preferences to persons who successfully complete the  
26 program.  
27 5. The department of education and the department  
28 of economic development shall develop a review and  
29 approval process for the designation of community  
30 college programs as career opportunities and resources  
31 for education programs.  
32 6. To be eligible to receive a grant under this  
33 section, an applicant shall, in accordance with the  
34 rules of the commission, do the following:  
35 a. Complete and file an application for a career  
36 opportunities and resources for education grant. The  
37 individual shall be responsible for the prompt  
38 submission of any information required by the  
39 commission.  
40 b. File a new application and submit information  
41 as required by the commission annually on the basis of  
42 which the applicant's eligibility for the renewed  
43 grant will be evaluated and determined.  
44 7. If a student receives financial aid from any  
45 source other than the program established under this  
46 section, the full amount of such financial aid shall  
47 be considered part of the student's financial  
48 resources available in determining the amount of the  
49 student's financial need for the period of the  
50 financial aid. Grant moneys received by a student in

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1 accordance with this section shall be used to pay the  
2 student's cost of attendance, which includes community  
3 college tuition and fees, materials, textbooks and  
4 supplies, transportation, room and board, dependent  
5 care during the time the person is in class, and the  
6 purchase or rental of a computer.  
7 8. The amount of the grant shall not exceed a  
8 student's annual financial need or two thousand five  
9 hundred dollars, whichever is less.  
10 9. In order to be excused from repayment of the  
11 total grant amount, a grant recipient shall remain a  
12 resident of the state and be employed within the  
13 state, for a period of two years after successful  
14 completion of a career opportunities and resources for  
15 education program. If a grant recipient changes  
16 residence to another state prior to the time specified  
17 by the commission, the commission shall establish a  
18 plan for repayment of the total grant amount,



including an amount of interest to be prescribed by the commission by rule, over a ten-year period. If a person required to make the repayment does not make the required payments, the commission shall provide for payment collection.

10. The departments of economic development, education, and workforce development, the college student aid commission, and the community colleges with designated programs shall jointly promote the career opportunities and resources for education program to all appropriate populations.

11. A career opportunities and resources for education repayment fund is created for deposit of payments made by grant recipients who do not fulfill the conditions of the commission's specified residency and employment requirements, and for any other moneys appropriated to or received by the commission for deposit in the fund. Notwithstanding section 8.33, moneys deposited in the fund shall not revert to the general fund of the state at the end of any fiscal year, except as provided in this paragraph, but shall remain in the repayment fund and be continuously available to make additional grants under the program. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Upon the repeal of this section, moneys deposited in the fund and moneys due the fund subsequent to the date of repeal shall be deposited in the general fund of the state.

12. The commission shall adopt rules pursuant to chapter 17A to administer this section.

13. This section is repealed on July 1, 2005."

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3. By renumbering as necessary.

MICHAEL W. CONNOLLY  
JOHN P. KIBBIE

S-5626

Amend the amendment, S-5622, to House File 2549, as amended, passed, and reprinted by the House, as follows:

1. Page 5, by striking line 4 and inserting the following:

".....\$ 3,223,756"

2. Page 5, by inserting after line 5 the following:

"From the funds appropriated in this lettered paragraph, the sum of \$32,000 shall be used to promote

11 libraries as community centers for lifelong learning,  
12 encouraging reading and sharing of family stories with  
13 children early in life, and establishing  
14 nontraditional partnerships with libraries and  
15 community/business groups."

16 3. Page 5, by striking line 16 and inserting the  
17 following:

18 ".....\$ 1,500,000"

19 4. Page 6, by inserting after line 30 the  
20 following:

21 "The division of libraries and information services  
22 shall submit a list of current regional library  
23 employees and their salaries to the department of  
24 management by August 1, 2000. The list shall be used  
25 by the department for purposes of calculating the  
26 annual salary increase need, based on the salary  
27 increases negotiated by the American federation of  
28 state, county, and municipal employees. The amount  
29 calculated by the department for salary need shall be  
30 included in the regional library budget request  
31 submitted to the governor for the fiscal year  
32 beginning July 1, 2001, and ending June 30, 2002."

33 5. Page 26, by inserting after line 42 the  
34 following:

35 "Sec. \_\_\_\_ Section 256.52, subsection 3, Code  
36 1999, is amended by adding the following new paragraph  
37 after paragraph d:

38 NEW PARAGRAPH. dd. Coordinate group purchases of  
39 electronic educational content for potential and  
40 actual participating entities. In coordinating such  
41 purchases the state librarian may negotiate and enter  
42 into contracts with vendors and participating  
43 entities. The state librarian shall also administer  
44 any funds designated for the purposes described in  
45 this paragraph. For purposes of this paragraph:

46 (1) "Electronic educational content" means any  
47 information resource that can be stored  
48 electronically, including, but not limited to,  
49 databases, video, audio, and graphics.

50 (2) "Participating entity" includes a governmental

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1 entity or educational institution in this state,  
2 including a school, area education agency, community  
3 college, institution of higher education, library, or  
4 regional library.

5 Sec. \_\_\_\_, NEW SECTION. 256.57 ELECTRONIC  
6 EDUCATIONAL CONTENT FUND.

7 1. An electronic educational content fund is  
8 created as a separate fund in the state treasury. The  
9 fund shall consist of appropriations made to the fund,

10 contributions from participating entities, as defined  
11 in section 256.52, subsection 3, paragraph "dd", and  
12 transfers of interest, earnings, and moneys from other  
13 funds as provided by law and any other contributions  
14 to the fund.

15 2. Moneys in the fund are not subject to section  
16 8.33. Notwithstanding section 12C.7, subsection 2,  
17 interest or earnings on moneys in the fund shall be  
18 credited to the fund.

19 3. Moneys in the fund are subject to appropriation  
20 by the general assembly to the state librarian for the  
21 purposes described in section 256.52, subsection 3,  
22 paragraph "dd".

23 5. By renumbering as necessary.

JOHN P. KIBBIE

S-5627

1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 6, by striking lines 22 through 27.

MICHAEL W. CONNOLLY

JOHN P. KIBBIE

S-5628

1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 6, by striking line 30 and inserting the  
5 following:

6 " .....\$ 1,731,799"

JOHN P. KIBBIE

S-5629

1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 9, by striking line 1 and inserting the  
5 following:

6 " .....\$ 107,900"

MICHAEL W. CONNOLLY

JOHN P. KIBBIE

S-5630

- 1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 9, by striking line 30 and inserting the  
5 following:  
6 ".....\$ 675,000"  
7 2. Page 9, line 32, by striking the figure  
8 "225,000" and inserting the following: "375,000".  
9 3. Page 10, line 2, by striking the figure  
10 "200,000" and inserting the following: "300,000".

JOHN P. KIBBIE  
MICHAEL W. CONNOLLY

S-5631

- 1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. By striking page 10, line 31, through page 11,  
5 line 23, and inserting the following: "assessment  
6 tools as provided in section 256.39A:  
7 .....\$ 800,000"  
8 2. Page 26, by inserting after line 40 the  
9 following:  
10 "Sec. \_\_\_, NEW SECTION. 256.39A EMPLOYABILITY  
11 SKILLS ASSESSMENT REIMBURSEMENTS.  
12 1. If the general assembly appropriates moneys to  
13 pay school district claims for the costs of  
14 employability skills assessment tools, the department  
15 of education shall reimburse school district claims  
16 for the costs of acquiring, administering, and scoring  
17 assessment tools to assess the employability skills of  
18 students. The director of education shall identify  
19 available employability skills assessment tools that  
20 school districts may use to meet the claim  
21 reimbursement requirements of this section.  
22 2. In order to be eligible for reimbursement under  
23 this section, a school district shall submit a claim  
24 on forms provided by the department by July 15, and  
25 the claim shall state the actual costs incurred and  
26 shall be accompanied by an affidavit of an officer of  
27 the school district affirming the accuracy of the  
28 claim.  
29 3. A school district that submits to the  
30 department a claim for reimbursement in accordance  
31 with this section shall develop and integrate specific  
32 employability skills, goals, and activities into the  
33 comprehensive school improvement plan required under  
34 section 256.7, subsection 21, paragraph "a".

35 4. The department of education shall certify to  
36 the department of revenue and finance the total  
37 amounts of approved claims to be paid and, to the  
38 extent moneys are appropriated, the department of  
39 revenue and finance shall draw warrants payable to  
40 school districts with approved claims, taking into  
41 consideration the relative budget and cash position of  
42 the state resources. If the funds appropriated for  
43 purposes of this section are insufficient to pay in  
44 full the claims submitted by school districts and  
45 approved by the department, the amounts of approved  
46 claims shall be prorated among all school districts  
47 with approved claims.  
48 5. Moneys received under this section shall not be  
49 commingled with state aid payments made under section  
50 257.16 to a school district and shall be accounted for

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1 by the school district separately from state aid  
2 payments. Payments made to a school district under  
3 this section are miscellaneous income for purposes of  
4 chapter 257."  
5 3. By renumbering as necessary.

MICHAEL W. CONNOLLY  
JOHN P. KIBBIE

S-5632

1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 11, by striking lines 30 through 33.  
5 2. Page 27, by inserting after line 19 the  
6 following:  
7 "Sec. \_\_\_\_ Section 257.11, subsection 4, paragraph  
8 c, as enacted by 2000 Iowa Acts, House File 2496, if  
9 enacted, is amended by striking the paragraph."  
10 3. Page 30, by inserting after line 13 the  
11 following:  
12 "Sec. \_\_\_\_ Section 279.51, subsection 1,  
13 unnumbered paragraph 1, Code Supplement 1999, is  
14 amended to read as follows:  
15 There is appropriated from the general fund of the  
16 state to the department of education for the fiscal  
17 year beginning July 1, ~~1998~~ 2000, and each succeeding  
18 fiscal year, the sum of fifteen million ~~three~~ nine  
19 hundred sixty thousand dollars.  
20 Sec. \_\_\_\_ Section 279.51, subsection 1, paragraphs  
21 c and e, Code Supplement 1999, are amended to read as  
22 follows:

23 c. For each of the fiscal years during the fiscal  
24 period beginning July 1, ~~1996~~ 2000, and ending June  
25 30, ~~2000~~ 2004, ~~two~~ three million ~~eight~~ four hundred  
26 thousand dollars of the funds appropriated shall be  
27 allocated for the school-based youth services  
28 education program established in subsection 3. For  
29 each of the fiscal years during the fiscal period  
30 beginning July 1, 1994, and ending June 30, ~~2000~~ 2004,  
31 twenty thousand dollars of the funds allocated in this  
32 paragraph shall be expended for staff development,  
33 research, and the development of strategies for  
34 coordination with community-based youth organizations  
35 and agencies. A school that received a grant during  
36 the fiscal year beginning July 1, 1993, or July 1,  
37 1997, is ineligible to receive a grant under this  
38 paragraph. Subject to the approval of the state board  
39 of education, the allocation made in this paragraph  
40 may be renewed for additional four-year periods of  
41 time.  
42 e. Notwithstanding paragraph "c", for each of the  
43 fiscal years during the fiscal period beginning July  
44 1, 1998, and ending June 30, ~~2000~~ 2004, fifty thousand  
45 dollars of the funds allocated in paragraph "c" shall  
46 be granted to each of the schools that received grants  
47 under subsection 3 during the fiscal year beginning  
48 July 1, 1993, or July 1, 1997, to allow for expansion  
49 and to include identified minimum services if the  
50 school submits a program plan pursuant to subsection

## Page 2

1 3.  
2 Sec. \_\_\_\_ Section 279.51, subsection 1, Code  
3 Supplement 1999, is amended by adding the following  
4 new paragraphs:  
5 NEW PARAGRAPH. g. From the moneys allocated in  
6 paragraph "c", for each fiscal year in which moneys  
7 are allocated, the sum of one hundred twenty thousand  
8 dollars shall be used to support the family resource  
9 center demonstration program established under chapter  
10 256C.  
11 NEW PARAGRAPH. h. From the moneys allocated in  
12 paragraph "c", for each fiscal year in which moneys  
13 are allocated, the sum of four hundred eighty thousand  
14 dollars shall be used to support the extended learning  
15 opportunities demonstration grant program. The  
16 extended learning opportunities demonstration grant  
17 program is established in the department of education  
18 as a four-year demonstration grant program. The  
19 department shall administer the program and provide  
20 grants to establish at least one model program in a  
21 school district with an enrollment of less than one

thousand two hundred, in a school district with an enrollment of one thousand two hundred and not more than four thousand nine hundred ninety-nine, and in a school district with an enrollment of at least five thousand. "Extended learning opportunity" means any service provided outside the hours of a normal school day or beyond the required school year and which is designed to maximize student and family success. Extended learning opportunities include but are not limited to extending the school year, the school day, or other school-based programs for students and families. Services may include but are not limited to counseling, mentoring, cultural arts, community service, clubs, computer access homework assistance, and parenting skills. The model programs should establish a continuum of academic and personal support for students and their families.

From the sum allocated for use in accordance with this paragraph "h" in the fiscal year beginning July 1, 2000, and ending June 30, 2001, one hundred twenty-one thousand dollars shall be used to support the americorps after-school initiative.

Sec. \_\_\_\_ Section 279.51, subsection 3, Code

Supplement 1999, is amended to read as follows:

3. A school-based youth services education program is established. The department of education, in consultation with the department of human services, the department of workforce development, the Iowa department of public health, the division of criminal

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and juvenile justice planning of the department of human rights, institutions of higher learning with applicable programs, and the division of job training and entrepreneurship assistance of the department of economic development, shall develop a four-year demonstration grant program that commences in the fiscal year beginning July 1, 1994. The department shall provide grants to individual or consortiums of elementary, middle, or high schools to establish school-based youth services programs, in conjunction with local agencies and community organizations, based upon program plans filed by the board of directors of the school district. Grant recipients shall be prepared to offer extended learning opportunities as defined in subsection 1, paragraph "h" by July 1, 2001. The department shall provide grants to

17 establish model programs in at least the following  
18 three size categories:"  
19 4. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5633

1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 11, by striking lines 34 through 37.  
5 2. Page 12, by striking lines 42 through 50.  
6 3. By striking page 30, line 40 through page 31,  
7 line 12, and inserting the following:  
8 "Sec. \_\_\_\_ Section 294A.25, subsections 1, 6, 10,  
9 12, 13, and 14, Code Supplement 1999, are amended to  
10 read as follows:  
11 1. For the fiscal year beginning July 1, ~~1998~~  
12 2000, and for each succeeding year, there is  
13 appropriated from the general fund of the state to the  
14 department of education the amount of eighty-two  
15 million eight hundred ninety-one thousand three  
16 hundred thirty-six dollars to be used to improve  
17 teacher salaries. The moneys shall be distributed as  
18 provided in this section.  
19 6. For the fiscal year beginning July 1, ~~1999~~  
20 2000, and ending June 30, ~~2000~~ 2001, from phase III  
21 moneys the amount of fifty thousand dollars to the  
22 department of education for the geography alliance.  
23 10. For the fiscal year beginning July 1, ~~1998~~  
24 2000, and for each succeeding fiscal year, the amount  
25 of seventy thousand dollars to the state board of  
26 regents for equal distribution to the Iowa braille and  
27 sight saving school and the Iowa state school for the  
28 deaf from phase III moneys.  
29 12. For the fiscal year beginning July 1, ~~1999~~  
30 2000, and ending June 30, ~~2000~~ 2001, to the department  
31 of education from phase III moneys the amount of one  
32 hundred fifty thousand dollars to the Iowa public  
33 broadcasting division for overnight transmitter feeds.  
34 13. For the fiscal year beginning July 1, ~~1999~~  
35 2000, and ending June 30, ~~2000~~ 2001, to the department  
36 of education from phase III moneys the amount of fifty  
37 thousand dollars for participation in the national  
38 assessment of education progress.  
39 14. For the fiscal year beginning July 1, ~~1999~~  
40 2000, and ending June 30, ~~2000~~ 2001, to the department  
41 of education from phase III moneys the amount of fifty  
42 thousand dollars for the Iowa mathematics and science  
43 coalition.  
44 Sec. \_\_\_\_ Section 294A.25, Code Supplement 1999,



45 is amended by adding the following new subsection:  
46 NEW SUBSECTION. 15. For the fiscal year beginning  
47 July 1, 2000, and ending June 30, 2001, to the  
48 department of education from phase III moneys the  
49 amount of one million two hundred fifty thousand  
50 dollars for support for the operations of the new Iowa

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1 schools development corporation and for school  
2 transformation design and implementation projects  
3 administered by the corporation. Of the amount  
4 provided in this subsection, one hundred fifty  
5 thousand dollars shall be used for the school and  
6 community planning initiative."  
7 4. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5634

1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 11, by inserting after line 37 the  
5 following:  
6 "\_\_\_\_. MODEL OUTREACH PROGRAM FOR SERVICES FOR  
7 YOUTH WITH DISABILITIES.  
8 For continuation of a model outreach program for  
9 services for youth with disabilities:  
10 .....\$ 84,000  
11 Funds appropriated in this subsection shall be  
12 distributed to the Grant Wood area education agency  
13 for continuation of a model outreach program for  
14 services for youth with disabilities, called the high  
15 school high-tech program, the purpose of which is to  
16 improve services for children and youth with  
17 disabilities through partnerships between educational  
18 entities, nonprofit corporations, the business  
19 community, and students with disabilities and their  
20 families. The area education agency shall work with  
21 community stakeholders on a plan to make the program  
22 self-supporting by July 1, 2001. In a report which  
23 the Grant Wood area education agency shall share with  
24 the other 14 area education agencies in the state, the  
25 Grant Wood area education agency shall assemble a  
26 history of the program; a description of the program's  
27 benefits for students and their parents, educational  
28 entities, and the local nonprofit and business  
29 communities; and shall describe processes by which

30 other area education agencies can duplicate the  
31 success of the program."  
32 2. By renumbering as necessary.

MICHAEL W. CONNOLLY  
JOHN P. KIBBIE

S-5635

1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 11, by inserting after line 37 the  
5 following:  
6 "\_\_\_\_. LIFE SAFETY GRANTS FOR ELIGIBLE SCHOOL  
7 DISTRICTS  
8 For life safety grants for eligible school  
9 districts in accordance with section 422E.6:  
10 .....\$ 6,600,000  
11 \_\_\_\_\_. CHARACTER EDUCATION THROUGH SERVICE LEARNING  
12 For character education through service learning  
13 incentive grants for school districts to implement  
14 programs that integrate service learning into the  
15 school district's curriculum and graduation  
16 requirements:  
17 .....\$ 300,000  
18 The director of the department of education shall  
19 develop grant approval criteria and procedures. In  
20 developing grant criteria and awarding grants, the  
21 director shall consider equity concerns and options  
22 for distributing grant amounts based on service  
23 population size groupings to accommodate small,  
24 medium, and large population school districts. The  
25 deadline for applications for character education  
26 through service learning incentive grants in the  
27 fiscal year beginning July 1, 2000, shall be August  
28 31, 2000, with grant awards to be made on or about  
29 October 1, 2000.  
30 \_\_\_\_\_. AFTER SCHOOL MENTORING PROGRAMS  
31 c. For purposes of entering into a competitively  
32 bid contract with a not-for-profit organization to  
33 conduct a series of training programs for adult  
34 volunteers who work with adolescent youths in after  
35 school mentoring programs, including youth-service  
36 organizations such as a big brothers-big sisters  
37 association:  
38 .....\$ 600,000  
39 a. To be eligible for a contract under this  
40 subsection, a not-for-profit organization must be able  
41 to demonstrate that leading national experts in  
42 adolescent development intervention programs will be  
43 utilized and that the programs will use a variety of

44 media to engage participants and assist them in  
45 attaining the goals of the program. Programs shall be  
46 designed to focus on the adult volunteers who assist  
47 in youth development. Training content shall focus on  
48 all of the following:  
49 (1) Development issues for youth.  
50 (2) Best practices to motivate, guide, and

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1 communicate with youth.  
2 (3) Strategies for successful adult-to-youth  
3 interpersonal relationships that are necessary for  
4 ongoing learning and support.  
5 b. The training programs shall strive to  
6 accomplish the following:  
7 (1) Improve the quality and effectiveness of adult  
8 volunteers to motivate, supervise, and communicate  
9 with youth, and to sustain and encourage their  
10 continued involvement with youth over time.  
11 (2) Improve the quality and effectiveness of adult  
12 volunteers so that the children they mentor, coach,  
13 teach, or befriend maintain their involvement with  
14 youth-service organizations over time.  
15 (3) Encourage collaboration between all youth-  
16 service organizations throughout the state.  
17 (4) Provide cost-efficient, sustainable distance  
18 learning to both rural and urban sites.  
19 c. The department shall prepare and submit a  
20 report of the activities and expenditures funded under  
21 the contract to the chairpersons and ranking members  
22 of the standing committees on education and to the  
23 joint appropriations subcommittees on education by  
24 December 1, 2002."  
25 2. Page 26, by inserting after line 40 the  
26 following:  
27 "Sec. \_\_\_\_ Section 256.9, Code Supplement 1999, is  
28 amended by adding the following new subsections:  
29 NEW SUBSECTION. 49. Serve as a clearinghouse for  
30 research-based bullying and violence prevention  
31 strategies, parenting education, after-school  
32 educational and recreational activities, conflict  
33 management curricula, youth leadership programs,  
34 student mentoring programs, and school crisis  
35 planning; and shall collaborate with other state and  
36 local agencies as necessary to provide school  
37 districts, parents, guardians, and communities with  
38 easy access to effective strategies and technical  
39 assistance.  
40 NEW SUBSECTION. 50. Develop and, at the request  
41 of school districts and parents or guardians,  
42 distribute information for increasing parental

43 involvement. Information developed and distributed  
44 upon request of a school district shall include  
45 suggestions for voluntary classes the school could  
46 offer to parents of school-age children to enhance  
47 parenting skills and family relationships, efforts  
48 that promote employer recognition of the importance of  
49 parent involvement in schools and allow parents to  
50 volunteer in their child's school, suggestions for

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1 ways the school can provide educators with the time  
2 and resources to effectively create and sustain the  
3 parent-student-school relationship, and methods of  
4 parent-school communication using websites and e-mail.  
5 The department shall also develop and distribute to  
6 school districts and parents, upon request, parental  
7 involvement pledge cards that acknowledge the  
8 responsibilities of each in the successful education  
9 of a child.

10 NEW SUBSECTION. 51. Develop, with appropriate  
11 state and nonprofit agencies including but not limited  
12 to, the department of public health, the civil rights  
13 commission, the office of the attorney general, the  
14 department of human rights, the governor's alliance on  
15 substance abuse, the department of human services, the  
16 department of public safety, and the American red  
17 cross, a safety and crisis management plan school  
18 districts may use as a model when developing their  
19 local plans. Each school district is encouraged to  
20 develop and periodically review a local safety and  
21 crisis management plan in cooperation with parents,  
22 local law enforcement agencies, fire and emergency  
23 medical responders, local emergency management  
24 officials, and social service providers. Plans should  
25 address the safety concerns of all students, including  
26 students with disabilities. The department shall  
27 provide technical assistance to school districts upon  
28 request.

29 Sec. \_\_\_\_ Section 256.11, Code 1999, is amended by  
30 adding the following new subsection:

31 NEW SUBSECTION. 9A. Unless a waiver has been  
32 obtained under section 256.11A, each accredited  
33 nonpublic school or school district shall have an  
34 articulated sequential elementary-secondary guidance  
35 program for grades kindergarten through twelve and a  
36 guidance counselor who meets the licensing standards  
37 prescribed by the board of educational examiners.

38 In determining the requirements of this subsection  
39 for an accredited nonpublic school, the department  
40 shall evaluate the accredited nonpublic school on an  
41 accredited nonpublic school system basis rather than

on an individual accredited nonpublic school basis.

Sec. \_\_\_\_ Section 256.11A, subsection 1, Code

1999, is amended to read as follows:

1. ~~Schools Accredited nonpublic schools~~ and school districts ~~unable to meet the standard adopted by the state board requiring each school or school district operating a kindergarten through grade twelve program to provide an articulated sequential elementary-secondary guidance program~~ may, not later than August

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1. ~~1995 2000~~, for the school year beginning July 1, ~~1995 2000~~, file a written request to the department of education that the department waive the requirement ~~for established in section 256.11, subsection 9A~~, that an accredited nonpublic school or school district operating a kindergarten through grade twelve program provide an articulated sequential elementary-secondary guidance program. The procedures specified in subsection 3 apply to the request. Not later than August 1, ~~1996 2001~~, for the school year beginning July 1, ~~1996 2001~~, the board of directors of a school district or the authorities in charge of a nonpublic school may request a one-year extension of the waiver.

Sec. \_\_\_\_ Section 256.11A, subsection 2, Code

1999, is amended by striking the subsection."

3. Page 30, by inserting after line 13 the following:

"Sec. \_\_\_\_ Section 273.3, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 23. Work with other state and community organizations to provide training to parents, guardians, students, and school personnel on recognizing and building a positive school environment, identifying and addressing early warning signs of bullying and violent behavior, and how to contact school officials. The board shall provide training and technical assistance to school districts regarding crisis, conflict, and anger management strategies and curricula."

4. Page 31, by inserting after line 12 the following:

"Sec. \_\_\_\_ NEW SECTION. 422E.6 FIRE, HEALTH, AND LIFE SAFETY GRANTS.

1. If the general assembly appropriates moneys for purposes of fire, health, and life safety grants for eligible school districts, the department of education shall establish a fire, health, and life safety task force and shall award fire, health, and life safety grants based upon the recommendations of the task force.

41 2. Voting members of the fire, health, and life  
42 safety task force shall include the members of the  
43 school budget review committee, the department's  
44 school plant facilities consultant, and the state fire  
45 marshal. Nonvoting members shall be appointed by the  
46 director of the department of education, in  
47 consultation with the state fire marshal, and shall  
48 include representatives from the education community  
49 and individuals knowledgeable about school  
50 infrastructure and construction issues. Nonvoting

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1 members may be eligible to receive per diem and  
2 expenses as provided in section 7E.6. The task force  
3 shall develop an equitable ranking system based upon  
4 the following criteria:  
5 a. The severity of the deficiencies.  
6 b. The ability of the district to finance fire,  
7 health, and life safety repairs.  
8 c. The percentage of at-risk students enrolled in  
9 the district.  
10 d. The history of the district's effort to address  
11 fire, health, and life safety repair issues.  
12 e. The need for maintenance to prevent premature  
13 failure of critical building systems.  
14 f. The need for security equipment for the  
15 protection of students and school staff.  
16 The task force shall give primary consideration to  
17 the severity of the deficiencies. The task force  
18 shall review applications submitted to the department  
19 of education and, if necessary, conduct site visits to  
20 determine final eligibility and identify  
21 inconsistencies in state and local fire and building  
22 inspection standards.  
23 3. A school district is eligible for a grant under  
24 this section if the district agrees to provide  
25 matching funds in the amount of twenty-five cents for  
26 every dollar of state fire, health, and life safety  
27 grant moneys received and if either of the following  
28 occurs:  
29 a. The school district receives an order or  
30 citation from the state fire marshal or local fire  
31 department officials for one or more fire safety or  
32 state building code violations in a school facility  
33 used for instructional purposes.  
34 b. A school facility used for instructional  
35 purposes is operating with significant fire, health,  
36 or life safety deficiencies in the opinion of the  
37 state fire marshal or local fire or building  
38 department officials.  
39 4. Each school district that wishes to receive a

40 fire, health, and life safety grant shall submit an  
41 application to the department of education, on forms  
42 prescribed by the department, and shall include with  
43 the application a written plan to remedy fire, health,  
44 or life safety defects within the time specified in  
45 the plan, a plan budget, and a five-year history of  
46 infrastructure repairs made within the district.  
47 5. The department of education shall ensure that  
48 grant projects are consistent with the Americans with  
49 Disabilities Act of 1990, 42 U.S.C. } 12101 et seq.,  
50 and section 504 of the federal Rehabilitation Act of

**Page 6**

1 1973. The department of education shall award grants  
2 of not more than two hundred fifty thousand dollars  
3 annually to districts in the following three size  
4 categories:  
5 a. Small school districts with enrollments of less  
6 than two thousand students.  
7 b. Medium school districts with enrollments of not  
8 less than two thousand or more than four thousand nine  
9 hundred ninety-nine students.  
10 c. Large school districts with enrollments of five  
11 thousand students or more.  
12 To the extent possible, after consideration of the  
13 severity of the deficiencies of all applicant school  
14 districts, funding shall be awarded equitably among  
15 the three size categories.  
16 6. The department of education shall prepare and  
17 submit a report of the activities and expenditures  
18 funded under this section to the chairpersons and  
19 ranking members of the standing education committees  
20 and the joint subcommittees on education  
21 appropriations, and the legislative fiscal bureau, by  
22 December 1, 2001. The state fire marshal shall submit  
23 to the department of education for inclusion in the  
24 report an estimate of the percentage of schools left  
25 with serious fire or state building code violations.  
26 Sec. \_\_\_\_ CRISIS TRAINING FOR LOCAL GOVERNMENT.  
27 It is the intent of the general assembly that the  
28 appropriate state agencies respond to every reasonable  
29 request from local law enforcement, emergency medical,  
30 fire, and EMS county crisis responders for training  
31 and technical assistance."  
32 5. By renumbering as necessary.

MICHAEL W. CONNOLLY  
JOHN P. KIBBIE

S-5636

- 1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. By striking page 11, line 44 through page 12,  
5 line 11 and inserting the following:  
6 " .....\$ 149,986,190  
7 The funds appropriated in this subsection shall be  
8 allocated as follows:  
9 a. Merged Area I .....\$ 7,202,096  
10 b. Merged Area II .....\$ 8,453,671  
11 c. Merged Area III .....\$ 7,824,583  
12 d. Merged Area IV .....\$ 3,827,795  
13 e. Merged Area V .....\$ 8,018,137  
14 f. Merged Area VI .....\$ 7,422,758  
15 g. Merged Area VII .....\$ 10,732,812  
16 h. Merged Area IX .....\$ 13,220,395  
17 i. Merged Area X .....\$ 20,786,530  
18 j. Merged Area XI .....\$ 22,027,788  
19 k. Merged Area XII .....\$ 8,671,940  
20 l. Merged Area XIII .....\$ 8,921,448  
21 m. Merged Area XIV .....\$ 3,871,210  
22 n. Merged Area XV .....\$ 12,205,802  
23 o. Merged Area XVI .....\$ 6,799,225"

JOHN P. KIBBIE

S-5637

- 1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 16, by striking line 1 and inserting the  
5 following:  
6 " .....\$ 248,718,025"  
7 2. Page 16, by striking lines 3 through 11.  
8 3. Page 16, by striking line 18 and inserting the  
9 following:  
10 " .....\$ 32,679,312"  
11 4. Page 19, by inserting after line 10 the  
12 following:  
13 "o. School of public health and public health  
14 initiative  
15 For purposes of establishing an accredited school  
16 of public health and to fund an initiative for the  
17 health and independence of elderly Iowans, and for not  
18 more than the following full-time equivalent  
19 positions:  
20 .....\$ 2,750,000  
21 .....FTEs 22.00"  
22 5. Page 19, by striking lines 18 through 39.



23 6. Page 19, by striking line 44 and inserting the  
 24 following:  
 25 " .....\$ 36,252,371"  
 26 7. Page 20, by striking lines 16 and 17 and  
 27 inserting the following:  
 28 " .....\$ 23,561,869  
 29 .....FTEs 443.91"  
 30 8. Page 20, by inserting after line 46 the  
 31 following:  
 32 "f. Center for excellence in fundamental plant  
 33 science  
 34 For salaries, support, maintenance, equipment,  
 35 miscellaneous purposes, and for not more than the  
 36 following full-time equivalent positions:  
 37 .....\$ 4,670,000  
 38 .....FTEs 23.64"  
 39 9. Page 21, by striking lines 2 through 12 and  
 40 inserting the following:  
 41 " .....\$ 88,090,830  
 42 .....FTEs 1,435.56"

MICHAEL W. CONNOLLY  
 JOHN P. KIBBIE

S-5638

1 Amend the amendment, S-5622, to House File 2549, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 16, by striking line 1 and inserting the  
 5 following:  
 6 " .....\$ 248,328,103"

MICHAEL W. CONNOLLY  
 JOHN P. KIBBIE

S-5639

1 Amend the amendment, S-5622, to House File 2549, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 19, by inserting after line 10 the  
 5 following:  
 6 "o. National advanced driving simulator  
 7 For the national advanced driving simulator, and  
 8 for not more than the following full-time equivalent  
 9 positions:  
 10 .....\$ 297,104  
 11 .....FTEs 4.25"

JOHN P. KIBBIE  
 MICHAEL W. CONNOLLY

S-5640

- 1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 27, by inserting after line 19 the  
5 following:  
6 "Sec. \_\_\_\_ Section 257.31, subsection 5, Code  
7 1999, is amended by adding the following new  
8 paragraph:  
9 NEW PARAGRAPH. m. An unusually high percentage of  
10 gifted and talented students as described in section  
11 257.44, requiring additional resources for gifted and  
12 talented programs. For the purposes of this  
13 paragraph, the committee may grant supplemental aid or  
14 establish a modified allowable growth for a school  
15 district for more than one consecutive school budget  
16 year."  
17 2. By renumbering as necessary.

MICHAEL W. CONNOLLY  
JOHN P. KIBBIE

S-5641

- 1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 27, by inserting after line 19 the  
5 following:  
6 "Sec. \_\_\_\_ Section 257.11, subsection 4, paragraph  
7 a, as enacted by 2000 Iowa Acts, House File 2496, is  
8 amended to read as follows:  
9 a. In order to provide additional funding to  
10 school districts for programs serving at-risk pupils  
11 and alternative school pupils in secondary schools, a  
12 supplementary weighting plan for at-risk pupils is  
13 adopted. A supplementary weighting of ~~forty-eight~~  
14 ~~ten thousandths~~ four hundred sixty-nine one-hundred  
15 thousandths per pupil shall be assigned to the  
16 percentage of pupils in a school district enrolled in  
17 grades one through six, as reported by the school  
18 district on the basic educational data survey for the  
19 base year, who are eligible for free and reduced price  
20 meals under the federal National School Lunch Act and  
21 the federal Child Nutrition Act of 1966, 42 U.S.C. }  
22 1751-1785, multiplied by the budget enrollment in the  
23 school district; and a supplementary weighting of one  
24 hundred ~~fifty-six~~ fifty-two one-hundred-thousandths  
25 per pupil shall be assigned to pupils included in the  
26 budget enrollment of the school district. Amounts

27 received as supplementary weighting for at-risk pupils  
28 shall be utilized by a school district to develop or  
29 maintain at-risk pupils' programs, which may include  
30 alternative school programs.

31 Sec. \_\_\_\_ Section 257.11, subsection 4, paragraph  
32 b, as enacted by 2000 Iowa Acts, House File 2496, is  
33 amended by adding the following new unnumbered  
34 paragraph:

35 NEW UNNUMBERED PARAGRAPH. For the purposes of this  
36 paragraph "b", the amount received for the budget year  
37 beginning July 1, 1999, shall be adjusted according to  
38 the provisions of section 257.6 based upon reports  
39 filed under section 11.6. The adjusted amount shall  
40 be used as the basis for any guarantees or  
41 reductions."

42 2. By renumbering as necessary.

MICHAEL W. CONNOLLY  
JOHN P. KIBBIE

S-5642

1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

- 4 1. Page 29, by striking lines 7 through 12.
- 5 2. By renumbering as necessary.

JOHN P. KIBBIE

S-5643

1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

- 4 1. Page 2, by striking line 10 and inserting the  
5 following:  
6 ".....\$ 1,508,269"
- 7 2. Page 2, by inserting after line 11 the  
8 following:  
9 "From the funds appropriated in this subsection,  
10 \$100,000 shall be used for purposes of the Iowa folk  
11 life festival."
- 12 3. By renumbering as necessary.

PATRICIA HARPER  
DONALD B. REDFERN

S-5644

1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 6, by striking lines 22 through 27 and  
5 inserting the following:

6 "( ) The governing board of trustees of a public  
7 library that receives funds in accordance with this  
8 lettered paragraph shall adopt an internet filtering  
9 policy."

10 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5645

1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 25, by inserting after line 1 the  
5 following:

6 "Sec. \_\_\_\_ Section 28.3, subsection 2, Code  
7 Supplement 1999, is amended to read as follows:

8 2. The Iowa board shall consist of ~~fifteen~~  
9 seventeen voting members with ~~twelve~~ thirteen citizen  
10 members and ~~three~~ four state agency members. The  
11 ~~three~~ four state agency members shall be the directors  
12 of the following departments: education, human  
13 rights, human services, and public health. The ~~twelve~~  
14 thirteen citizen members shall be appointed by the  
15 governor, subject to confirmation by the senate. The  
16 governor's appointments of citizen members shall be  
17 made in a manner so that each of the state's  
18 congressional districts is represented by two citizen  
19 members and so that all the appointments as a whole  
20 reflect the ethnic, cultural, social, and economic  
21 diversity of the state. The governor's appointees  
22 shall be selected from individuals nominated by  
23 community empowerment area boards. The nominations  
24 shall reflect the range of interests represented on  
25 the community boards so that the governor is able to  
26 appoint one or more members each for education,  
27 health, human services, business, faith, and public  
28 interests. At least one of the citizen members shall  
29 be a service consumer or the parent of a service  
30 consumer. Terms of office of all citizen members are  
31 three years. A vacancy on the board shall be filled  
32 in the same manner as the original appointment for the  
33 balance of the unexpired term."

34 2. By renumbering as necessary.

NANCY BOETTGER  
ELAINE SZYMONIAK

S-5646

- 1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 6, by striking lines 22 through 27 and  
5 inserting the following:  
6 "(6) A public library that receives funds in  
7 accordance with this lettered paragraph may have an  
8 internet filtering program or internet filtering  
9 service in use. If the library has only one computer  
10 designated for public use, the library staff may  
11 regularly monitor the use of that computer."

JACK RIFE

S-5647

- 1 Amend the House amendment, S-5562, to Senate File  
2 2241, as passed by the Senate, as follows:  
3 1. Page 1, line 10, by inserting after the word  
4 "purposes" the following: "at a commercial  
5 establishment licensed or permitted under this  
6 chapter".  
7 2. Page 1, line 20, by inserting after the word  
8 "permit" the following: "for on-premises  
9 consumption,".  
10 3. By striking page 1, line 29, through page 3,  
11 line 14.  
12 4. By renumbering as necessary.

ANDY McKEAN

S-5648

- 1 Amend the House amendment, S-5562, to Senate File  
2 2241, as passed by the Senate, as follows:  
3 1. Page 3, by inserting after line 35 the  
4 following:  
5 "\_\_\_\_. Page 5, by inserting after line 4 the  
6 following:  
7 "Sec. \_\_\_\_ Section 901B.1, subsection 3, Code  
8 1999, is amended to read as follows:  
9 3. Each judicial district and judicial district  
10 department of correctional services shall implement an  
11 intermediate criminal sanctions program by July 1,  
12 2001. An intermediate criminal sanctions program  
13 shall consist of only levels two, three, and sublevels  
14 one and three of level four of the corrections  
15 continuum and shall be operated in accordance with an  
16 intermediate criminal sanctions plan adopted by the  
17 chief judge of the judicial district and the director

18 of the judicial district department of correctional  
19 services. The plan adopted shall be designed to  
20 reduce probation revocations to prison through the use  
21 of incremental, community-based sanctions for  
22 probation violations.

23 The plan shall be subject to rules adopted by the  
24 department of corrections. The rules shall include  
25 provisions for transferring individuals between levels  
26 in the continuum. The provisions shall include a  
27 requirement that the reasons for the transfer be in  
28 writing and that an opportunity for the individual to  
29 contest the transfer be made available.

30 A copy of the program and plan shall be filed with  
31 the chief judge of the judicial district, the  
32 department of corrections, and the division of  
33 criminal and juvenile justice planning of the  
34 department of human rights by July 1, 2001.

35 Sec. \_\_\_\_ Section 907.3, subsection 2, unnumbered  
36 paragraph 1, Code Supplement 1999, is amended to read  
37 as follows:

38 At the time of or after pronouncing judgment and  
39 with the consent of the defendant, the court may defer  
40 the sentence and assign the defendant to the judicial  
41 district department of correctional services. The  
42 court may assign the defendant to supervision or  
43 services under section 901B.1 at the level of  
44 sanctions which the district department determines to  
45 be appropriate, ~~if an intermediate criminal sanctions~~  
46 ~~plan and program has been adopted in the judicial~~  
47 ~~district under section 901B.1.~~ However, the court  
48 shall not defer the sentence for a violation of any of  
49 the following:"

50 2. By renumbering as necessary.

ANDY McKEAN

S-5649

1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 30, by inserting after line 13 the  
5 following:

6 "Sec. \_\_\_\_ Section 282.18, Code 1999, is amended  
7 by adding the following new subsection:

8 NEW SUBSECTION. 19. A parent or guardian who  
9 desires to enroll the parent or guardian's child in a  
10 prekindergarten program offered by a district other  
11 than the district of residence may petition the other  
12 district by January 1 of the previous school year for  
13 permission to enroll the child in the receiving  
14 district for a period of not less than one year. Upon

15 receipt of such a request, the receiving district  
 16 board may act on the enrollment request at the next  
 17 regularly scheduled board meeting after the receipt of  
 18 the request. The receiving district shall enroll the  
 19 child in a prekindergarten program offered by the  
 20 district unless there is insufficient classroom space  
 21 in the district. A denial of a request to change  
 22 district enrollment within the approved period is  
 23 subject to appeal under section 290.1. However, a  
 24 child who has been in attendance in another district  
 25 under this section may return to the district of  
 26 residence and enroll at any time, once the parent or  
 27 guardian has notified the district of residence and  
 28 the receiving district in writing of the decision to  
 29 enroll the child in the district of residence. The  
 30 provisions of subsections 2, 3, 7, 9, and 10 shall not  
 31 apply with regard to a child who participates in open  
 32 enrollment in accordance with this subsection."  
 33 2. By renumbering as necessary.

JACK RIFE

HOUSE AMENDMENT TO  
 SENATE FILE 441

S-5650

- 1 Amend Senate File 441, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the words
- 4 "accident and health" and inserting the following:
- 5 "dental".
- 6 2. Title page, line 2, by striking the words
- 7 "accident and health" and inserting the following:
- 8 "dental".

S-5651

- 1 Amend the amendment, S-5622, to House File 2549, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 10, line 26, by striking the word
- 5 "education." and inserting the following: "education,
- 6 and for not more than the following full-time
- 7 equivalent positions:"
- 8 2. Page 10, by inserting after line 27 the
- 9 following:
- 10 ".....FTEs 2.00"

KITTY REHBERG

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2552

S-5652

- 1 Amend the Senate amendment, H-9077, to House File  
2 2552, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by inserting after line 27 the  
5 following:  
6 " \_\_\_\_\_. Page 9, line 20, by inserting after the  
7 word "facility." the following: "However, in order to  
8 facilitate the phaseout of using medical contract  
9 employees for medical services at the Fort Madison  
10 correctional facility, the department may continue to  
11 use medical contract employees at the facility for a  
12 period of time not to exceed the three months  
13 immediately following July 1, 2000."  
14 2. By striking page 2, line 48, through page 19,  
15 line 32.  
16 3. Page 20, by striking lines 4 through 17.  
17 4. By renumbering, relette ring, or redesignating  
18 and correcting internal references as necessary.

S-5653

- 1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 16, by striking line 1 and inserting the  
5 following:  
6 " ..... \$ 248,427,892"

ROBERT E. DVORSKY  
JOE BOLKCOM

S-5654

- 1 Amend the amendment, S-5622, to House File 2549, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. By striking page 7, line 45 through page 8,  
5 line 37 and inserting the following:  
6 "b. For the fiscal year beginning July 1, 2000, in  
7 awarding grants and establishing grant amounts for all  
8 designated community empowerment areas that have never  
9 been awarded a school ready children grant, the Iowa  
10 empowerment board shall give consideration to the  
11 future implementation of a funding formula for  
12 distribution of the grant moneys, anticipation of the  
13 state moving over a period of years to full funding of



14 the grant program, and the reasonable expectations of  
 15 community empowerment areas for a process of equitable  
 16 distribution of funds.  
 17 c. The provisions of paragraph "b" are not  
 18 applicable to those designated community empowerment  
 19 areas that were awarded a school ready children grant  
 20 prior to the fiscal year beginning July 1, 2000, and  
 21 those areas shall be held harmless from the provisions  
 22 implemented by the Iowa empowerment board pursuant to  
 23 paragraph "b".

NANCY BOETTGER  
 MICHAEL E. GRONSTAL

S-5655

1 Amend the amendment, S-5622, to House File 2549, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 29, by inserting after line 12 the  
 5 following:  
 6 "Sec. \_\_\_\_ Section 262.9, Code Supplement 1999, is  
 7 amended by adding the following new subsection:  
 8 NEW SUBSECTION. 30. Limit each institution of  
 9 higher learning under the board to the provision of  
 10 sabbaticals for not more than four and one-half  
 11 percent of the institution's eligible employees."  
 12 2. By renumbering as necessary.

KEN VEENSTRA  
 H. KAY HEDGE  
 NEAL SCHUERER  
 STEVE KING

S-5656

1 Amend the amendment, S-5622, to House File 2549, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 16, by striking lines 1 through 11 and  
 5 inserting the following:  
 6 ".....\$ 247,324,480  
 7 .....FTEs 4,048.62"  
 8 2. Page 17, by striking line 30 and inserting the  
 9 following:  
 10 ".....\$ 8,200,258"  
 11 3. Page 17, by striking line 36 and inserting the  
 12 following:  
 13 ".....\$ 7,268,512"  
 14 4. Page 17, by striking line 45 and inserting the  
 15 following:  
 16 ".....\$ 3,153,570"

17 5. Page 18, by striking line 1 and inserting the  
 18 following:  
 19 ".....\$ 4,054,141"  
 20 6. Page 18, by striking line 10 and inserting the  
 21 following:  
 22 ".....\$ 2,386,901"  
 23 7. Page 18, by striking line 20 and inserting the  
 24 following:  
 25 ".....\$ 651,923"  
 26 8. Page 18, by striking line 26 and inserting the  
 27 following:  
 28 ".....\$ 278,292"  
 29 9. Page 18, by striking line 31 and inserting the  
 30 following:  
 31 ".....\$ 212,950"  
 32 10. Page 18, by striking line 38 and inserting  
 33 the following:  
 34 ".....\$ 75,158"  
 35 11. Page 18, by striking line 43 and inserting  
 36 the following:  
 37 ".....\$ 1,068,888"  
 38 12. Page 18, by inserting after line 44 the  
 39 following:  
 40 " \_\_\_\_\_. National advanced driving simulator  
 41 For the national advanced driving simulator, and  
 42 for not more than the following full-time equivalent  
 43 positions:  
 44 .....\$ 295,618  
 45 .....FTEs 4.25"  
 46 13. Page 18, by striking line 49 and inserting  
 47 the following:  
 48 ".....\$ 896,898"  
 49 14. Page 19, by striking line 9 and inserting the  
 50 following:

**Page 2**

1 ".....\$ 51,724"  
 2 15. Page 19, by inserting after line 10 the  
 3 following:  
 4 " \_\_\_\_\_. Primary health care initiative  
 5 For the primary health care initiative in the  
 6 college of medicine and for not more than the  
 7 following full-time equivalent positions:  
 8 .....\$ 950,000  
 9 .....FTEs 7.00  
 10 From the funds appropriated in this lettered  
 11 paragraph, \$330,000 shall be allocated to the  
 12 department of family practice at the state university

13 of Iowa college of medicine for family practice  
14 faculty and support staff."  
15 16. By renumbering as necessary.

ROBERT E. DVORSKY  
JOE BOLKCOM

S-5657

1 Amend Senate File 2452 as follows:  
2 1. Page 1, line 15, by striking the figure  
3 "25,784,846" and inserting the following:  
4 "26,492,712".  
5 2. Page 1, line 26, by striking the figure  
6 "9,784,846" and inserting the following:  
7 "10,492,712".

DERRYL McLAREN

HOUSE AMENDMENT TO  
SENATE FILE 2245

S-5658

1 Amend Senate File 2245, 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 80.39, Code 1999, is amended  
6 to read as follows:  
7 80.39 DISPOSITION OF PERSONAL PROPERTY.  
8 1. Personal property, except for motor vehicles  
9 subject to sale pursuant to section 321.89, and  
10 seizable property subject to disposition pursuant to  
11 chapter 809 or 809A, which personal property is found  
12 or seized by, turned in to, or otherwise lawfully  
13 comes into the possession of the department of public  
14 safety or a local law enforcement agency and which the  
15 department or agency does not own, shall be disposed  
16 of pursuant to this section. If by examining the  
17 property the owner or lawful custodian of the property  
18 is known or can be readily ascertained, the department  
19 or agency shall notify the owner or custodian by  
20 certified mail directed to the owner's or custodian's  
21 last known address, as to the location of the  
22 property. If the identity or address of the owner  
23 cannot be determined, notice by one publication in a  
24 newspaper of general circulation in the area where the  
25 property was found is sufficient notice. A published  
26 notice may contain multiple items.  
27 2. The department or agency may return the  
28 property to a person if that person or the person's

29 representative does all of the following:  
30 a. Appears at the location where the property is  
31 located.  
32 b. Provides proper identification.  
33 c. Demonstrates ownership or lawful possession of  
34 the property to the satisfaction of the department or  
35 agency.  
36 3. After ninety days following the mailing or  
37 publication of the notice required by this section, or  
38 if the owner or lawful custodian of the property is  
39 unknown or cannot be readily determined, or the  
40 department or agency has not turned the property over  
41 to the owner, the lawful custodian, or the owner's or  
42 custodian's representative, the department or agency  
43 may dispose of the property in any lawful way,  
44 including but not limited to the following:  
45 a. Selling the property at public auction with the  
46 proceeds, less department or agency expenses, going to  
47 the general fund of the state if sold by the  
48 department, the rural services fund if sold by a  
49 county agency, and the general fund of a city if sold  
50 by a city agency, however, the department or agency

## Page 2

1 shall be reimbursed from the proceeds for the  
2 reasonable expenses incurred in selling the property  
3 at the auction.  
4 b. Retaining the property for the department's or  
5 agency's own use.  
6 c. Giving the property to another agency of  
7 government.  
8 d. Giving the property to an appropriate  
9 charitable organization.  
10 e. Destroying the property.  
11 4. Except when a person appears in person or  
12 through a representative within the time periods set  
13 by this section, and satisfies the department or  
14 agency that the person is the owner or lawful  
15 custodian of the property, disposition of the property  
16 shall be at the discretion of the department or  
17 agency. The department or agency shall maintain the  
18 receipt and disposition records for all property  
19 processed under this section. Good faith compliance  
20 with this section is a defense to any claim or action  
21 at law or in equity regarding the disposition of the  
22 property."  
23 2. Page 1, by inserting before line 1 the  
24 following:  
25 "Section 1. Section 321.20B, subsection 6, Code  
26 Supplement 1999, is amended to read as follows:  
27 6. This section does not apply to a motor vehicle

driven upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, or dealers, or a motor vehicle identified in section 321.18, subsections 4 2 through 6, and subsection 8."

3. Page 1, by inserting after line 28 the following:

"Sec. \_\_\_\_ Section 321.104, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

It is a simple misdemeanor, punishable as provided in section 321.482 a scheduled violation under section 805.8, subsection 12, for any person to commit any of the following acts:"

4. Page 1, by inserting after line 34 the following:

"Sec. \_\_\_\_ Section 321.194, subsection 1, paragraph a, subparagraph (1), Code 1999, is amended to read as follows:

(1) During the hours of 6 a.m. to 10 p.m. over the most direct and accessible route between the following locations for the purpose of attending duly scheduled courses of instruction and duly scheduled

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extracurricular activities at the designated locations:

(a) The licensee's residence and schools of enrollment and between schools;

b. Schools of enrollment for the purpose of attending duly scheduled courses of instruction and extracurricular activities within the school district.

(c) The licensee's residence or schools of enrollment and off-campus locations within the school district of enrollment.

Sec. \_\_\_\_ Section 321.218, subsections 1, 3, and 4, Code Supplement 1999, are amended to read as follows:

1. A person whose driver's license or operating privilege has been denied, canceled, suspended, or revoked as provided in this chapter or as provided in section 252J.8 or 261.126 or section 901.5, subsection 10, and who operates a motor vehicle upon the highways of this state while the license or privilege is denied, canceled, suspended, or revoked, commits a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars nor more than one thousand five hundred dollars.

3. The department, upon receiving the record of

27 the conviction of a person under this section upon a  
28 charge of operating a motor vehicle while the license  
29 of the person is suspended or revoked, shall, except  
30 for licenses suspended under section 252J.8, 261.126,  
31 321.210, subsection 1, paragraph "c", section  
32 321.210A, 321.210B, or 321.513, extend the period of  
33 suspension or revocation for an additional like  
34 period, and the department shall not issue a new  
35 driver's license to the person during the additional  
36 period.

37 If the department receives a record of a conviction  
38 of a person under this section but the person's  
39 driving record does not indicate what the original  
40 grounds of suspension were, the period of suspension  
41 under this subsection shall be for a period not to  
42 exceed six months.

43 4. A person who operates a commercial motor  
44 vehicle upon the highways of this state when  
45 disqualified from operating the commercial motor  
46 vehicle under section 321.208 commits a ~~serious~~ simple  
47 misdemeanor if a commercial driver's license is  
48 required for the person to operate the commercial  
49 motor vehicle."

50 5. Page 2, by inserting after line 28 the

#### Page 4

1 following:

2 "Sec. \_\_\_\_ Section 321.294, Code 1999, is amended  
3 to read as follows:

4 321.294 MINIMUM SPEED REGULATION.

5 ~~No~~ A person shall not drive a motor vehicle at such  
6 a slow speed as to impede or block the normal and  
7 reasonable movement of traffic except when reduced  
8 speed is necessary for safe operation or in compliance  
9 with law. Peace officers are hereby authorized to  
10 enforce this provision by directions to drivers, and  
11 in the event of apparent willful disobedience to this  
12 provision and refusal to comply with direction of an  
13 officer in accordance herewith the continued slow  
14 operation by a driver shall be a simple misdemeanor;  
15 ~~and be punished as provided in section 321.482~~  
16 punishable as a scheduled violation under section  
17 805.8, subsection 2, paragraph "l."

18 6. Page 2, by striking lines 29 through 34 and  
19 inserting the following:

20 "Sec. \_\_\_\_ Section 321.302, Code 1999, is amended  
21 to read as follows:

22 321.302 OVERTAKING ON THE RIGHT.

23 1. The Unless otherwise prohibited by law the  
24 driver of a vehicle may overtake and pass upon the  
25 right of another vehicle which is making or about to

make a left turn on a roadway with unobstructed pavement of sufficient width for two or more lines of traffic moving in the same direction as the vehicle being passed when such movement can be made in safety.

2. The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four or more lines of moving traffic when such movement can be made in safety.

3. ~~No~~ A person shall not drive off the pavement, ~~or upon the shoulder of the roadway, or upon the apron or roadway of an intersecting highway~~ in overtaking or passing on the right.

A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "h."

7. Page 3, by striking lines 8 through 12 and inserting the following:

"Violations of this section are punishable as ~~provided in section 321.482~~ as a scheduled violation under section 805.8, subsection 2, paragraph "ai"."

8. Page 3, by inserting before line 13 the

## Page 5

following:

"Sec. \_\_\_\_ . Section 321.381, Code 1999, is amended to read as follows:

321.381. MOVEMENT OF UNSAFE OR IMPROPERLY EQUIPPED VEHICLES.

It is a simple misdemeanor; ~~punishable as provided in section 321.482~~ as a scheduled violation under section 805.8, subsection 2, paragraph "m", for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped with one or more unsafe tires or which is equipped in any manner in violation of this chapter."

9. Page 3, by inserting after line 18 the following:

"Sec. \_\_\_\_ . Section 321.423, subsection 6, Code 1999, is amended to read as follows:

6. AMBER FLASHING LIGHT. A farm tractor, farm tractor with towed equipment, self-propelled implement

25 of husbandry, road construction or maintenance  
26 vehicle, road grader, or other vehicle principally  
27 designed for use off the highway which, when operated  
28 on a primary or secondary road, is operated at a speed  
29 of ~~twenty-five~~ thirty-five miles an hour or less,  
30 shall be equipped with and display an amber flashing  
31 light visible from the rear at any time from sunset to  
32 sunrise. If the amber flashing light is obstructed by  
33 the towed equipment, the towed equipment shall also be  
34 equipped with and display an amber flashing light as  
35 required under this subsection. All vehicles  
36 specified in this subsection which are manufactured  
37 for sale or sold in this state shall be equipped with  
38 an amber flashing light in accordance with the  
39 standards of the American society of agricultural  
40 engineers."

41 10. Page 3, by inserting after line 18 the  
42 following:

43 "Sec. \_\_\_\_ Section 322A.11, Code 1999, is amended  
44 by adding the following new subsection:  
45 NEW SUBSECTION. 5. The fact that the dealership  
46 does not meet an index or standard established by the  
47 franchiser, unless the franchiser proves that the  
48 failure of the dealership to meet the index or  
49 standard will be substantially detrimental to the  
50 distribution of the franchiser's motor vehicles in the

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1 community."

2 11. Page 3, line 31, by striking the word "or"  
3 and inserting the following: "~~or~~ and".

4 12. Page 3, by inserting after line 32 the  
5 following:

6 "Sec. \_\_\_\_ Section 331.652, Code 1999, is amended  
7 by adding the following new subsection:  
8 NEW SUBSECTION. 8. The sheriff may dispose of  
9 personal property under section 80.39."

10 13. Page 4, by inserting after line 9 the  
11 following:

12 "Sec. \_\_\_\_ Section 364.22, Code 1999, is amended  
13 by adding the following new subsection:  
14 NEW SUBSECTION. 14. A police department may  
15 dispose of personal property under section 80.39."

16 14. Page 4, by inserting after line 9 the  
17 following:

18 "Sec. \_\_\_\_ Section 380.10, subsection 2, Code  
19 1999, is amended to read as follows:

20 2. A portion of the Code of Iowa may be adopted by  
21 reference only if the criminal penalty provided by the  
22 law adopted does not exceed thirty days' imprisonment  
23 ~~or~~ and a ~~one~~ five hundred dollar fine."



- 24 15. Page 5, line 5, by striking the figure  
 25 "321.366," and inserting the following: "~~321.366~~".  
 26 16. Page 7, by striking lines 23 through 27.  
 27 17. Title page, by striking lines 1 and 2, and  
 28 inserting the following: "An Act relating to law  
 29 enforcement agencies, and to the enforcement of  
 30 criminal offenses, local ordinances, and franchises,  
 31 and making penalties applicable."  
 32 18. By renumbering, relettering, or redesignating  
 33 and correcting internal references as necessary.

S-5659

- 1 Amend the amendment, S-5622, to House File 2549, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 3, by striking line 42 and inserting the  
 5 following:  
 6 ".....\$ 4,962,700"  
 7 2. Page 3, by inserting after line 49 the  
 8 following:  
 9 "From the funds appropriated in this lettered  
 10 paragraph, \$84,000 shall be used to support a model  
 11 outreach program for services for youth with  
 12 disabilities."

WALLY E. HORN  
 ROBERT E. DVORSKY

S-5660

- 1 Amend the amendment, S-5622, to House File 2549, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 16, by striking line 1 and inserting the  
 5 following:  
 6 ".....\$ 248,718,025"  
 7 2. Page 16, by striking lines 3 through 11.  
 8 3. Page 16, by striking line 18 and inserting the  
 9 following:  
 10 ".....\$ 32,679,312"  
 11 4. Page 19, by inserting after line 10 the  
 12 following:  
 13 "o. School of public health and public health  
 14 initiative  
 15 For purposes of establishing an accredited school  
 16 of public health and to fund an initiative for the  
 17 health and independence of elderly Iowans, and for not  
 18 more than the following full-time equivalent  
 19 positions:  
 20 .....\$ 2,750,000  
 21 .....FTEs 22.00"

22 5. Page 19, by striking line 16 and inserting the  
23 following:  
24 ".....\$ 194,445,960"  
25 6. Page 19, by striking lines 18 through 39.  
26 7. Page 19, by striking line 44 and inserting the  
27 following:  
28 ".....\$ 36,252,371"  
29 8. Page 20, by striking lines 16 and 17 and  
30 inserting the following:  
31 ".....\$ 23,561,869  
32 .....FTEs 443.91"  
33 9. Page 20, by inserting after line 46 the  
34 following:  
35 "f. Center for excellence in fundamental plant  
36 science  
37 For salaries, support, maintenance, equipment,  
38 miscellaneous purposes, and for not more than the  
39 following full-time equivalent positions:  
40 .....\$ 4,670,000  
41 .....FTEs 23.64"  
42 10. Page 21, by striking lines 2 through 12 and  
43 inserting the following:  
44 ".....\$ 88,090,830  
45 .....FTEs 1,435.56"

ROBERT E. DVORSKY  
JOHNIE HAMMOND  
JOE BOLKCOM  
PATRICIA HARPER

S-5661

1 Amend Senate File 2452 as follows:  
2 1. Page 2, by inserting after line 9 the  
3 following:  
4 "Sec. \_\_\_\_ 2000 Iowa Acts, House File 2555,  
5 section 3, subsection 2, is amended by adding the  
6 following new paragraph:  
7 NEW PARAGRAPH. d. A POS provider that has  
8 negotiated a reimbursement rate increase with a host  
9 county as of July 1, 2000, has the option of exemption  
10 from the provisions of this section. Nothing in this  
11 section precludes a county from increasing  
12 reimbursement rates of POS providers that do not meet  
13 the criteria of this section or from increasing the  
14 rates by an amount that is greater than that specified  
15 in this section.  
16 Sec. \_\_\_\_ Section 331.424A, subsection 6,  
17 paragraph c, as enacted by 2000 Iowa Acts, House File  
18 2327, section 1, is amended to read as follows:  
19 c. If a capital asset is owned by the county or  
20 the acquisition cost is charged to the county's

21 general fund and the capital asset is used in part for  
22 a purpose payable from the county's services fund, the  
23 county's services fund shall annually reimburse the  
24 county's general fund for the use of the capital  
25 asset. For capital assets acquired on or after July  
26 1, ~~2000~~ 2001, and for subsequent improvements of those  
27 capital assets, the reimbursement amount shall be in  
28 accordance with comparable federally approved  
29 depreciation schedules. For capital assets for which  
30 appropriations were included in the county budget  
31 prior to July 1, ~~2000~~ 2001, and for subsequent  
32 improvements of those capital assets, the  
33 reimbursement amount shall be the current fair market  
34 rate for use of the capital asset, as determined by an  
35 independent real estate appraiser.

36 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2327, section  
37 5, subsection 2, is amended to read as follows:  
38 2. If, as of ~~the effective date of this Act~~ April  
39 13, 2000, a county's base year expenditures includes  
40 expenditures for acquisition of a capital asset that  
41 effective July 1, 2001, are to be charged to the  
42 county's general fund in accordance with section  
43 331.424A, subsection 6, as enacted by this Act, the  
44 county shall petition the county finance committee by  
45 ~~April 30~~ December 1, 2000, to approve an adjustment in  
46 the county's base year expenditures in an amount equal  
47 to those capital asset expenditures. The amount of  
48 the county's base year expenditures shall be adjusted  
49 in accordance with the county finance committee's  
50 action.

## Page 2

1 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2327, section  
2 5, subsection 3, is amended by striking the  
3 subsection.  
4 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2327, section  
5 5, subsection 4, is amended to read as follows:  
6 4. If before ~~the effective date of this section~~  
7 April 13, 2000, the ownership or acquisition costs of  
8 a county's capital asset used in part for a purpose  
9 payable from the county's services fund were accrued  
10 to the county's services fund, beginning ~~with the~~  
11 ~~effective date of this Act~~ July 1, 2001, any  
12 appropriations or revenues attributable to that  
13 capital asset shall instead be accrued to the county's  
14 general fund. Except as expressly authorized by this  
15 Act, the county shall not make any adjustment to the  
16 county's services fund or general fund to remunerate  
17 the services fund for such appropriations or revenues  
18 that were accrued to the services fund before the  
19 transfer of accrual to the general fund.

20 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2327, section  
21 6, is amended to read as follows:  
22 SEC. 6. EFFECTIVE AND APPLICABILITY DATES. This  
23 Act, being deemed of immediate importance, takes  
24 effect upon enactment. The amendments to section  
25 331.424A, 331.427, and 331.438, and the transition  
26 section in this Act are first applicable to county  
27 budgets and levies in effect for the fiscal year  
28 beginning July 1, ~~2000~~ 2001, and ending June 30, ~~2001~~  
29 2002.  
30 Sec. \_\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
31 APPLICABILITY. The sections in this division of this  
32 Act amending 2000 Iowa Acts, House File 2327, being  
33 deemed of immediate importance, take effect upon  
34 enactment and are retroactively applicable to April  
35 13, 2000."  
36 2. Page 2, by striking lines 18 through 24, and  
37 inserting the following:  
38 "Sec. \_\_\_\_\_. Section 12.65, Code 1999, is amended by  
39 striking the section and inserting in lieu thereof the  
40 following:  
41 12.65 TOBACCO SETTLEMENT ENDOWMENT FUND.  
42 1. A tobacco settlement endowment fund is created  
43 in the office of the treasurer of state. After  
44 payment of litigation costs, all moneys paid to the  
45 state pursuant to the master settlement agreement, as  
46 defined in section 453C.1, shall be deposited in the  
47 fund.  
48 2. Any moneys paid to the state by the tobacco  
49 settlement authority pursuant to chapter 12E shall be  
50 deposited in the fund. Additionally, the state's

### Page 3

1 share of the moneys which are not sold to the tobacco  
2 settlement authority pursuant to chapter 12E shall be  
3 deposited in the fund.  
4 3. Moneys deposited in the fund shall be used only  
5 in accordance with appropriations from the fund for  
6 purposes related to health care, substance abuse  
7 treatment and enforcement, tobacco use prevention and  
8 control, and other purposes related to the needs of  
9 children, adults, and families in the state.  
10 4. A savings account for healthy Iowans is created  
11 within the tobacco settlement endowment fund. Moneys,  
12 appropriated annually, shall be deposited in the  
13 account and shall be invested to provide an ongoing  
14 source of investment earnings.  
15 5. Notwithstanding section 8.33, any unexpended  
16 balance in the fund at the end of the fiscal year  
17 shall be retained in the fund. Notwithstanding  
18 section 12C.7, subsection 2, interest or earnings on

investments or time deposits of the moneys in the tobacco settlement endowment fund, in the savings account for healthy Iowans, and in any other account established within the fund shall be credited to the tobacco settlement endowment fund, to the savings account for healthy Iowans, or to any other account established, respectively.

6. For the purposes of this section, "litigation costs" are those costs itemized by the attorney general and submitted to and approved by the attorney general.

7. Moneys in the fund shall be considered part of the general fund of the state for cash flow purposes only, provided any moneys used for cash flow purposes are returned to the fund by the close of each fiscal year.

Sec. \_\_\_\_ REFERENCES. References to the tobacco settlement fund in other enactments of the 2000 session of the Seventy-eighth Iowa general assembly, are references to the tobacco settlement endowment fund.

Sec. \_\_\_\_ CONDITIONAL EFFECTIVENESS. Section 12.65, subsection 2, as enacted in this division of this Act, takes effect only if 2000 Iowa Acts, House File 2579 is enacted."

3. Page 2, by inserting after line 35 the following:

"DIVISION \_\_\_\_  
MICROSOFT FUND

Sec. \_\_\_\_ NEW SECTION. 12.67 MICROSOFT SETTLEMENT FUND.

A Microsoft settlement fund is created in the

#### Page 4

office of the treasurer of state. The state portion of any moneys paid to the state by Microsoft in settlement of its federal antitrust trial or the state's antitrust lawsuit shall be deposited in the Microsoft settlement fund. Moneys deposited in the fund shall be used only as provided in appropriations made by the general assembly.

Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the Microsoft settlement fund shall be credited to the Microsoft settlement fund."

4. Page 3, by inserting after line 13, the following:

"DIVISION \_\_\_\_  
MISCELLANEOUS

Sec. \_\_\_\_ NEW SECTION. 12C.26 REFUND FROM SINKING FUNDS.

18 Upon recovery of a loss of public funds due to a  
19 failed Iowa financial institution, the treasurer of  
20 state may refund all or a portion of the recovered  
21 amount to the Iowa financial institutions that paid an  
22 assessment under this chapter as a result of that  
23 failure.

24 Sec. \_\_\_\_\_. Section 100B.1, subsection 1, as enacted  
25 by 2000 Iowa Acts, House File 2492, section 8, is  
26 amended to read as follows:

27 1. The state fire service and emergency response  
28 council is established in the division of fire  
29 protection of the department of public safety. The  
30 council shall consist of ~~ten~~ eleven voting members.  
31 Members of the state fire service and emergency  
32 response council shall be appointed by the governor.  
33 The governor shall appoint members ~~from the following~~  
34 ~~organizations, chosen of the council~~ from a list of  
35 ~~names~~ nominees submitted by each of the following  
36 organizations:  
37 a. Two members from a list submitted by the Iowa  
38 firemen's association.  
39 b. Two members from a list submitted by the Iowa  
40 fire chiefs' association.  
41 c. One member from a list submitted by the Iowa  
42 association of professional fire fighters.  
43 d. Two members from a list submitted by the Iowa  
44 association of professional fire chiefs.  
45 e. One member from a list submitted by the Iowa  
46 fire fighters group.  
47 f. One member from a list submitted by the Iowa  
48 emergency medical services association.  
49 A person nominated for membership on the council is  
50 not required to be a member of the organization that

## Page 5

1 nominates the person.

2 The tenth ~~member~~ member and eleventh members of the  
3 council shall be ~~a member~~ members of the general  
4 public appointed by the governor.

5 The labor commissioner, or the labor commissioner's  
6 designee, shall be a nonvoting ex officio member of  
7 the council. Members of the council shall hold office  
8 commencing July 1, 2000, for four years and until  
9 their successors are appointed, except that three  
10 initial appointees shall be appointed for two years,  
11 ~~three~~ four initial appointees for three years, and  
12 four initial appointees for four years.

13 The fire marshal or the fire marshal's designee  
14 shall attend each meeting of the council.

15 Sec. \_\_\_\_\_. Section 142A.6, subsection 6, as enacted  
16 by 2000 Iowa Acts, House File 2565, section 6, is

amended by adding the following new paragraph:  
NEW PARAGRAPH. e. The prohibitions contained in this subsection shall only apply to violations of the master settlement agreement as defined in section 453C.1 as applicable to both smoking and smokeless tobacco products.

Sec. \_\_\_\_ Section 166D.7, subsection 4, paragraph a, Code 1999, as amended by 2000 Acts, Senate File 2312, section 10, is amended to read as follows:

a. The herd shall be certified when one hundred percent of breeding swine have reacted negatively to a test. The herd must have been free from infection for thirty days prior to testing. At least ninety percent of swine in the herd must have been on the premises as a part of the herd for at least sixty days prior to testing, or swine in the herd must have been directly moved or relocated from a qualified negative herd or qualified differentiable negative herd. A differentiable vaccine must be administered at intervals in accordance with the package insert for that vaccine. To remain certified, the herd must be retested and recertified as provided by the department. The herd shall be recertified when each ~~thirty days~~ month at least ~~twenty-five~~ ten percent of the herd's breeding swine react negatively to a test.

Sec. \_\_\_\_ Section 256E.2, subsection 2, Code Supplement 1999, is amended to read as follows:

2. The department shall adopt rules concerning the grant application and award process, including reasonable cost estimates for beginning teacher induction programs. The department may disapprove a plan submitted by a board if the plan does not meet the minimum criteria set forth in section 256E.3, subsection 2, or the plan exceeds the reasonable costs

## Page 6

as determined by the department. If the cost estimates submitted by a board exceed reasonable cost estimates as determined by the department, the department shall work with the board to identify measures for reducing plan costs. If the department determines that moneys appropriated by the general assembly are insufficient to meet the grant requests for all approved beginning teacher induction program plans, the department shall award grants based on the ~~geographic location and~~ district population of the school districts with approved plans. Grants may be awarded in subsequent years based upon the most recent plan on file with the department. It is the intent of the general assembly that the department approve plans that incorporate local innovation and take into

16 consideration local needs.

17 Sec. \_\_\_\_ Section 322A.11, Code 1999, is amended  
18 by adding the following new subsection:

19 NEW SUBSECTION. 5. The fact that the dealership  
20 does not meet an index or standard established by the  
21 franchiser, unless the franchiser proves that the  
22 failure of the dealership to meet the index or  
23 standard will be substantially detrimental to the  
24 distribution of the franchiser's motor vehicles in the  
25 community.

26 Sec. \_\_\_\_ Section 421.38, subsection 1, paragraph  
27 a, Code 1999, is amended to read as follows:

28 a. ~~TIME AND FUNDING LIMIT.~~ A claim shall not be  
29 allowed by the department of revenue and finance if  
30 ~~either of the following has occurred:~~

31 ~~(1) The claim is presented after the lapse of~~  
32 ~~three months from its accrual.~~

33 ~~(2) The the appropriation or fund of certification~~  
34 ~~available for paying the claim has been exhausted or~~  
35 ~~proves insufficient.~~

36 Sec. \_\_\_\_ Section 421.38, subsection 1, paragraph  
37 b, unnumbered paragraph 1, Code 1999, is amended to  
38 read as follows:

39 ~~The time limitation set forth in paragraph "a",~~  
40 ~~subparagraph (1), authority of the director~~ is subject  
41 to the following exceptions:

42 Sec. \_\_\_\_ 554D.104, subsection 4, as enacted by  
43 2000 Iowa Acts, House File 2205, is amended to read as  
44 follows:

45 4. A choice of law provision, ~~which is contained~~  
46 ~~in a computer information agreement that governs a~~  
47 ~~transaction subject to this chapter, that which~~  
48 provides that the contract is to be interpreted  
49 pursuant to the laws of a state that has enacted the  
50 uniform computer information transactions Act, as

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1 proposed by the national conference of commissioners  
2 on uniform state laws, or any substantially similar  
3 law, is voidable and the agreement shall be  
4 interpreted pursuant to the laws of this state if the  
5 party against whom enforcement of the choice of law  
6 provision is sought is a resident of this state or has  
7 its principal place of business located in this state.  
8 For purposes of this subsection, a "computer  
9 information agreement" means an agreement that would  
10 be governed by the uniform computer information  
11 transactions Act or substantially similar law as  
12 enacted in the state specified in the choice of laws  
13 provision if that state's law were applied to the  
14 agreement.



Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section 28, subsections 2 and 29, are amended to read as follows:

2. For school lunch program, grant number 10555:

.....\$ ~~50,293,658~~  
50,075,000

29. For education of handicapped -- infants and toddlers, grant number 84181:

.....\$ ~~2,860,783~~  
2,863,283

Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section 38, is amended to read as follows:

SEC. 38. JUDICIAL BRANCH. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2000, and ending June 30, 2001, are appropriated to the judicial branch for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law. The following ~~amount is~~ amounts are appropriated to the judicial branch for the fiscal year beginning July 1, 2000, and ending June 30, 2001:

1. For United States department of health and human services, grant number 13000:

.....\$ 150,000

2. For United States department of justice, grant number, 16000:

.....\$ 177,028

Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section 39, subsection 1, is amended to read as follows:

1. For United States department of justice, grant number 16000:

.....\$ ~~28,988~~  
5,450,000

Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section

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47, is amended by adding the following new

subsections:

NEW SUBSECTION. 34. For United States department of justice, grant number 16000:

.....\$ 28,988

NEW SUBSECTION. 35. For state and community highway safety, grant number 20600:

.....\$ 90,000

NEW SUBSECTION. 36. For education of handicapped -- infants and toddlers, grant number 84181:

.....\$ 6,500

Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section 48, subsections 2 and 4, are amended to read as

14 follows:

15 2. For department of justice, grant number 16000:

16 .....\$ ~~6,684,071~~

17 1,017,293

18 4. For state and community highway safety, grant  
19 number 20600:

20 .....\$ ~~2,534,863~~

21 2,444,863

22 Sec. \_\_\_\_ 2000 Iowa Acts, House File 2533, section  
23 49, subsection 4, is amended to read as follows:

24 4. For school lunch program, grant number 10555:

25 .....\$ ~~10,010~~

26 228,668

27 Sec. \_\_\_\_ EFFECTIVE DATE. The section in this  
28 division of this Act amending section 166D.7, being  
29 deemed of immediate importance, takes effect upon  
30 enactment.

31 Sec. \_\_\_\_ EFFECTIVE DATE – RETROACTIVE  
32 APPLICABILITY. The section in this division of this  
33 Act enacting section 12C.26, being deemed of immediate  
34 importance, takes effect upon enactment and applies  
35 retroactively to refunds of assessments collected  
36 under chapter 12C on or after January 1, 2000."

37 5. Page 3, by inserting after line 33 the  
38 following:

39 "Sec. \_\_\_\_ Section 12.73, subsection 1, as enacted  
40 by 2000 Iowa Acts, Senate File 2447, section 17, is  
41 amended to read as follows:

42 1. It is the intention of the general assembly  
43 that a pledge made in respect of bonds or notes shall  
44 be valid and binding from the time the pledge is made,  
45 that the money or property so pledged and received  
46 after the pledge by the ~~authority~~ treasurer of state  
47 shall immediately be subject to the lien of the pledge  
48 without physical delivery or further act, and that the  
49 lien of the pledge shall be valid and binding as  
50 against all parties having claims of any kind in tort,

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1 contract, or otherwise against the treasurer of state  
2 whether or not the parties have notice of the lien.

3 Sec. \_\_\_\_ Section 12.83, as enacted by 2000 Iowa  
4 Acts, Senate File 2447, section 23, is amended to read  
5 as follows:

6 12.83 PLEDGES.

7 1. It is the intention of the general assembly  
8 that a pledge made in respect of bonds or notes shall  
9 be valid and binding from the time the pledge is made,  
10 that the money or property so pledged and received  
11 after the pledge by the ~~authority~~ treasurer of state  
12 shall immediately be subject to the lien of the pledge

without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the treasurer of state whether or not the parties have notice of the lien.

2. The state pledges to and agrees with the holders of bonds or notes issued under section 12.81, that the state will not limit or alter the rights and powers vested in the treasurer of state to fulfill the terms of a contract made by the treasurer of state with respect to the bonds or notes, or in any way impair the rights and remedies of the holders until the bonds and notes, together with the interest on them including interest on unpaid installments of interest, and all costs and expenses in connection with an action or proceeding by or on behalf of the holders, are fully met and discharged. The treasurer of state is authorized to include this pledge and agreement of the state, as it refers to holders of bonds or notes of the ~~authority~~ treasurer of state, in a contract with the holders.

Sec. \_\_\_\_\_. Section 15F.304, subsection 3, paragraph h, subparagraph (4), as enacted by 2000 Iowa Acts, Senate File 2447, section 14, is amended to read as follows:

(4) Conservation of open space and farmland and ~~preserve~~ preservation of critical environmental areas."

6. Page 9, by inserting after line 5, the following:

"Sec. \_\_\_\_\_. Section 232.8, subsection 1, paragraph c, Code 1999, as amended by 2000 Iowa Acts, House File 723, section 1, is amended to read as follows:

c. Violations by a child, age sixteen or older, which subject the child to the provisions of section 124.401, subsection 1, paragraph "e" or "f", or violations of section 723A.2 which involve a violation of chapter 724, or violation of chapter 724 which

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1 constitutes a felony, or violations which constitute a forcible felony are excluded from the jurisdiction of the juvenile court and shall be prosecuted as otherwise provided by law unless the court transfers jurisdiction of the child to the juvenile court upon motion and for good cause. A child over whom jurisdiction has not been transferred to the juvenile court, and who is convicted of a violation excluded from the jurisdiction of the juvenile court under this paragraph, shall be sentenced pursuant to section 124.401B, 902.9, or 903.1. Notwithstanding any other

12 provision of the Code to the contrary, the court may  
13 accept from a child a plea of guilty, or may instruct  
14 the jury on a lesser included offense to the offense  
15 excluded from the jurisdiction of the juvenile court  
16 under this section, in the same manner as regarding an  
17 adult. However, the juvenile court shall have  
18 exclusive original jurisdiction in a proceeding  
19 concerning an offense of ~~livestock torture as provided~~  
20 ~~in section 717.3 or~~ animal torture as provided in  
21 section 717B.3A alleged to have been committed by a  
22 child under the age of seventeen.

23 Sec. \_\_\_\_ Section 232.8 subsection 3, unnumbered  
24 paragraph 2, as enacted by 2000 Iowa Acts, House File  
25 723, section 2, is amended to read as follows:

26 This subsection does not apply in a proceeding  
27 concerning an offense of ~~livestock torture as provided~~  
28 ~~in section 717.3 or~~ animal torture as provided in  
29 section 717B.3A alleged to have been committed by a  
30 child under the age of seventeen."

31 7. Page 11, by inserting after line 22 the  
32 following:

33 "Sec. \_\_\_\_ Section 322.3, subsection 14, paragraph  
34 b, unnumbered paragraph 1, as enacted by 2000 Iowa  
35 Acts, House File 2106, section 1, is amended to read  
36 as follows:

37 A manufacturer or importer from temporarily owning  
38 an interest in a motor vehicle dealership for the  
39 purpose of enhancing opportunities for persons who  
40 lack the financial resources to purchase the motor  
41 vehicle dealership without such assistance. A  
42 manufacturer or importer may temporarily own an  
43 interest in a motor vehicle dealership pursuant to  
44 this paragraph only if the manufacturer or importer  
45 enters into a contract with a person pursuant to ~~whom~~  
46 which all of the following apply:

47 Sec. \_\_\_\_ Section 331.506, subsection 1,  
48 paragraphs b, c, and d, as enacted by 2000 Iowa Acts,  
49 Senate File 2047, section 1, if 2000 Iowa Acts, House  
50 File 2205 is enacted, are amended to read as follows:

## Page 11

1 b. The auditor shall not issue a warrant to a  
2 drawee until the auditor has transmitted to the  
3 treasurer a list of the warrants to be issued. The  
4 list shall include the date, amount, and number of the  
5 warrant, name of the person to whom the warrant is  
6 issued, and the purpose for which the warrant is  
7 issued. The treasurer shall acknowledge receipt of  
8 the list by affixing the treasurer's signature at the  
9 bottom of the list and immediately returning the list  
10 to the auditor. The requirement that the treasurer

11 sign to acknowledge receipt of the list is satisfied  
12 by use of a digital signature or other secure  
13 electronic signature if the county auditor and  
14 treasurer have complied with the applicable provisions  
15 of chapter ~~554C~~ 554D.

16 c. The warrant list signed by the treasurer shall  
17 be preserved by the auditor for at least two years.  
18 The requirement that the list be preserved is  
19 satisfied by preservation of the list in electronic  
20 form if the requirements of section ~~554C.205~~ 554D.113  
21 are met.

22 d. The requirement that the county auditor sign a  
23 warrant is satisfied by use of a digital signature or  
24 other secure electronic signature if the county  
25 auditor has complied with the applicable provisions of  
26 chapter ~~554C~~ 554D.

27 Sec. \_\_\_\_ Section 331.554, subsection 4, Code  
28 1999, as amended by 2000 Iowa Acts, Senate File 2047,  
29 section 3, if 2000 Iowa Acts, House File 2205 is  
30 enacted, is amended to read as follows:

31 4. The treasurer shall return the paid warrants to  
32 the auditor. The original warrant shall be preserved  
33 for at least two years. The requirement that the  
34 original warrant be preserved is satisfied by  
35 preservation of the warrant in electronic form if the  
36 requirements of section ~~554C.205~~ 554D.113 are met.  
37 The treasurer shall make monthly reports to show for  
38 each warrant the number, date, drawee's name, when  
39 paid, to whom paid, original amount, and interest."

40 8. Page 12, by inserting after line 2 the  
41 following:

42 "Sec. \_\_\_\_ Section 453A.3, subsection 1, Code  
43 1999, is amended to read as follows:

44 1. A person who violates section 453A.2,  
45 subsection 1, ~~or section 453A.39~~ is guilty of a simple  
46 misdemeanor.

47 Sec. \_\_\_\_ Section 453A.22, subsection 2,  
48 unnumbered paragraph 1, Code 1999, is amended to read  
49 as follows:

50 If a retailer or employee of a retailer has

## Page 12

1 violated section 453A.2, ~~or section~~ 453A.36,  
2 subsection 6, ~~or 453A.39~~, the department or local  
3 authority, in addition to the other penalties fixed  
4 for such violations in this section, shall assess a  
5 penalty upon the same hearing and notice as prescribed  
6 in subsection 1 as follows:"

7 9. Page 13, line 13, by striking the word and  
8 letter "paragraph a" and inserting the following:  
9 "paragraphs a, b, and c".

10 10. Page 13, line 14, by striking the word "is"  
11 and inserting the following: "are".  
12 11. Page 13, by striking lines 16 through 21 and  
13 inserting the following:  
14 "a. To intentionally place oneself in a location  
15 where a human presence may affect the behavior of a  
16 fur-bearing ~~game~~ animal, game, bird, or fish or the  
17 feasibility of killing or taking a fur-bearing ~~game~~  
18 animal, game, bird, or fish with the intent of  
19 obstructing or harassing another person who is  
20 lawfully hunting, fishing, or fur harvesting.  
21 b. To intentionally create a visual, aural,  
22 olfactory, or physical stimulus for the purpose of  
23 affecting the behavior of a fur-bearing ~~game~~ animal,  
24 game, bird, or fish with the intent of obstructing or  
25 harassing another person who is lawfully hunting,  
26 fishing, or fur harvesting.  
27 c. To intentionally affect the condition or alter  
28 the placement of personal property used for the  
29 purpose of killing or taking a fur-bearing ~~game~~  
30 animal, game, bird, or fish with the intent of  
31 obstructing or harassing another person who is  
32 lawfully hunting, fishing, or fur harvesting."  
33 12. Page 16, by inserting after line 5 the  
34 following:  
35 "Sec. \_\_\_\_ 2000 Iowa Acts, House File 2433,  
36 section 4, subsections 1 and 2, are amended to read as  
37 follows:  
38 1. A comparison of the data elements collected by  
39 the basic educational data ~~elements~~ survey for K - 12  
40 schools to the data ~~elements~~ being collected by the  
41 management information system for community colleges  
42 to the chairpersons and ranking members of the joint  
43 ~~appropriations~~ subcommittee on education  
44 ~~appropriations~~ by January 15, 2001.  
45 2. A report on the progress toward implementation  
46 of the management information system to the  
47 legislative fiscal bureau and department of management  
48 by ~~June 30~~ July 1, 2000."  
49 13. Page 16, by inserting after line 11 the  
50 following:

### Page 13

1 "Sec. \_\_\_\_ 2000 Iowa Acts, Senate File 2248,  
2 section 20, is amended to read as follows:  
3 SEC. 20. TRANSFER OF OSTEOPATHIC ~~FORGIVABLE~~ LOAN  
4 REVOLVING FUND MONEYS BY TREASURER. On the effective  
5 date of this Act, the treasurer of state shall  
6 transfer any balance in the osteopathic ~~forgivable~~  
7 loan ~~program~~ revolving fund to the osteopathic  
8 physician recruitment revolving fund established

pursuant to section 13 of this Act."

14. Page 17, by inserting after line 7 the following:

"Sec. \_\_\_\_ EFFECTIVE AND RETROACTIVE APPLICABILITY PROVISIONS.

1. The amendments in this division of this Act to sections 453A.3 and 453A.22, being deemed of immediate importance, take effect upon enactment.

2. The amendment in this division of this Act to 2000 Iowa Acts, Senate File 2193, section 23, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to October 1, 1999.

3. The amendment in this division of this Act to 2000 Iowa Acts, Senate File 2254, section 4, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to January 1, 2000."

15. Page 17, by inserting before line 8 the following:

"DIVISION \_\_\_\_

DEPARTMENT OF REVENUE AND FINANCE  
TAX ADMINISTRATION

Sec. \_\_\_\_ NEW SECTION. 421.46 TAX AGREEMENTS WITH INDIAN TRIBES.

1. "Indian country" means the Indian country as defined in 18 U.S.C. } 1151, and includes trust land as defined by the United States secretary of the interior.

2. The department and the governing council of an Indian tribe may enter into an agreement to provide for the collection and distribution or refund by the department within Indian country of any tax or fee imposed by the state and administered by the department.

An agreement may also provide for the collection and distribution by the department of any tribal tax or fee imposed by tribal ordinance. The agreement may provide for the retention of an administrative fee by the department which fee shall be an agreed upon percentage of the gross revenue of the tribal tax or fee collected.

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3. The provisions of this section shall not be construed to establish or relinquish any jurisdiction the state or an Indian tribe might have to levy or collect from any person any tax or fee within or without Indian country.

Sec. \_\_\_\_ EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes

8 effect upon enactment.

9 DIVISION \_\_\_\_  
10 OTHER APPROPRIATIONS

11 Sec. \_\_\_\_ DEPARTMENT FOR THE BLIND. There is  
12 appropriated from the general fund of the state to the  
13 department for the blind for the fiscal year beginning  
14 July 1, 2000, and ending June 30, 2001, the following  
15 amounts, or so much thereof as is necessary, to be  
16 used for the purposes designated:

17 1. For establishment of statewide access to the  
18 newslines for the blind furnished by the national  
19 federation of the blind:

20 .....\$ 15,000

21 2. For use in enabling blind individuals to  
22 independently access newspapers through the operations  
23 of the Iowa radio reading information service:

24 .....\$ 15,000

25 Sec. \_\_\_\_ CHILD SUPPORT RECOVERY. There is  
26 appropriated from the general fund of the state to the  
27 department of human services for the fiscal year  
28 beginning July 1, 2000, and ending June 30, 2001, the  
29 following amount, or so much thereof as is necessary,  
30 to be used for the purpose designated:

31 For child support recovery, to be used in  
32 accordance with the appropriation made for this  
33 purpose in 2000 Iowa Acts, Senate File 2435:

34 .....\$ 200,000

35 Sec. \_\_\_\_ 2000 Iowa Acts, House File 2552,  
36 section 4, subsection 1, paragraph a, is amended to  
37 read as follows:

38 a. For the operation of the Fort Madison  
39 correctional facility, including salaries, support,  
40 maintenance, employment of correctional officers,  
41 miscellaneous purposes, and for not more than the  
42 following full-time equivalent positions:

43 .....\$ ~~30,153,729~~

44 ..... 29,865,654

45 .....FTEs ~~533.50~~

46 ..... 528.58

47 Sec. \_\_\_\_ 2000 Iowa Acts, House File 2552, section  
48 4, subsection 1, paragraph c, is amended by adding the  
49 following new unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. In addition to the funds

**Page 15**

1 appropriated in this paragraph, \$50,000 is  
2 appropriated from the general fund of the state to the  
3 department of corrections for the fiscal year  
4 beginning July 1, 2000, and ending June 30, 2001, for  
5 ongoing technology needs at the Oakdale correctional  
6 facility.



7 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
8 4, subsection 1, paragraph h, is amended by adding the  
9 following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
11 appropriated in this paragraph, \$62,572 is  
12 appropriated from the general fund of the state to the  
13 department of corrections for the fiscal year  
14 beginning July 1, 2000, and ending June 30, 2001, for  
15 ongoing technology needs at the Mitchellville  
16 correctional facility.

17 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
18 7, subsection 1, paragraph a, is amended by adding the  
19 following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
21 appropriated in this paragraph, \$22,571 is  
22 appropriated from the general fund of the state to the  
23 department of corrections for the fiscal year  
24 beginning July 1, 2000, and ending June 30, 2001, for  
25 ongoing technology needs of the first judicial  
26 district department of correctional services.

27 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
28 7, subsection 1, paragraph b, is amended by adding the  
29 following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
31 appropriated in this paragraph, \$1,680 is appropriated  
32 from the general fund of the state to the department  
33 of corrections for the fiscal year beginning July 1,  
34 2000, and ending June 30, 2001, for ongoing technology  
35 needs of the second judicial district department of  
36 correctional services.

37 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
38 7, subsection 1, paragraph e, is amended by adding the  
39 following new unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
41 appropriated in this paragraph, \$70,095 is  
42 appropriated from the general fund of the state to the  
43 department of corrections for the fiscal year  
44 beginning July 1, 2000, and ending June 30, 2001, for  
45 ongoing technology needs of the fifth judicial  
46 district department of correctional services.

47 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
48 7, subsection 1, paragraph f, is amended by adding the  
49 following new unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. In addition to the funds

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1 appropriated in this paragraph, \$60,000 is  
2 appropriated from the general fund of the state to the  
3 department of corrections for the fiscal year  
4 beginning July 1, 2000, and ending June 30, 2001, for  
5 ongoing technology needs of the sixth judicial

6 district department of correctional services.  
7 Sec. \_\_\_\_ 2000 Iowa Acts, House File 2552, section  
8 7, subsection 1, paragraph g, is amended by adding the  
9 following new unnumbered paragraph:  
10 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
11 appropriated in this paragraph, \$11,740 is  
12 appropriated from the general fund of the state to the  
13 department of corrections for the fiscal year  
14 beginning July 1, 2000, and ending June 30, 2001, for  
15 ongoing technology needs of the seventh judicial  
16 district department of correctional services."  
17 16. Title page, line 2, by striking the words  
18 "providing an effective date" and inserting the  
19 following: "including effective date and retroactive  
20 applicability provisions".  
21 17. By renumbering, relettering, or redesignating  
22 and correcting internal references as necessary.

DERRYL McLAREN

S-5662

1 Amend Senate File 2452 as follows:  
2 1. Page 17, by inserting after line 7 the  
3 following:  
4 "DIVISION \_\_\_\_  
5 VOLUNTEER EMERGENCY SERVICES PROVIDERS  
6 Sec. \_\_\_\_ Section 80.9, subsection 2, Code  
7 Supplement 1999, is amended by adding the following  
8 new paragraph:  
9 NEW PARAGRAPH. i. To administer section 100B.11  
10 relating to volunteer emergency services provider  
11 death benefits.  
12 Sec. \_\_\_\_ NEW SECTION. 100B.11 VOLUNTEER  
13 EMERGENCY SERVICES PROVIDER DEATH BENEFIT –  
14 ELIGIBILITY.  
15 1. There is appropriated annually from the general  
16 fund of the state to the department of revenue and  
17 finance an amount sufficient to pay death benefit  
18 claims under this section. The director of revenue  
19 and finance shall issue warrants for payment of death  
20 benefit claims approved for payment by the department  
21 of public safety under subsection 2.  
22 2. a. If the department of public safety  
23 determines, upon the receipt of evidence and proof  
24 from the fire chief or supervising officer, that the  
25 death of a volunteer emergency services provider was  
26 the direct and proximate result of a traumatic  
27 personal injury incurred in the line of duty as a  
28 volunteer, a line of duty death benefit in an amount  
29 of one hundred thousand dollars shall be paid in a  
30 lump sum to the volunteer emergency services

provider's beneficiary. A line of duty death benefit payable under this subsection shall be in addition to any other death benefit payable to the volunteer emergency services provider.

b. A line of duty death benefit shall not be payable under this subsection if any of the following applies:

(1) The death resulted from stress, strain, occupational illness, or a chronic, progressive, or congenital illness, including, but not limited to, a disease of the heart, lungs, or respiratory system, unless a traumatic personal injury was a substantial contributing factor to the volunteer emergency services provider's death.

(2) The death was caused by the intentional misconduct of the volunteer emergency services provider or by such provider's intent to cause the provider's own death.

(3) The volunteer emergency services provider was voluntarily intoxicated at the time of death.

## Page 2

(4) The volunteer emergency services provider was performing the provider's duties in a grossly negligent manner at the time of death.

(5) A beneficiary who would otherwise be entitled to a benefit under this subsection was, through the beneficiary's actions, a substantial contributing factor to the volunteer emergency services provider's death.

3. For purposes of this section, "volunteer emergency services provider" means a volunteer fire fighter as defined in section 85.61 or a volunteer emergency medical care provider or volunteer emergency rescue technician defined in section 147A.1 who is not covered as a volunteer emergency services provider under chapter 97A, 97B, or 411.

Sec. \_\_\_\_ REPEAL – LEGISLATIVE INTENT.

1. This division of this Act is repealed July 1, 2002.

2. It is the intent of the general assembly that the repeal of this division of this Act on July 1, 2002, will allow consideration of recommendations relating to this division of this Act to be received by the general assembly from the department of management based on the department's study of the possible implementation of a system to provide

26 retirement benefits and death and survivor benefits to  
27 volunteer fire fighters and volunteer emergency  
28 medical service personnel."

KITTY REHBERG  
JERRY BEHN  
NEAL SCHUERER  
STEVE KING  
RICHARD F. DRAKE  
JACK RIFE  
MERLIN E. BARTZ  
LARRY McKIBBEN

HOUSE AMENDMENT TO  
SENATE FILE 2453

S-5663

1 Amend Senate File 2453, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, lines 22 and 23, by striking the words  
4 "in Council Bluffs".  
5 2. Page 1, by striking line 24 and inserting the  
6 following:  
7 "..... \$ 900,000  
8 The first \$300,000 of the amount appropriated in  
9 this subsection shall be allocated for community-based  
10 corrections projects in Council Bluffs. The next  
11 \$600,000 of the amount appropriated in this subsection  
12 shall be allocated for community-based corrections  
13 projects in the judicial district in which the city of  
14 Davenport is located. These moneys may be used by the  
15 department to enter into lease -purchase agreements for  
16 such projects."  
17 3. Page 2, by inserting after line 4 the  
18 following:  
19 "Of the amount appropriated in this section,  
20 \$150,000 shall be allocated for phase 1 of the project  
21 recommended by the Iowa battle flag advisory committee  
22 to stabilize the condition of the battle flag  
23 collection, notwithstanding any provision of this  
24 section to the contrary, notwithstanding section 8.57,  
25 subsection 5, paragraph "c".  
26 4. Page 2, by striking lines 23 through 28 and  
27 inserting the following:  
28 "The moneys appropriated in this subsection shall  
29 be used for projects which cumulatively result in the  
30 creation of "vertical infrastructure", as defined in  
31 section 8.57, subsection 5, paragraph "c", having a  
32 total value of at least \$2,500,000. The".  
33 5. Page 2, line 33, by striking the word  
34 "facilitate" and inserting the following: "result

35 in".  
 36 6. Page 3, by striking lines 24 through 28 and  
 37 inserting the following:  
 38 "2. For facility utilization review services  
 39 including a program statement, site recommendations,  
 40 schematic designs, and other design development for  
 41 additional facilities which will meet laboratory,  
 42 office, and other facility needs of state agencies,  
 43 including but not limited to interim or long-term  
 44 leasing and relocation needs related to such projects,  
 45 notwithstanding section 8.57, subsection 5, paragraph  
 46 "c":  
 47 .....\$ 3,200,000  
 48 3. For routine maintenance of state buildings and  
 49 facilities under the purview of the department,  
 50 notwithstanding section 8.57, subsection 5, paragraph

## Page 2

1 "c":  
 2 .....\$ 2,000,000  
 3 The department shall quarterly file a report with  
 4 the legislative fiscal bureau detailing the use and  
 5 disposition of funds appropriated in this subsection."  
 6 7. By striking page 4, line 10, through page 5,  
 7 line 4.  
 8 8. Page 5, by striking line 33 and inserting the  
 9 following:  
 10 ".....\$ 10,300,000"  
 11 9. Page 7, by inserting after line 4 the  
 12 following:  
 13 "Sec. \_\_\_\_ 1999 Iowa Acts, chapter 204, section 6,  
 14 unnumbered paragraph 2, is amended to read as follows:  
 15 For planning, design, and construction of a new  
 16 judicial building:  
 17 FY 1999-2000.....\$ 10,000,000  
 18 FY 2000-2001.....\$ ~~10,000,000~~  
 19 8,000,000"  
 20 10. Page 8, by striking lines 13 through 24.  
 21 11. Page 14, by inserting after line 2 the  
 22 following:  
 23 "It is the intent of the general assembly that a  
 24 portion of the funds appropriated in this subsection  
 25 be used to provide adequate assistance for closing  
 26 agricultural drainage wells and constructing  
 27 alternative drainage systems in Humboldt county."  
 28 12. Page 16, line 13, by striking the words  
 29 "natural or constructed lakes" and inserting the  
 30 following: "a natural or constructed lake or to a  
 31 portion of a river".  
 32 13. Page 16, line 17, by inserting after the word  
 33 "lake" the following: "or portion of the river".

34 14. Page 16, line 18, by inserting after the word  
35 "lake" the following: "or portion of the river".  
36 15. Page 16, line 22, by inserting before the  
37 word "any" the following: "portions of any rivers or  
38 for".  
39 16. Page 16, line 26, by inserting after the word  
40 "lake" the following: "or river".  
41 17. Page 17, by inserting after line 21 the  
42 following:  
43 "If the amount appropriated in this subsection  
44 exceeds the amount of marine fuel tax receipts  
45 deposited into the rebuild Iowa infrastructure fund  
46 for the fiscal year ending June 30, 2001, the  
47 difference between the amount appropriated in this  
48 subsection from the environment first fund and the  
49 actual marine fuel tax receipts deposited into the  
50 rebuild Iowa infrastructure fund is appropriated to

**Page 3**

1 the rebuild Iowa infrastructure fund from the  
2 accumulated balance of marine fuel tax receipts in the  
3 general fund of the state which is tracked by the  
4 department of management pursuant to section 8.60,  
5 subsection 14."  
6 18. By renumbering, relettering, or redesignating  
7 and correcting internal references as necessary.

S-5664

1 Amend Senate File 2452 as follows:  
2 1. Page 1, line 15, by striking the figure  
3 "25,784,846" and inserting the following:  
4 "31,174,941".  
5 2. Page 1, line 26, by striking the figure  
6 "9,784,846" and inserting the following:  
7 "15,174,941".

JOHN JUDGE  
JOHNIE HAMMOND

S-5665

1 Amend the House amendment, S-5658, to Senate File  
2 2245, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 2, by striking lines 23 through 32.  
5 2. By striking page 2, line 42, through page 3,  
6 line 49.  
7 3. Page 4, by striking lines 18 through 44.  
8 4. By striking page 5, line 19, through page 6,  
9 line 1.

- 10 5. Page 6, line 30, by striking the words "  
11 local ordinances, and franchises" and inserting the  
12 following: "and local ordinances".  
13 6. By renumbering as necessary.

ANDY McKEAN

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2560

S-5666

- 1 Amend the Senate amendment, H-9094, to House File  
2 2560, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, line 30, by striking the words "one  
5 hundred twenty" and inserting the following:  
6 "ninety".  
7 2. Page 1, lines 32 and 33, by striking the words  
8 "one hundred twenty-day" and inserting the following:  
9 "ninety-day".  
10 3. Page 1, by striking lines 36 through 39 and  
11 inserting the following:  
12 "\_\_\_\_. Page 7, line 11, by inserting after the  
13 word "office" the following: ", in consultation with  
14 the department of economic development, "."  
15 4. Page 4, by inserting after line 5 the  
16 following:  
17 "\_\_\_\_. Page 17, by inserting before line 18 the  
18 following:  
19 "Sec. \_\_\_\_\_. The legislative council is requested to  
20 establish an interim study committee to review the  
21 benefits of allowing state tax credits to be  
22 transferable. In reviewing the transferability of  
23 state tax credits, the study committee shall analyze  
24 the benefits to the transferor, the transferee, and to  
25 the state, the administrative costs involved, the  
26 conditions under which transferability should be  
27 allowed, and the restrictions that should be placed on  
28 transferability, if any. The study committee's report  
29 along with its recommendations shall be filed with the  
30 legislative council by January 1, 2001.""  
31 5. Page 4, by inserting after line 5 the  
32 following:  
33 "\_\_\_\_. Page 17, by striking lines 19 through 21 and  
34 inserting the following: "in this Act, applies to  
35 qualified rehabilitation costs incurred on or after  
36 July 1, 2000.""  
37 6. By renumbering, relettering, or redesignating  
38 and correcting internal references as necessary.

S-5667

- 1 Amend the amendment, S-5661, to Senate File 2452,
- 2 as follows:
- 3 1. Page 8, by inserting after line 26 the
- 4 following:
- 5 "Sec. \_\_\_\_ 2000 Iowa Acts, House File 475, section
- 6 5, is repealed."
- 7 2. By renumbering as necessary.

DERRYL McLAREN

S-5668

- 1 Amend the House amendment, S-5663, to Senate File
- 2 2453, as amended, passed, and reprinted by Senate, as
- 3 follows:
- 4 1. Page 1, line 43, by striking the words "or
- 5 long-term".
- 6 2. Page 2, by inserting after line 2 the
- 7 following:
- 8 "The department shall adhere to the competitive
- 9 bidding requirements of chapter 18 for all routine
- 10 maintenance projects having a total cost of \$25,000 or
- 11 more."

MARY LOU FREEMAN

S-5669

- 1 Amend the House amendment, S-5663, to Senate File
- 2 2453, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 2, by inserting after line 27 the
- 5 following:
- 6 "\_\_\_\_. Page 16, by striking line 9 and inserting
- 7 the following:
- 8 ".....\$ 1,450,000"
- 9 2. Page 3, by inserting after line 5 the
- 10 following:
- 11 "\_\_\_\_. Page 18, by striking line 4 and inserting
- 12 the following:
- 13 ".....\$ 11,950,000"
- 14 3. By numbering, renumbering, and correcting
- 15 internal references as necessary.

DENNIS H. BLACK

S-5670

- 1 Amend House File 2579, as amended, passed, and
- 2 reprinted by the House, as follows:



- 3 1. Page 6, by striking lines 29 through 31, and  
4 inserting the following:  
5 "1. Subject to the program plan as authorized by a  
6 constitutional majority of each house of the general  
7 assembly and approved by the governor, the governor  
8 shall sell".  
9 2. Page 8, by striking lines 3 through 18, and  
10 inserting the following: "and the executive council.  
11 A program plan shall not be implemented unless  
12 implementation of the program plan is authorized by a  
13 constitutional majority of each house of the general  
14 assembly and approved by the governor."  
15 3. Page 9, by striking lines 9 through 15, and  
16 inserting the following: "to authorization of the  
17 program plan by a constitutional majority of each  
18 house of the general assembly and approval by the  
19 governor."  
20 4. By striking page 19, line 4, through page 20,  
21 line 2.  
22 5. Page 20, by striking lines 19 through 22.  
23 6. By renumbering as necessary.

JEFF LAMBERTI

S-5671

- 1 Amend Senate File 2452 as follows:  
2 1. Page 2, by striking line 26 and inserting the  
3 following: "EDUCATION FINANCING".  
4 2. Page 2, by inserting after line 35 the  
5 following:  
6 "Sec. \_\_\_\_ Section 257.11, subsection 4, paragraph  
7 a, as enacted by 2000 Iowa Acts, House File 2496, is  
8 amended to read as follows:  
9 a. In order to provide additional funding to  
10 school districts for programs serving at-risk pupils  
11 and alternative school pupils in secondary schools, a  
12 supplementary weighting plan for at-risk pupils is  
13 adopted. A supplementary weighting of ~~forty-eight~~  
14 ~~ten thousandths~~ four hundred sixty-nine one-hundred  
15 thousandths per pupil shall be assigned to the  
16 percentage of pupils in a school district enrolled in  
17 grades one through six, as reported by the school  
18 district on the basic educational data survey for the  
19 base year, who are eligible for free and reduced price  
20 meals under the federal National School Lunch Act and  
21 the federal Child Nutrition Act of 1966, 42 U.S.C. }  
22 1751-1785, multiplied by the budget enrollment in the  
23 school district; and a supplementary weighting of one  
24 ~~hundred fifty-six~~ fifty-two one-hundred-thousandths  
25 per pupil shall be assigned to pupils included in the  
26 budget enrollment of the school district. Amounts

27 received as supplementary weighting for at-risk pupils  
28 shall be utilized by a school district to develop or  
29 maintain at-risk pupils' programs, which may include  
30 alternative school programs.

31 Sec. \_\_\_\_ Section 257.11, subsection 4, paragraph  
32 b, as enacted by 2000 Iowa Acts, House File 2496, is  
33 amended by adding the following new unnumbered  
34 paragraph:

35 NEW UNNUMBERED PARAGRAPH. For the purposes of this  
36 paragraph "b", the amount received for the budget year  
37 beginning July 1, 1999, shall be adjusted according to  
38 the provisions of section 257.6 based upon reports  
39 filed under section 11.6. The adjusted amount shall  
40 be used as the basis for any guarantees or  
41 reductions."

42 3. By renumbering as necessary.

MICHAEL W. CONNOLLY

S-5672

1 Amend Senate File 2452 as follows:

2 1. Page 17, by inserting after line 7 the  
3 following:

4 "DIVISION \_\_\_\_

5 FINANCIAL INSTITUTIONS – SATELLITE TERMINALS

6 Sec. \_\_\_\_ Section 527.2, subsections 10, 14, and

7 15, Code 1999, are amended to read as follows:

8 10. "Limited-function terminal" means an on-line  
9 point-of-sale terminal, ~~or an off-line point-of-sale~~  
10 ~~terminal which satisfies the requirements of section~~  
11 ~~527.4, subsection 3, paragraph "d", or a multiple use~~  
12 ~~terminal, which is not operated in a manner to accept~~  
13 ~~an electronic personal identifier. Except as~~  
14 ~~otherwise provided, a limited-function terminal shall~~  
15 ~~not be subject to the requirements imposed upon other~~  
16 ~~satellite terminals pursuant to sections 527.4 and~~  
17 ~~527.5, subsections 1, 2, 3, 7, and 8.~~

18 14. "Off-line point-of-sale terminal" means a  
19 ~~satellite terminal that satisfies the requirements of~~  
20 ~~section 527.4, subsection 3, paragraph "d" and is at~~  
21 any location in this state off the premises of the  
22 financial institution, other than an on-line point-of-  
23 sale terminal, that satisfies all of the following:

24 a. The satellite terminal is not operated to  
25 accept deposits or to dispense scrip or other  
26 negotiable instruments.

27 b. The satellite terminal is not operated to  
28 dispense cash except when operated by a person other  
29 than the customer initiating the transaction.

30 c. The satellite terminal is utilized for the  
31 purpose of making payment to the provider of goods or

services purchased or provided at the location of the satellite terminal.

15. "On-line point-of-sale terminal" means a satellite terminal ~~that satisfies the requirements of section 527.4, subsection 3, paragraph "d" and is at any location in this state off the premises of the financial institution~~ operated on an on-line real time basis, that satisfies all of the following:

a. The satellite terminal is not operated to accept deposits or to dispense scrip or other negotiable instruments.

b. The satellite terminal is not operated to dispense cash except when operated by a person other than the customer initiating the transaction.

c. The satellite terminal is utilized for the purpose of making payment to the provider of goods or services purchased or provided at the location of the satellite terminal.

Sec. \_\_\_\_ Section 527.4, subsection 1, Code 1999,

## Page 2

1 is amended by striking the subsection and inserting in lieu thereof the following:

1. A satellite terminal shall not be established within this state except by a financial institution.

Sec. \_\_\_\_ Section 527.4, subsection 2, Code 1999, is amended by striking the subsection.

Sec. \_\_\_\_ Section 527.4, subsection 3, Code 1999, is amended to read as follows:

~~3. A financial institution whose licensed or principal place of business is located within this state may establish any number of satellite terminals in any of the following locations:~~

a. ~~Within the boundaries of a municipal corporation if the principal place of business or an office of the financial institution is also located within the boundaries of the municipal corporation.~~

b. ~~Within the boundaries of an urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the urban complex if the principal place of business or an office of the financial institution is also located in the urban complex.~~

c. ~~Within the Iowa county in which the financial institution has its principal place of business or an office.~~

d. ~~At any location in this state off the premises of the financial institution if all of the following apply:~~

(1) ~~The satellite terminal is not operated to~~

31 ~~accept deposits or to dispense scrip or other~~  
32 ~~negotiable instruments.~~  
33 ~~(2) The satellite terminal is not operated to~~  
34 ~~dispense cash except when operated by a person other~~  
35 ~~than the customer initiating the transaction.~~  
36 ~~(3) The satellite terminal is utilized for the~~  
37 ~~purpose of making payment to the provider of goods or~~  
38 ~~services purchased or provided at the location of the~~  
39 ~~satellite terminal.~~  
40 3. A financial institution shall not may establish  
41 a satellite terminal at any other location except  
42 pursuant to an agreement with a financial institution  
43 which is authorized by this subsection to establish a  
44 satellite terminal at that location and which will  
45 utilize the satellite terminal at that location within  
46 this state. This subsection does not amend, modify,  
47 or supersede any provision of chapter 524 regulating  
48 the number or locations of bank offices of a state or  
49 national bank, or authorize the establishment by a  
50 financial institution of any offices or other

### Page 3

1 facilities except satellite terminals at locations  
2 permitted by this subsection.  
3 Sec. \_\_\_\_ Section 527.4, subsection 4, Code 1999,  
4 is amended to read as follows:  
5 4. A financial institution whose licensed or  
6 principal place of business is not located in this  
7 state may establish, control, maintain, or operate any  
8 number of satellite terminals at ~~the locations~~  
9 ~~identified in subsection 3, paragraphs "a", "b", "c",~~  
10 ~~and "d" any location within this state if both of the~~  
11 ~~following apply:~~  
12 ~~a. The other state provides for the establishment,~~  
13 ~~control, maintenance, or operation of satellite~~  
14 ~~terminals by a financial institution, whose licensed~~  
15 ~~or principal place of business is located in this~~  
16 ~~state, on a reciprocal basis.~~  
17 ~~b. All~~ all satellite terminals, wherever located,  
18 that are owned, controlled, maintained, or operated by  
19 the financial institution are available for use on a  
20 nondiscriminatory basis by any other financial  
21 institution which engages in electronic transactions  
22 in this state and by all customers who have minimum  
23 contact with this state and who have been designated  
24 by a financial institution using the satellite  
25 terminal and who have been provided with an access  
26 device, approved by the administrator, by which to  
27 engage in electronic transactions by means of the  
28 satellite terminal.  
29 Sec. \_\_\_\_ Section 527.5, subsection 5, Code 1999,

is amended to read as follows:

~~5. A satellite terminal in this state shall bear a sign or label identifying each type of financial institution utilizing the terminal. A satellite terminal location in this state shall not be used to advertise individual financial institutions or a group of financial institutions. However, a~~ satellite terminal shall bear a sign or label no larger than three inches by two inches identifying the name, address, and telephone number of the owner of the satellite terminal. The administrator may authorize methods of identification the administrator deems necessary to enable the general public to determine the accessibility of a satellite terminal.

Sec. \_\_\_\_ Section 527.5, subsection 11, paragraph a, Code 1999, is amended to read as follows:

a. If at any time, a limited-function terminal at a location ~~as defined in section 527.4, subsection 3, paragraph "d",~~ in this state off the premises of the financial institution is replaced by a device constituting either an on-line or an off-line point-

#### Page 4

of-sale terminal which may be utilized to initiate transactions which affect customer asset accounts through the use of an electronic personal identifier, or is upgraded, altered, or modified to be operated in a manner which allows the use of an electronic personal identifier to initiate transactions which affect customer asset accounts, or an on-line or an off-line point-of-sale terminal which may be utilized to initiate transactions which affect customer asset accounts through the use of an electronic personal identifier is newly established at a location ~~defined in section 527.4, subsection 3, paragraph "d"~~ in this state off the premises of the financial institution, then such upgraded, altered, or modified limited-function terminal or replacement point-of-sale terminal or such newly established point-of-sale terminal is deemed to be a full-function point-of-sale terminal for purposes of this subsection and all requirements of a satellite terminal in this chapter apply to the full-function point-of-sale terminal with regard to all transactions affecting customer asset accounts which are initiated through the use of an electronic personal identifier, except for section 527.4, ~~subsections 1, 2, and subsection 4,~~ section 527.4, subsection 3, paragraphs "a", "b", and "c", and subsections 1, 3, and 7 of this section.

Sec. \_\_\_\_ Section 527.5, subsection 12, Code 1999, is amended to read as follows:

29 12. Effective July 1, 1994, any transaction  
30 engaged in with a retailer through a satellite  
31 terminal at a location ~~described in section 527.4,~~  
32 ~~subsection 3, paragraph "d", in this state off the~~  
33 premises of the financial institution by means of an  
34 access device which results in a debit to a customer  
35 asset account shall be cleared and paid at par during  
36 the settlement of such transaction. Notwithstanding  
37 the terms of any contractual agreement between a  
38 retailer or financial institution and a national card  
39 association as described in subsection 11, an  
40 electronic funds transfer processing facility of a  
41 national card association, a central routing unit  
42 approved pursuant to this chapter, or a data  
43 processing center, the processing fees and charges for  
44 such transactions to the retailer shall be as  
45 contractually agreed upon between the retailer and the  
46 financial institution which establishes, owns,  
47 operates, controls, or processes transactions  
48 initiated at the satellite terminal. All accounting  
49 documents reflecting such fees and charges imposed on  
50 the retailer shall separately identify transactions

#### Page 5

1 which have resulted in a debit to a customer asset  
2 account and the charges imposed. The provisions of  
3 this subsection shall apply to all satellite  
4 terminals, including limited-function terminals, full-  
5 function point-of-sale terminals as identified in  
6 subsection 11, paragraph "a", and multiple use  
7 terminals.  
8 Sec. \_\_\_\_ EFFECTIVE DATE. This division of this  
9 Act, being deemed of immediate importance, takes  
10 effect upon enactment."

STEWART E. IVERSON, Jr.  
MICHAEL E. GRONSTAL

S-5673

1 Amend Senate File 2452 as follows:  
2 1. Page 2, by inserting after line 9 the  
3 following:  
4 "Sec. \_\_\_\_ 2000 Iowa Acts, House File 2555,  
5 section 3, subsection 2, is amended by adding the  
6 following new paragraph:  
7 NEW PARAGRAPH. d. A POS provider that has  
8 negotiated a reimbursement rate increase with a host  
9 county as of July 1, 2000, has the option of exemption  
10 from the provisions of this section. Nothing in this  
11 section precludes a county from increasing

reimbursement rates of POS providers that do not meet the criteria of this section or from increasing the rates by an amount that is greater than that specified in this section.

Sec. \_\_\_\_ Section 331.424A, subsection 6, paragraph c, as enacted by 2000 Iowa Acts, House File 2327, section 1, is amended to read as follows:

c. If a capital asset is owned by the county or the acquisition cost is charged to the county's general fund and the capital asset is used in part for a purpose payable from the county's services fund, the county's services fund shall annually reimburse the county's general fund for the use of the capital asset. For capital assets acquired on or after July 1, ~~2000~~ 2001, and for subsequent improvements of those capital assets, the reimbursement amount shall be in accordance with comparable federally approved depreciation schedules. For capital assets for which appropriations were included in the county budget prior to July 1, ~~2000~~ 2001, and for subsequent improvements of those capital assets, the reimbursement amount shall be the current fair market rate for use of the capital asset, as determined by an independent real estate appraiser.

Sec. \_\_\_\_ 2000 Iowa Acts, House File 2327, section 5, subsection 2, is amended to read as follows:

2. If, as of ~~the effective date of this Act~~ April 13, 2000, a county's base year expenditures includes expenditures for acquisition of a capital asset that effective July 1, 2001, are to be charged to the county's general fund in accordance with section 331.424A, subsection 6, as enacted by this Act, the county shall petition the county finance committee by ~~April 30~~ December 1, 2000, to approve an adjustment in the county's base year expenditures in an amount equal to those capital asset expenditures. The amount of the county's base year expenditures shall be adjusted in accordance with the county finance committee's action.

## Page 2

Sec. \_\_\_\_ 2000 Iowa Acts, House File 2327, section 5, subsection 3, is amended by striking the subsection.

Sec. \_\_\_\_ 2000 Iowa Acts, House File 2327, section 5, subsection 4, is amended to read as follows:

4. If before ~~the effective date of this section~~ April 13, 2000, the ownership or acquisition costs of a county's capital asset used in part for a purpose payable from the county's services fund were accrued to the county's services fund, beginning ~~with the~~

11 ~~effective date of this Act July 1, 2001~~, any  
12 appropriations or revenues attributable to that  
13 capital asset shall instead be accrued to the county's  
14 general fund. Except as expressly authorized by this  
15 Act, the county shall not make any adjustment to the  
16 county's services fund or general fund to remunerate  
17 the services fund for such appropriations or revenues  
18 that were accrued to the services fund before the  
19 transfer of accrual to the general fund.  
20 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2327, section  
21 6, is amended to read as follows:  
22 SEC. 6. EFFECTIVE AND APPLICABILITY DATES. This  
23 Act, being deemed of immediate importance, takes  
24 effect upon enactment. The amendments to section  
25 331.424A, 331.427, and 331.438, and the transition  
26 section in this Act are first applicable to county  
27 budgets and levies in effect for the fiscal year  
28 beginning July 1, ~~2000~~ 2001, and ending June 30, ~~2001~~  
29 2002.  
30 Sec. \_\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
31 APPLICABILITY. The sections in this division of this  
32 Act amending 2000 Iowa Acts, House File 2327, being  
33 deemed of immediate importance, take effect upon  
34 enactment and are retroactively applicable to April  
35 13, 2000."  
36 2. Page 2, by striking lines 18 through 24, and  
37 inserting the following:  
38 "Sec. \_\_\_\_\_. Section 12.65, Code 1999, is amended by  
39 striking the section and inserting in lieu thereof the  
40 following:  
41 12.65 TOBACCO SETTLEMENT ENDOWMENT FUND.  
42 1. A tobacco settlement endowment fund is created  
43 in the office of the treasurer of state. After  
44 payment of litigation costs, all moneys paid to the  
45 state pursuant to the master settlement agreement, as  
46 defined in section 453C.1, shall be deposited in the  
47 fund.  
48 2. Any moneys paid to the state by the tobacco  
49 settlement authority pursuant to chapter 12E shall be  
50 deposited in the fund. Additionally, the state's

### Page 3

1 share of the moneys which are not sold to the tobacco  
2 settlement authority pursuant to chapter 12E shall be  
3 deposited in the fund.  
4 3. Moneys deposited in the fund shall be used only  
5 in accordance with appropriations from the fund for  
6 purposes related to health care, substance abuse  
7 treatment and enforcement, tobacco use prevention and  
8 control, and other purposes related to the needs of  
9 children, adults, and families in the state.



4. A savings account for healthy Iowans is created within the tobacco settlement endowment fund. Moneys, appropriated annually, shall be deposited in the account and shall be invested to provide an ongoing source of investment earnings.

5. Notwithstanding section 8.33, any unexpended balance in the fund at the end of the fiscal year shall be retained in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the tobacco settlement endowment fund, in the savings account for healthy Iowans, and in any other account established within the fund shall be credited to the tobacco settlement endowment fund, to the savings account for healthy Iowans, or to any other account established, respectively.

6. For the purposes of this section, "litigation costs" are those costs itemized by the attorney general and submitted to and approved by the attorney general.

7. Moneys in the fund shall be considered part of the general fund of the state for cash flow purposes only, provided any moneys used for cash flow purposes are returned to the fund by the close of each fiscal year.

Sec. \_\_\_\_ REFERENCES. References to the tobacco settlement fund in other enactments of the 2000 session of the Seventy-eighth Iowa general assembly, are references to the tobacco settlement endowment fund.

Sec. \_\_\_\_ CONDITIONAL EFFECTIVENESS. Section 12.65, subsection 2, as enacted in this division of this Act, takes effect only if 2000 Iowa Acts, House File 2579 is enacted."

3. Page 2, by inserting after line 35 the following:

"DIVISION \_\_\_\_

MICROSOFT FUND

Sec. \_\_\_\_ NEW SECTION. 12.67 MICROSOFT SETTLEMENT FUND.

A Microsoft settlement fund is created in the

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1 office of the treasurer of state. The state portion  
2 of any moneys paid to the state by Microsoft in  
3 settlement of its federal antitrust trial or the  
4 state's antitrust lawsuit shall be deposited in the  
5 Microsoft settlement fund. Moneys deposited in the  
6 fund shall be used only as provided in appropriations  
7 made by the general assembly.

Notwithstanding section 12C.7, subsection 2,

9 interest or earnings on moneys in the Microsoft  
10 settlement fund shall be credited to the Microsoft  
11 settlement fund."  
12 4. Page 3, by inserting after line 13, the  
13 following:  
14 "DIVISION \_\_\_\_  
15 MISCELLANEOUS  
16 Sec. \_\_\_\_ NEW SECTION. 12C.26 REFUND FROM  
17 SINKING FUNDS.  
18 Upon recovery of a loss of public funds due to a  
19 failed Iowa financial institution, the treasurer of  
20 state may refund all or a portion of the recovered  
21 amount to the Iowa financial institutions that paid an  
22 assessment under this chapter as a result of that  
23 failure.  
24 Sec. \_\_\_\_ Section 100B.1, subsection 1, as enacted  
25 by 2000 Iowa Acts, House File 2492, section 8, is  
26 amended to read as follows:  
27 1. The state fire service and emergency response  
28 council is established in the division of fire  
29 protection of the department of public safety. The  
30 council shall consist of ~~ten~~ eleven voting members.  
31 Members of the state fire service and emergency  
32 response council shall be appointed by the governor.  
33 The governor shall appoint members ~~from the following~~  
34 ~~organizations, chosen~~ of the council from a list of  
35 ~~names~~ nominees submitted by each of the following  
36 organizations:  
37 a. Two members from a list submitted by the Iowa  
38 firemen's association.  
39 b. Two members from a list submitted by the Iowa  
40 fire chiefs' association.  
41 c. One member from a list submitted by the Iowa  
42 association of professional fire fighters.  
43 d. Two members from a list submitted by the Iowa  
44 association of professional fire chiefs.  
45 e. One member from a list submitted by the Iowa  
46 fire fighters group.  
47 f. One member from a list submitted by the Iowa  
48 emergency medical services association.  
49 A person nominated for membership on the council is  
50 not required to be a member of the organization that

## Page 5

1 nominates the person.  
2 The tenth ~~member~~ and eleventh members of the  
3 council shall be ~~a member~~ members of the general  
4 public appointed by the governor.  
5 The labor commissioner, or the labor commissioner's  
6 designee, shall be a nonvoting ex officio member of  
7 the council. Members of the council shall hold office

commencing July 1, 2000, for four years and until their successors are appointed, except that three initial appointees shall be appointed for two years, ~~three~~ four initial appointees for three years, and four initial appointees for four years.

The fire marshal or the fire marshal's designee shall attend each meeting of the council.

Sec. \_\_\_\_ Section 166D.7, subsection 4, paragraph a, Code 1999, as amended by 2000 Acts, Senate File 2312, section 10, is amended to read as follows:

a. The herd shall be certified when one hundred percent of breeding swine have reacted negatively to a test. The herd must have been free from infection for thirty days prior to testing. At least ninety percent of swine in the herd must have been on the premises as a part of the herd for at least sixty days prior to testing, or swine in the herd must have been directly moved or relocated from a qualified negative herd or qualified differentiable negative herd. A differentiable vaccine must be administered at intervals in accordance with the package insert for that vaccine. To remain certified, the herd must be retested and recertified as provided by the department. The herd shall be recertified when each ~~thirty days~~ month at least ~~twenty-five~~ ten percent of the herd's breeding swine react negatively to a test.

Sec. \_\_\_\_ Section 256E.2, subsection 2, Code Supplement 1999, is amended to read as follows:

2. The department shall adopt rules concerning the grant application and award process, including reasonable cost estimates for beginning teacher induction programs. The department may disapprove a plan submitted by a board if the plan does not meet the minimum criteria set forth in section 256E.3, subsection 2, or the plan exceeds the reasonable costs as determined by the department. If the cost estimates submitted by a board exceed reasonable cost estimates as determined by the department, the department shall work with the board to identify measures for reducing plan costs. If the department determines that moneys appropriated by the general assembly are insufficient to meet the grant requests for all approved beginning teacher induction program

## Page 6

plans, the department shall award grants based on the ~~geographic location and~~ district population of the school districts with approved plans. Grants may be awarded in subsequent years based upon the most recent plan on file with the department. It is the intent of the general assembly that the department approve plans

7 that incorporate local innovation and take into  
8 consideration local needs.

9 Sec. \_\_\_\_ Section 322A.11, Code 1999, is amended  
10 by adding the following new subsection:

11 NEW SUBSECTION. 5. The fact that the dealership  
12 does not meet an index or standard established by the  
13 franchiser, unless the franchiser proves that the  
14 failure of the dealership to meet the index or  
15 standard will be substantially detrimental to the  
16 distribution of the franchiser's motor vehicles in the  
17 community.

18 Sec. \_\_\_\_ Section 421.38, subsection 1, paragraph  
19 a, Code 1999, is amended to read as follows:

20 a. ~~TIME AND FUNDING LIMIT.~~ A claim shall not be  
21 allowed by the department of revenue and finance if  
22 ~~either of the following has occurred:~~

23 ~~(1) The claim is presented after the lapse of~~  
24 ~~three months from its accrual.~~

25 ~~(2) The the appropriation or fund of certification~~  
26 ~~available for paying the claim has been exhausted or~~  
27 ~~proves insufficient.~~

28 Sec. \_\_\_\_ Section 421.38, subsection 1, paragraph  
29 b, unnumbered paragraph 1, Code 1999, is amended to  
30 read as follows:

31 ~~The time limitation set forth in paragraph "a",~~  
32 ~~subparagraph (1), authority of the director is subject~~  
33 ~~to the following exceptions:~~

34 Sec. \_\_\_\_ 554D.104, subsection 4, as enacted by  
35 2000 Iowa Acts, House File 2205, is amended to read as  
36 follows:

37 4. A choice of law provision, ~~which is contained~~  
38 ~~in a computer information agreement that governs a~~  
39 ~~transaction subject to this chapter, that which~~  
40 ~~provides that the contract is to be interpreted~~  
41 ~~pursuant to the laws of a state that has enacted the~~  
42 ~~uniform computer information transactions Act, as~~  
43 ~~proposed by the national conference of commissioners~~  
44 ~~on uniform state laws, or any substantially similar~~  
45 ~~law, is voidable and the agreement shall be~~  
46 ~~interpreted pursuant to the laws of this state if the~~  
47 ~~party against whom enforcement of the choice of law~~  
48 ~~provision is sought is a resident of this state or has~~  
49 ~~its principal place of business located in this state.~~  
50 For purposes of this subsection, a "computer

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1 information agreement" means an agreement that would  
2 be governed by the uniform computer information  
3 transactions Act or substantially similar law as  
4 enacted in the state specified in the choice of laws  
5 provision if that state's law were applied to the

6 agreement.

7 Sec. \_\_\_\_ 2000 Iowa Acts, House File 2533, section  
8 28, subsections 2 and 29, are amended to read as  
9 follows:

10 2. For school lunch program, grant number 10555:

11 ..... \$ ~~50,203,658~~

12 ..... 50,075,000

13 29. For education of handicapped -- infants and  
14 toddlers, grant number 84181:

15 ..... \$ ~~2,869,783~~

16 ..... 2,863,283

17 Sec. \_\_\_\_ 2000 Iowa Acts, House File 2533, section  
18 38, is amended to read as follows:

19 SEC. 38. JUDICIAL BRANCH. Federal grants,  
20 receipts, and funds and other nonstate grants,  
21 receipts, and funds, available in whole or in part for  
22 the fiscal year beginning July 1, 2000, and ending  
23 June 30, 2001, are appropriated to the judicial branch  
24 for the purposes set forth in the grants, receipts, or  
25 conditions accompanying the receipt of the funds,  
26 unless otherwise provided by law. The following  
27 ~~amount is~~ amounts are appropriated to the judicial  
28 branch for the fiscal year beginning July 1, 2000, and  
29 ending June 30, 2001:

30 1. For United States department of health and  
31 human services, grant number 13000:

32 ..... \$ 150,000

33 2. For United States department of justice, grant  
34 number, 16000:

35 ..... \$ 177,028

36 Sec. \_\_\_\_ 2000 Iowa Acts, House File 2533, section  
37 39, subsection 1, is amended to read as follows:

38 1. For United States department of justice, grant  
39 number 16000:

40 ..... \$ ~~28,988~~

41 ..... 5,450,000

42 Sec. \_\_\_\_ 2000 Iowa Acts, House File 2533, section  
43 47, is amended by adding the following new  
44 subsections:

45 NEW SUBSECTION. 34. For United States department  
46 of justice, grant number 16000:

47 ..... \$ 28,988

48 NEW SUBSECTION. 35. For state and community  
49 highway safety, grant number 20600:

50 ..... \$ 90,000

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1 NEW SUBSECTION. 36. For education of handicapped  
2 -- infants and toddlers, grant number 84181:

3 ..... \$ 6,500

4 Sec. \_\_\_\_ 2000 Iowa Acts, House File 2533, section

5 48, subsections 2 and 4, are amended to read as  
6 follows:  
7 2. For department of justice, grant number 16000:  
8 .....\$ ~~6,684,074~~  
9 1,017,293  
10 4. For state and community highway safety, grant  
11 number 20600:  
12 .....\$ ~~2,534,863~~  
13 2,444,863  
14 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section  
15 49, subsection 4, is amended to read as follows:  
16 4. For school lunch program, grant number 10555:  
17 .....\$ ~~10,010~~  
18 228,668  
19 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 475, section  
20 5, is repealed.  
21 Sec. \_\_\_\_\_. EFFECTIVE DATE. The section in this  
22 division of this Act amending section 166D.7, being  
23 deemed of immediate importance, takes effect upon  
24 enactment.  
25 Sec. \_\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
26 APPLICABILITY. The section in this division of this  
27 Act enacting section 12C.26, being deemed of immediate  
28 importance, takes effect upon enactment and applies  
29 retroactively to refunds of assessments collected  
30 under chapter 12C on or after January 1, 2000."  
31 5. Page 3, by inserting after line 33 the  
32 following:  
33 "Sec. \_\_\_\_\_. Section 12.73, subsection 1, as enacted  
34 by 2000 Iowa Acts, Senate File 2447, section 17, is  
35 amended to read as follows:  
36 1. It is the intention of the general assembly  
37 that a pledge made in respect of bonds or notes shall  
38 be valid and binding from the time the pledge is made,  
39 that the money or property so pledged and received  
40 after the pledge by the ~~authority~~ treasurer of state  
41 shall immediately be subject to the lien of the pledge  
42 without physical delivery or further act, and that the  
43 lien of the pledge shall be valid and binding as  
44 against all parties having claims of any kind in tort,  
45 contract, or otherwise against the treasurer of state  
46 whether or not the parties have notice of the lien.  
47 Sec. \_\_\_\_\_. Section 12.83, as enacted by 2000 Iowa  
48 Acts, Senate File 2447, section 23, is amended to read  
49 as follows:  
50 12.83 PLEDGES.

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1 1. It is the intention of the general assembly  
2 that a pledge made in respect of bonds or notes shall  
3 be valid and binding from the time the pledge is made,

4 that the money or property so pledged and received  
5 after the pledge by the ~~authority~~ treasurer of state  
6 shall immediately be subject to the lien of the pledge  
7 without physical delivery or further act, and that the  
8 lien of the pledge shall be valid and binding as  
9 against all parties having claims of any kind in tort,  
10 contract, or otherwise against the treasurer of state  
11 whether or not the parties have notice of the lien.

12 2. The state pledges to and agrees with the  
13 holders of bonds or notes issued under section 12.81,  
14 that the state will not limit or alter the rights and  
15 powers vested in the treasurer of state to fulfill the  
16 terms of a contract made by the treasurer of state  
17 with respect to the bonds or notes, or in any way  
18 impair the rights and remedies of the holders until  
19 the bonds and notes, together with the interest on  
20 them including interest on unpaid installments of  
21 interest, and all costs and expenses in connection  
22 with an action or proceeding by or on behalf of the  
23 holders, are fully met and discharged. The treasurer  
24 of state is authorized to include this pledge and  
25 agreement of the state, as it refers to holders of  
26 bonds or notes of the ~~authority~~ treasurer of state, in  
27 a contract with the holders.

28 Sec. \_\_\_\_ Section 15F.304, subsection 3, paragraph  
29 h, subparagraph (4), as enacted by 2000 Iowa Acts,  
30 Senate File 2447, section 14, is amended to read as  
31 follows:

32 (4) Conservation of open space and farmland and  
33 ~~preserve~~ preservation of critical environmental  
34 areas."

35 6. Page 9, by inserting after line 5, the  
36 following:

37 "Sec. \_\_\_\_ Section 232.8, subsection 1, paragraph  
38 c, Code 1999, as amended by 2000 Iowa Acts, House File  
39 723, section 1, is amended to read as follows:

40 c. Violations by a child, age sixteen or older,  
41 which subject the child to the provisions of section  
42 124.401, subsection 1, paragraph "e" or "f", or  
43 violations of section 723A.2 which involve a violation  
44 of chapter 724, or violation of chapter 724 which  
45 constitutes a felony, or violations which constitute a  
46 forcible felony are excluded from the jurisdiction of  
47 the juvenile court and shall be prosecuted as  
48 otherwise provided by law unless the court transfers  
49 jurisdiction of the child to the juvenile court upon  
50 motion and for good cause. A child over whom

1 jurisdiction has not been transferred to the juvenile  
2 court, and who is convicted of a violation excluded

3 from the jurisdiction of the juvenile court under this  
4 paragraph, shall be sentenced pursuant to section  
5 124.401B, 902.9, or 903.1. Notwithstanding any other  
6 provision of the Code to the contrary, the court may  
7 accept from a child a plea of guilty, or may instruct  
8 the jury on a lesser included offense to the offense  
9 excluded from the jurisdiction of the juvenile court  
10 under this section, in the same manner as regarding an  
11 adult. However, the juvenile court shall have  
12 exclusive original jurisdiction in a proceeding  
13 concerning an offense of ~~livestock torture as provided~~  
14 ~~in section 717.3 or~~ animal torture as provided in  
15 section 717B.3A alleged to have been committed by a  
16 child under the age of seventeen.

17 Sec. \_\_\_\_\_. Section 232.8 subsection 3, unnumbered  
18 paragraph 2, as enacted by 2000 Iowa Acts, House File  
19 723, section 2, is amended to read as follows:

20 This subsection does not apply in a proceeding  
21 concerning an offense of ~~livestock torture as provided~~  
22 ~~in section 717.3 or~~ animal torture as provided in  
23 section 717B.3A alleged to have been committed by a  
24 child under the age of seventeen."

25 7. Page 11, by inserting after line 22 the  
26 following:

27 "Sec. \_\_\_\_\_. Section 322.3, subsection 14, paragraph  
28 b, unnumbered paragraph 1, as enacted by 2000 Iowa  
29 Acts, House File 2106, section 1, is amended to read  
30 as follows:

31 A manufacturer or importer from temporarily owning  
32 an interest in a motor vehicle dealership for the  
33 purpose of enhancing opportunities for persons who  
34 lack the financial resources to purchase the motor  
35 vehicle dealership without such assistance. A  
36 manufacturer or importer may temporarily own an  
37 interest in a motor vehicle dealership pursuant to  
38 this paragraph only if the manufacturer or importer  
39 enters into a contract with a person pursuant to ~~whom~~  
40 which all of the following apply:

41 Sec. \_\_\_\_\_. Section 331.506, subsection 1,  
42 paragraphs b, c, and d, as enacted by 2000 Iowa Acts,  
43 Senate File 2047, section 1, if 2000 Iowa Acts, House  
44 File 2205 is enacted, are amended to read as follows:

45 b. The auditor shall not issue a warrant to a  
46 drawee until the auditor has transmitted to the  
47 treasurer a list of the warrants to be issued. The  
48 list shall include the date, amount, and number of the  
49 warrant, name of the person to whom the warrant is  
50 issued, and the purpose for which the warrant is



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1 issued. The treasurer shall acknowledge receipt of  
2 the list by affixing the treasurer's signature at the  
3 bottom of the list and immediately returning the list  
4 to the auditor. The requirement that the treasurer  
5 sign to acknowledge receipt of the list is satisfied  
6 by use of a digital signature or other secure  
7 electronic signature if the county auditor and  
8 treasurer have complied with the applicable provisions  
9 of chapter ~~554C~~ 554D.

10 c. The warrant list signed by the treasurer shall  
11 be preserved by the auditor for at least two years.  
12 The requirement that the list be preserved is  
13 satisfied by preservation of the list in electronic  
14 form if the requirements of section ~~554C.205~~ 554D.113  
15 are met.

16 d. The requirement that the county auditor sign a  
17 warrant is satisfied by use of a digital signature or  
18 other secure electronic signature if the county  
19 auditor has complied with the applicable provisions of  
20 chapter ~~554C~~ 554D.

21 Sec. \_\_\_\_ Section 331.554, subsection 4, Code  
22 1999, as amended by 2000 Iowa Acts, Senate File 2047,  
23 section 3, if 2000 Iowa Acts, House File 2205 is  
24 enacted, is amended to read as follows:

25 4. The treasurer shall return the paid warrants to  
26 the auditor. The original warrant shall be preserved  
27 for at least two years. The requirement that the  
28 original warrant be preserved is satisfied by  
29 preservation of the warrant in electronic form if the  
30 requirements of section ~~554C.205~~ 554D.113 are met.  
31 The treasurer shall make monthly reports to show for  
32 each warrant the number, date, drawee's name, when  
33 paid, to whom paid, original amount, and interest."

34 8. Page 12, by inserting after line 2 the  
35 following:

36 "Sec. \_\_\_\_ Section 453A.3, subsection 1, Code  
37 1999, is amended to read as follows:

38 1. A person who violates section 453A.2,  
39 subsection 1, ~~or section 453A.39~~ is guilty of a simple  
40 misdemeanor.

41 Sec. \_\_\_\_ Section 453A.22, subsection 2,  
42 unnumbered paragraph 1, Code 1999, is amended to read  
43 as follows:

44 If a retailer or employee of a retailer has  
45 violated section 453A.2, or section 453A.36,  
46 subsection 6, ~~or 453A.39~~, the department or local  
47 authority, in addition to the other penalties fixed  
48 for such violations in this section, shall assess a  
49 penalty upon the same hearing and notice as prescribed  
50 in subsection 1 as follows:"

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9. Page 13, line 13, by striking the word and letter "paragraph a" and inserting the following: "paragraphs a, b, and c".

10. Page 13, line 14, by striking the word "is" and inserting the following: "are".

11. Page 13, by striking lines 16 through 21 and inserting the following:

"a. To intentionally place oneself in a location where a human presence may affect the behavior of a fur-bearing ~~game~~ animal, game, bird, or fish or the feasibility of killing or taking a fur-bearing ~~game~~ animal, game, bird, or fish with the intent of obstructing or harassing another person who is lawfully hunting, fishing, or fur harvesting.

b. To intentionally create a visual, aural, olfactory, or physical stimulus for the purpose of affecting the behavior of a fur-bearing ~~game~~ animal, game, bird, or fish with the intent of obstructing or harassing another person who is lawfully hunting, fishing, or fur harvesting.

c. To intentionally affect the condition or alter the placement of personal property used for the purpose of killing or taking a fur-bearing ~~game~~ animal, game, bird, or fish with the intent of obstructing or harassing another person who is lawfully hunting, fishing, or fur harvesting."

12. Page 16, by inserting after line 5 the following:

"Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2433, section 4, subsections 1 and 2, are amended to read as follows:

1. A comparison of the data elements collected by the basic educational data ~~elements~~ survey for K -12 schools to the data ~~elements~~ being collected by the management information system for community colleges to the chairpersons and ranking members of the joint appropriations subcommittee on education ~~appropriations~~ by January 15, 2001.

2. A report on the progress toward implementation of the management information system to the legislative fiscal bureau and department of management by ~~June 30~~ July 1, 2000."

13. Page 16, by inserting after line 11 the following:

"Sec. \_\_\_\_\_. 2000 Iowa Acts, Senate File 2248, section 20, is amended to read as follows:

SEC. 20. TRANSFER OF OSTEOPATHIC ~~FORGIVABLE~~ LOAN REVOLVING FUND MONEYS BY TREASURER. On the effective date of this Act, the treasurer of state shall transfer any balance in the osteopathic ~~forgivable~~

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1 loan ~~program~~ revolving fund to the osteopathic  
2 physician recruitment revolving fund established  
3 pursuant to section 13 of this Act."

4 14. Page 17, by inserting after line 7 the  
5 following:

6 "Sec. \_\_\_\_ EFFECTIVE AND RETROACTIVE APPLICABILITY  
7 PROVISIONS.

8 1. The amendments in this division of this Act to  
9 sections 453A.3 and 453A.22, being deemed of immediate  
10 importance, take effect upon enactment.

11 2. The amendment in this division of this Act to  
12 2000 Iowa Acts, Senate File 2193, section 23, being  
13 deemed of immediate importance, takes effect upon  
14 enactment, and applies retroactively to October 1,  
15 1999.

16 3. The amendment in this division of this Act to  
17 2000 Iowa Acts, Senate File 2254, section 4, being  
18 deemed of immediate importance, takes effect upon  
19 enactment, and applies retroactively to January 1,  
20 2000."

21 15. Page 17, by inserting before line 8 the  
22 following:

23 "DIVISION \_\_\_\_

24 DEPARTMENT OF REVENUE AND FINANCE  
25 TAX ADMINISTRATION

26 Sec. \_\_\_\_ NEW SECTION. 421.46 TAX AGREEMENTS  
27 WITH INDIAN TRIBES.

28 1. "Indian country" means the Indian country as  
29 defined in 18 U.S.C. } 1151, and includes trust land  
30 as defined by the United States secretary of the  
31 interior.

32 2. The department and the governing council of an  
33 Indian tribe may enter into an agreement to provide  
34 for the collection and distribution or refund by the  
35 department within Indian country of any tax or fee  
36 imposed by the state and administered by the  
37 department.

38 An agreement may also provide for the collection  
39 and distribution by the department of any tribal tax  
40 or fee imposed by tribal ordinance. The agreement may  
41 provide for the retention of an administrative fee by  
42 the department which fee shall be an agreed upon  
43 percentage of the gross revenue of the tribal tax or  
44 fee collected.

45 3. The provisions of this section shall not be  
46 construed to establish or relinquish any jurisdiction  
47 the state or an Indian tribe might have to levy or  
48 collect from any person any tax or fee within or  
49 without Indian country.

50 Sec. \_\_\_\_ EFFECTIVE DATE. This division of this

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1 Act, being deemed of immediate importance, takes  
2 effect upon enactment.

3 DIVISION \_\_\_\_

4 OTHER APPROPRIATIONS

5 Sec. \_\_\_\_ DEPARTMENT FOR THE BLIND. There is  
6 appropriated from the general fund of the state to the  
7 department for the blind for the fiscal year beginning  
8 July 1, 2000, and ending June 30, 2001, the following  
9 amounts, or so much thereof as is necessary, to be  
10 used for the purposes designated:

11 1. For establishment of statewide access to the  
12 newslines for the blind furnished by the national  
13 federation of the blind:

14 .....\$ 15,000

15 2. For use in enabling blind individuals to  
16 independently access newspapers through the operations  
17 of the Iowa radio reading information service:

18 .....\$ 15,000

19 Sec. \_\_\_\_ CHILD SUPPORT RECOVERY. There is  
20 appropriated from the general fund of the state to the  
21 department of human services for the fiscal year  
22 beginning July 1, 2000, and ending June 30, 2001, the  
23 following amount, or so much thereof as is necessary,  
24 to be used for the purpose designated:

25 For child support recovery, to be used in  
26 accordance with the appropriation made for this  
27 purpose in 2000 Iowa Acts, Senate File 2435:

28 .....\$ 200,000

29 Sec. \_\_\_\_ 2000 Iowa Acts, House File 2552,  
30 section 4, subsection 1, paragraph a, is amended to  
31 read as follows:

32 a. For the operation of the Fort Madison  
33 correctional facility, including salaries, support,  
34 maintenance, employment of correctional officers,  
35 miscellaneous purposes, and for not more than the  
36 following full-time equivalent positions:

37 .....\$ ~~30,153,729~~

38 29,865,654

39 .....FTEs ~~533.50~~

40 528.58

41 Sec. \_\_\_\_ 2000 Iowa Acts, House File 2552, section  
42 4, subsection 1, paragraph c, is amended by adding the  
43 following new unnumbered paragraph:

44 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
45 appropriated in this paragraph, \$50,000 is  
46 appropriated from the general fund of the state to the  
47 department of corrections for the fiscal year  
48 beginning July 1, 2000, and ending June 30, 2001, for  
49 ongoing technology needs at the Oakdale correctional  
50 facility.

**Page 15**

1   Sec. \_\_\_\_ 2000 Iowa Acts, House File 2552, section  
2   4, subsection 1, paragraph h, is amended by adding the  
3   following new unnumbered paragraph:  
4   NEW UNNUMBERED PARAGRAPH. In addition to the funds  
5   appropriated in this paragraph, \$62,572 is  
6   appropriated from the general fund of the state to the  
7   department of corrections for the fiscal year  
8   beginning July 1, 2000, and ending June 30, 2001, for  
9   ongoing technology needs at the Mitchellville  
10   correctional facility.

11   Sec. \_\_\_\_ 2000 Iowa Acts, House File 2552, section  
12   7, subsection 1, paragraph a, is amended by adding the  
13   following new unnumbered paragraph:  
14   NEW UNNUMBERED PARAGRAPH. In addition to the funds  
15   appropriated in this paragraph, \$22,571 is  
16   appropriated from the general fund of the state to the  
17   department of corrections for the fiscal year  
18   beginning July 1, 2000, and ending June 30, 2001, for  
19   ongoing technology needs of the first judicial  
20   district department of correctional services.

21   Sec. \_\_\_\_ 2000 Iowa Acts, House File 2552, section  
22   7, subsection 1, paragraph b, is amended by adding the  
23   following new unnumbered paragraph:  
24   NEW UNNUMBERED PARAGRAPH. In addition to the funds  
25   appropriated in this paragraph, \$1,680 is appropriated  
26   from the general fund of the state to the department  
27   of corrections for the fiscal year beginning July 1,  
28   2000, and ending June 30, 2001, for ongoing technology  
29   needs of the second judicial district department of  
30   correctional services.

31   Sec. \_\_\_\_ 2000 Iowa Acts, House File 2552, section  
32   7, subsection 1, paragraph e, is amended by adding the  
33   following new unnumbered paragraph:  
34   NEW UNNUMBERED PARAGRAPH. In addition to the funds  
35   appropriated in this paragraph, \$70,095 is  
36   appropriated from the general fund of the state to the  
37   department of corrections for the fiscal year  
38   beginning July 1, 2000, and ending June 30, 2001, for  
39   ongoing technology needs of the fifth judicial  
40   district department of correctional services.

41   Sec. \_\_\_\_ 2000 Iowa Acts, House File 2552, section  
42   7, subsection 1, paragraph f, is amended by adding the  
43   following new unnumbered paragraph:  
44   NEW UNNUMBERED PARAGRAPH. In addition to the funds  
45   appropriated in this paragraph, \$60,000 is  
46   appropriated from the general fund of the state to the  
47   department of corrections for the fiscal year  
48   beginning July 1, 2000, and ending June 30, 2001, for  
49   ongoing technology needs of the sixth judicial  
50   district department of correctional services.

**Page 16**

1   Sec. \_\_\_\_ 2000 Iowa Acts, House File 2552, section  
2   7, subsection 1, paragraph g, is amended by adding the  
3   following new unnumbered paragraph:  
4   NEW UNNUMBERED PARAGRAPH. In addition to the funds  
5   appropriated in this paragraph, \$11,740 is  
6   appropriated from the general fund of the state to the  
7   department of corrections for the fiscal year  
8   beginning July 1, 2000, and ending June 30, 2001, for  
9   ongoing technology needs of the seventh judicial  
10   district department of correctional services."  
11   16. Title page, line 2, by striking the words  
12   "providing an effective date" and inserting the  
13   following: "including effective date and retroactive  
14   applicability provisions".  
15   17. By renumbering, relettering, or redesignating  
16   and correcting internal references as necessary.

DERRYLL McLAREN

S-5674

1   Amend the amendment, S-5673, to Senate File 2452 as  
2   follows:  
3   1. Page 7, by inserting after line 6 the  
4   following:  
5   "Sec. \_\_\_\_ 2000 Iowa Acts, Senate File 2453,  
6   section 5, subsection 2, is amended to read as  
7   follows:  
8   2. For facility utilization review services  
9   including a program statement, site recommendations,  
10   schematic designs, and other design development for  
11   additional facilities which will meet laboratory,  
12   office, and other facility needs of state agencies,  
13   including but not limited to interim ~~or long term~~  
14   leasing and relocation needs related to such projects,  
15   notwithstanding section 8.57, subsection 5, paragraph  
16   "c":  
17   .....\$     3,200,000  
18   Sec. \_\_\_\_ 2000 Iowa Acts, Senate File 2453,  
19   section 5, subsection 3, is amended by adding the  
20   following new unnumbered paragraph :  
21   NEW UNNUMBERED PARAGRAPH. The department shall  
22   adhere to the competitive bidding requirements of  
23   chapter 18 for all routine maintenance projects having  
24   a total cost of \$25,000 or more."  
25   2. By numbering, renumbering, and correcting  
26   internal references as necessary.

STEWART E. IVERSON, Jr.

S-5675

- 1 Amend House File 2579, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 4, through page 2,
- 4 line 13.
- 5 2. Page 6, by striking lines 29 through 31, and
- 6 inserting the following:
- 7 "1. Subject to the program plan as authorized by a
- 8 constitutional majority of each house of the general
- 9 assembly and approved by the governor, the governor
- 10 shall sell".
- 11 3. Page 8, by striking lines 3 through 18, and
- 12 inserting the following: "and the executive council.
- 13 A program plan shall not be implemented unless
- 14 implementation of the program plan is authorized by a
- 15 constitutional majority of each house of the general
- 16 assembly and approved by the governor."
- 17 4. Page 9, by striking lines 9 through 15, and
- 18 inserting the following: "to authorization of the
- 19 program plan by a constitutional majority of each
- 20 house of the general assembly and approval by the
- 21 governor."
- 22 5. By striking page 19, line 4, through page 20,
- 23 line 2.
- 24 6. Page 20, by striking lines 19 through 22.
- 25 7. Page 20, by inserting before line 23, the
- 26 following:
- 27 "Sec. \_\_\_\_ Chapter 12E is repealed March 1, 2001."
- 28 8. Title page, line 2, by inserting after the
- 29 word "bonds," the following: "providing for a
- 30 repeal,".
- 31 9. By renumbering as necessary.

JEFF LAMBERTI

S-5676

- 1 Amend the amendment, S-5673, to Senate File 2452 as
- 2 follows:
- 3 1. Page 11, by striking lines 34 through 50.

GENE MADDOX

S-5677

- 1 Amend the amendment, S-5673, to Senate File 2452 as
- 2 follows:
- 3 1. Page 14, by striking lines 19 through 28 and
- 4 inserting the following:
- 5 "Sec. \_\_\_\_ 2000 Iowa Acts, Senate File 2435,
- 6 section 7, unnumbered paragraph 2, is amended to read

7 as follows:  
8 For child support recovery, including salaries,  
9 support, maintenance, and miscellaneous purposes and  
10 for not more than the following full-time equivalent  
11 positions:  
12 .....\$ ~~6,471,841~~  
13 6,671,841  
14 .....FTE 272.40"

DERRYL McLAREN

HOUSE AMENDMENT TO  
SENATE FILE 2433

S-5678

1 Amend Senate File 2433, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 26, by striking the figure  
4 "2,981,920" and inserting the following: "3,181,920".  
5 2. Page 3, by inserting after line 13 the  
6 following:  
7 "6. The department of economic development and the  
8 Iowa utilities board shall jointly develop a written  
9 report with recommendations to ensure that high-speed  
10 broadband internet access is available to rural areas  
11 of the state where such access is not currently  
12 available. The written report shall be submitted to  
13 the legislative oversight committee of the legislative  
14 council by no later than October 1, 2000."  
15 3. Page 4, line 16, by striking the figure  
16 "3,563,943" and inserting the following: "4,563,943".  
17 4. Page 4, by inserting after line 17 the  
18 following:  
19 "The division of information technology services  
20 shall not increase any fees or charges to other state  
21 agencies for services provided to such state agencies  
22 by the division, unless such increase in fees or  
23 charges is first submitted to, and approved by, the  
24 department of management. It is the intent of the  
25 general assembly that the division not increase fees  
26 for the purpose of generating revenue to offset the  
27 difference in the amount of the appropriation  
28 contained in this section and the amount of the  
29 appropriation initially requested for the division by  
30 the department of general services."  
31 5. Page 5, line 8, by inserting after the figure  
32 "2001." the following: "However, the amount to be  
33 deposited in the general fund pursuant to this  
34 unnumbered paragraph shall be reduced by an amount  
35 equal to the amount of revenue received by the state  
36 for deposit in the general fund of the state that



exceeds the most recent estimate of the revenue estimating conference created in section 8.22A for the fiscal year beginning July 1, 1999, and ending June 30, 2000. The amount of the reduction in revenue to be deposited in the general fund as determined under this unnumbered paragraph shall be deposited in the pooled technology account."

6. By striking page 5, line 13, through page 8, line 3, and inserting the following:

"a. The first \$1,500,000 shall be allocated to the department of education for purposes of making technology available to students of accredited nonpublic schools in accordance with section 201 of this Act.

## Page 2

b. The next \$1,000,000 shall be allocated to the university of northern Iowa for developing a twenty-first century learning initiative. The university of northern Iowa shall consult with the division of information technology services of the department of general services and the department of education in developing this initiative.

c. The next \$3,500,000 shall be allocated to the Iowa telecommunications and technology commission for continued buildout of asynchronous transfer mode technology for the network.

d. The next \$200,000 shall be allocated to the department of management for developing budget system programs for township trustees.

e. The next \$21,000,000 shall be allocated to the division of information technology services of the department of general services only for the projects designated in this paragraph as follows:

(1) A process project office for the division of information technology services of the department of general services.

(2) An electronic data collection, management, and reporting associated with the temporary assistance for needy families (TANF) welfare reform program of the department of human services.

(3) A child support recovery unit system for the department of human services.

(4) A corrections offender network for the department of corrections.

(5) The development of a resource house for the department of workforce development.

(6) A data warehouse for the division of criminal and juvenile justice planning of the department of human rights.

(7) Participation in the field automation and

36 information management system (FAIM) by the department  
37 of agriculture and land stewardship.  
38 (8) Gasoline measurement testing equipment for the  
39 department of agriculture and land stewardship.  
40 (9) An electronic benefits transfer system for the  
41 department of human services.  
42 (10) An electronic database directory of all  
43 health care and support services available to senior  
44 citizens for the department of elder affairs, as  
45 required under the senior living program Act, as  
46 enacted in Senate File 2193, and for other costs  
47 associated with the implementation of that program.  
48 (11) The costs associated with filings under the  
49 Uniform Commercial Code if House File 2513 is enacted  
50 and incurred by the secretary of state.

**Page 3**

1 (12) The conversion to digital television  
2 broadcasts by the public broadcasting division of the  
3 department of education.  
4 (13) The continued buildout of asynchronous  
5 transfer mode technology for the Iowa communications  
6 network by the Iowa telecommunications and technology  
7 commission.  
8 (14) An integrated institutional computer system  
9 for the veterans home of the department of veterans  
10 affairs.  
11 (15) An electronic data warehouse for the  
12 department of human services.  
13 (16) Establishment of an Iowa communications  
14 network room in the state historical building for the  
15 department of cultural affairs.  
16 (17) An electronic data interchange for the  
17 department of education.  
18 (18) The development and implementation of an  
19 electronic professional license renewal system for the  
20 division of information technology services of the  
21 department of general services.  
22 (19) The development and implementation of an  
23 electronic system for vital records for the Iowa  
24 department of public health.  
25 (20) The telefiling of tax returns for the  
26 department of revenue and finance.  
27 (21) The development and implementation of an on-  
28 line system for issuing environmental permits for the  
29 department of natural resources.  
30 (22) Reengineering projects for the division of  
31 information technology services of the department of  
32 general services.  
33 (23) For budget system redesign to be completed by  
34 the department of management.

(24) The development and implementation of information technology security by the division of information technology services of the department of general services."

7. By striking page 8, line 35, through page 9, line 1 and inserting the following: "section 321A.3, subsection 1, shall be transferred to".

8. Page 9, by striking lines 9 through 12.

9. Page 9, by inserting after line 17 the following:

"Sec. \_\_\_\_ Section 14B.102, subsection 3, 2000 Iowa Acts, Senate File 2395, if enacted, is amended by striking the subsection and inserting the following:  
3. SERVICE CHARGES. The department shall render a statement to a participating agency or other governmental entity for a reasonable and necessary

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1 amount for information technology provided by the  
2 department to such agency or entity. An amount  
3 indicated on a statement rendered to a participating  
4 agency or other governmental entity shall be paid by  
5 such agency or entity in a manner determined by the  
6 department of revenue and finance. Amounts charged  
7 and paid pursuant to this subsection shall be  
8 deposited in the operations revolving fund created in  
9 section 14B.102A."

10. Page 12, by inserting after line 28 the following:

"Sec. 101. Section 455G.3, subsection 3, paragraph e, Code Supplement 1999, is amended by striking the paragraph.

Sec. 102. Section 455G.6, subsection 17, Code Supplement 1999, is amended by striking the subsection.

Sec. 103. Section 455G.9, subsection 1, Code Supplement 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. Corrective action in response to a high risk condition caused by a release from an underground storage tank located on a site for which the department, after January 31, 1997, has issued a no further action certificate under section 455B.474. As a condition of receiving benefits under this paragraph, the department must determine that the condition necessitating the corrective action was not a result of a release that occurred after the issuance of the no further action certificate, and that the site qualified for remedial benefits under this section prior to the issuance of the no further action certificate. No more than one hundred thousand

34 dollars per site may be used for the costs of a  
35 corrective action under this paragraph. This  
36 paragraph does not confer a legal right on an owner or  
37 operator of petroleum-contaminated property or on any  
38 other person to receive benefits under this  
39 paragraph."

40 11. Page 16, by inserting after line 9, the  
41 following:

42 "Sec. 104. Section 455G.22, Code 1999, is  
43 repealed.

44 Sec. 105. Notwithstanding section 455G.22,  
45 unencumbered and unobligated moneys remaining in the  
46 no further action fund on the effective date of this  
47 section shall be transferred to the pooled technology  
48 account established in section 5 of this Act."

49 12. Page 16, by inserting after line 9 the  
50 following:

## Page 5

1 "Sec. \_\_\_\_ Section 14B.102, subsection 2,  
2 paragraph d, as enacted by 2000 Iowa Acts, Senate File  
3 2395, is amended to read as follows:

4 ~~d. Developing and implementing recommended~~  
5 Implementing standards for information technology;  
6 ~~including but not limited to system design and systems~~  
7 ~~integration and interoperability, as developed by the~~  
8 council pursuant to section 14B.107, which when  
9 implemented shall apply to all participating agencies  
10 except as otherwise provided in this chapter. The  
11 department shall implement information technology  
12 standards as established pursuant to this chapter  
13 which are applicable to information technology  
14 procurements for participating agencies and to  
15 information technology development by participating  
16 agencies.

17 Sec. \_\_\_\_ Section 14B.104, subsection 2, paragraph  
18 b, as enacted by 2000 Iowa Acts, Senate File 2395, is  
19 amended to read as follows:

20 b. Develop recommended standards ~~for consideration~~  
21 with respect to the procurement and development of  
22 information technology by all participating agencies  
23 as provided in section 14B.107.

24 Sec. \_\_\_\_ Section 14B.107, as enacted by 2000 Iowa  
25 Acts, Senate File 2395, is amended to read as follows:

26 14B.107 INFORMATION TECHNOLOGY STANDARDS.

27 The information technology council shall develop  
28 recommended standards for consideration with respect  
29 to the procurement and development of information  
30 technology by all participating agencies. It is the  
31 intent of the general assembly that information  
32 technology standards be established for the purpose of

guiding such procurements and development. Such standards, unless waived by the council, shall apply to all information technology procurements for participating agencies and to all information technology development by participating agencies. Standards adopted pursuant to this section shall apply to existing information technology in use by participating agencies on the effective date of this Act. A participating agency, by no later than June 30, 2002, shall seek to procure or develop information technology to replace existing information technology which does not meet the standards adopted by the council, unless a waiver is procured with respect to such information technology pursuant to section 14B.104.

The office of the governor or the office of an elective constitutional or statutory officer shall consult with the department prior to procuring or

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developing information technology and consider the standards recommended by the council, and provide a written report to the department relating to the office's decision regarding such ~~acquisitions~~ procurements or development.

Sec. \_\_\_\_\_. Section 14B.108, subsection 2, paragraph a, as enacted by 2000 Iowa Acts, Senate File 2395, is amended to read as follows:

a. Standards established by the council, unless waived pursuant to section 14B.104, shall apply to all information technology procurements for participating agencies and to all information technology development by participating agencies.

Sec. 201. TECHNOLOGY SERVICES FOR ACCREDITED NONPUBLIC SCHOOL STUDENTS.

1. Technology adopted and purchased by a school district shall, to the extent funds are appropriated by the general assembly, be made available to students of accredited nonpublic schools located within the boundaries of the school district upon the written request of the authorities in charge of the accredited nonpublic school on behalf of the school's students as provided in this section.

2. Funds appropriated for purposes of this section shall be allocated to school districts for the purchase of technology for accredited nonpublic schools as provided in this section, subject to the restrictions of section 295.4, subsection 1. The department of education shall ascertain a maximum annual amount the school district shall be required to use for the purchase of technology for participating

32 accredited nonpublic schools. The amount shall be in  
33 the proportion that the basic enrollment of a  
34 participating accredited nonpublic school bears to the  
35 sum of the basic enrollments of all participating  
36 accredited nonpublic schools in the state for the  
37 budget year. A participating accredited nonpublic  
38 school shall certify its actual enrollment to the  
39 department of education by October 1, 2000. By  
40 October 15, 2000, the department of education shall  
41 notify the board of directors of each school district  
42 of the maximum amount of its allocation that shall be  
43 made available for purchasing nonsectarian,  
44 nonreligious technology for each of the participating  
45 accredited nonpublic schools located within the school  
46 district in accordance with this section. For  
47 purposes of this section only, an accredited nonpublic  
48 school's enrollment count shall include only students  
49 who are residents of Iowa.  
50 3. The costs of providing technology to

**Page 7**

1 participating accredited nonpublic schools as provided  
2 in this section shall not be included in the  
3 computation of district cost under chapter 257, but  
4 shall be shown in the budget as an expense from  
5 miscellaneous income. Technology expenditures made in  
6 accordance with this section shall be kept on file in  
7 the school district."  
8 13. Page 16, by inserting after line 28 the  
9 following:  
10 "Sec. \_\_\_\_ DEPARTMENT OF MANAGEMENT  
11 RECOMMENDATIONS. The department of management shall  
12 develop written recommendations to be delivered to the  
13 general assembly by no later than the start of the  
14 2001 regular legislative session with respect to both  
15 of the following:  
16 1. Resolution of the overbilling of the federal  
17 government for certain services provided by the state  
18 to the federal government, and as a result of which  
19 the federal government is seeking reimbursement.  
20 2. The manner in which the state's three data  
21 centers should be managed."  
22 14. Page 16, line 29, by inserting after the  
23 figure "5," the following: "101, 102, 103,".  
24 15. Page 16, line 30, by striking the word and  
25 figure "and 17" and inserting the following: "17,  
26 104, and 105".  
27 16. By renumbering, relettering, or redesignating  
28 and correcting internal references as necessary.

S-5679

1 Amend the amendment, S-5673, to Senate File 2452,  
2 as follows:

3 1. Page 14, by inserting before line 29 the  
4 following:

5 "Sec. \_\_\_\_ 2000 Iowa Acts, Senate File 2433,  
6 section 5, subsection 2, if enacted by the 2000  
7 Session of the Seventy-eighth General Assembly, is  
8 amended by adding the following new lettered  
9 paragraph:

10 NEW LETTERED PARAGRAPH. cc. The next \$350,000  
11 shall be allocated to the office of the secretary of  
12 state for its responsibilities under the uniform  
13 commercial code, if 2000 Iowa Acts, House File 2513 is  
14 enacted.

15 Sec. \_\_\_\_ 2000 Iowa Acts, Senate File 2433,  
16 section 5, subsection 2, paragraph e, unnumbered  
17 paragraph 1, if enacted by the 2000 Session of the  
18 Seventy-eighth General Assembly, is amended to read as  
19 follows:

20 The next ~~\$21,000,000~~ \$20,650,000 shall be allocated  
21 to the division of information technology services of  
22 the department of general services only for the  
23 projects designated in this paragraph as follows:"

24 2. Page 14, by inserting before line 29 the  
25 following:

26 "Sec. \_\_\_\_ 2000 Iowa Acts, Senate File 2433,  
27 section 5, subsection 2, paragraph d, subparagraph  
28 (11), if enacted by the 2000 Session of the Seventy-  
29 eighth General Assembly, is amended by striking the  
30 subparagraph and inserting in lieu thereof the  
31 following:

32 (11) The costs associated with electronic filing  
33 of corporate documents with the office of the  
34 secretary of state."

35 3. By renumbering as necessary.

TOM FLYNN

S-5680

1 Amend the amendment, S-5673, to Senate File 2452 as  
2 follows:

3 1. By striking page 13, line 24 through page 14,  
4 line 3.

DERRYL McLAREN

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2549

S-5681

- 1 Amend the Senate amendment, H-9105, to House File  
2 2549, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 14, by striking line 38 and inserting the  
5 following:  
6 " .....\$ 1,284,586"  
7 2. Page 19, by striking lines 23 through 37.  
8 3. Page 29, by striking lines 18 through 27.  
9 4. By renumbering, redesignating, and correcting  
10 internal references as necessary.

S-5682

- 1 Amend the amendment, S-5673, to Senate File 2452,  
2 as follows:  
3 1. Page 14, by inserting before line 29 the  
4 following:  
5 "Sec. \_\_\_\_ 2000 Iowa Acts, Senate File 2433,  
6 section 5, subsection 2, if enacted by the 2000  
7 Session of the Seventy-eighth General Assembly, is  
8 amended by adding the following new lettered  
9 paragraph:  
10 NEW LETTERED PARAGRAPH. cc. The next \$350,000  
11 shall be allocated to the office of the secretary of  
12 state for its responsibilities under the uniform  
13 commercial code, if 2000 Iowa Acts, House File 2513 is  
14 enacted.  
15 Sec. \_\_\_\_ 2000 Iowa Acts, Senate File 2433,  
16 section 5, subsection 2, paragraph "e", unnumbered  
17 paragraph 1, if enacted by the 2000 Session of the  
18 Seventy-eighth General Assembly, is amended to read as  
19 follows:  
20 The next ~~\$21,000,000~~ \$20,650,000 shall be allocated  
21 to the division of information technology services of  
22 the department of general services only for the  
23 projects designated in this paragraph as follows:"  
24 2. Page 14, by inserting before line 29 the  
25 following:  
26 "Sec. \_\_\_\_ 2000 Iowa Acts, Senate File 2433,  
27 section 5, subsection 2, paragraph "e", subparagraph  
28 (11), if enacted by the 2000 Session of the Seventy-  
29 eighth General Assembly, is amended by striking the  
30 subparagraph and inserting in lieu thereof the  
31 following:  
32 (11) The costs associated with electronic filing  
33 of corporate documents with the office of the



34 secretary of state."

35 3. By renumbering as necessary.

TOM FLYNN

S-5683

1 Amend the amendment, S-5673, to Senate File 2452,  
2 as follows:

3 1. Page 3, by inserting after line 34 the  
4 following:

5 "Sec. \_\_\_\_ Section 12E.3, subsection 7, if enacted  
6 by 2000 Iowa Act, House File 2579, is amended to read  
7 as follows:

8 7. "Program plan" means the tobacco settlement  
9 program plan established in this chapter ~~to provide~~  
10 ~~for the implementation of the findings and purposes of~~  
11 ~~this chapter.~~

12 Sec. \_\_\_\_ Section 12E.4, subsection 2, paragraph  
13 i, if enacted by 2000 Iowa Acts, House File 2579, is  
14 amended to read as follows:

15 i. To implement the purposes of this chapter ~~as~~  
16 ~~stated in the findings of the general assembly in~~  
17 ~~section 12E.2.~~

18 Sec. \_\_\_\_ The section in this division of this Act  
19 amending sections 12E.3 and 12E.4, being deemed of  
20 immediate importance, takes effect upon enactment."  
21 2. By renumbering as necessary.

JEFF LAMBERTI

S-5684

1 Amend the amendment, S-5673, to Senate File 2452 as  
2 follows:

3 1. Page 11, by inserting after line 40 the  
4 following:

5 "Sec. \_\_\_\_ Section 453A.3, subsection 1, paragraph  
6 c, as enacted by 2000 Iowa Acts, Senate File 2366,  
7 section 3, is amended to read as follows:

8 c. A person who violates section ~~453A.39~~ 142A.6  
9 subsection 6, is guilty of a simple misdemeanor."

10 2. Page 11, line 46, by inserting after the  
11 figure "~~453A.39~~," the following: "or section 142A.6  
12 subsection 6."

13 3. By renumbering as necessary.

MICHAEL W. CONNOLLY



**SENATE RESOLUTIONS AND  
CONCURRENT RESOLUTIONS**

**Adopted by the Senate and not  
previously printed during the**

**Seventy-Eighth General Assembly**

**2000 Regular Session**

## SENATE RESOLUTION NO. 102

By: Jensen and Gronstal

A resolution requesting that Congress reaffirm the rights of states to regulate automated teller machines and the fees and charges assessed by financial institutions.

WHEREAS, the Electronic Funds Transfer Act, 15 U.S.C. § 1693, adopted by the United States Congress, provides a basic framework establishing the rights, liabilities, and responsibilities of participants in electronic funds transfer systems with its primary objective being the protection of individual consumer rights; and

WHEREAS, the Electronic Funds Transfer Act permits the individual states to regulate electronic funds transfers to the extent that state law is not inconsistent with the Electronic Funds Transfer Act, and provides that state law is not inconsistent if it affords greater protection to consumers than is afforded by the Electronic Funds Transfer Act; and

WHEREAS, Iowa has enacted Iowa Code chapter 527 to regulate electronic funds transfers including the establishment and operation of automated teller machines and related fees, charges, and procedures to provide greater protections to consumers than is afforded by the Electronic Funds Transfer Act; and

WHEREAS, certain out-of-state national banks, supported by the office of the United States Comptroller of the Currency, are attempting to judicially preempt the Iowa law in order that

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automated teller machines may be placed and operated in Iowa without complying with Iowa law; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the United States Congress reaffirm the rights of individual states to regulate electronic funds transfers, including the rights and liabilities of consumers and financial institutions, the operation of automated teller machines and remote service units, and related fees, charges, and procedures, to the extent not inconsistent with the Electronic Funds Transfer Act, in order to protect the rights of consumers and all other parties associated with electronic funds transfers; and

BE IT FURTHER RESOLVED, That, upon adoption, an official copy of this Resolution be delivered to each member of Iowa's congressional delegation.

## SENATE RESOLUTION NO. 103

By: Freeman

A resolution honoring native Iowan

and St. Louis Rams offensive lineman Adam Timmerman.

WHEREAS, Adam Timmerman was born and raised on a

farm outside of Cherokee, Iowa, and attended college

at South Dakota State where he was a four-year

football letterman, twice a winner of first-team

academic all-conference honors, and a recipient of the

Jim Langer Award, presented to the nation's top

Division II lineman; and

WHEREAS, Adam Timmerman was drafted by the Green

Bay Packers in 1995 and played as a starting offensive

lineman in every game of the 1996 season in which the

Packers won the National Football League championship,

winning Super Bowl XXX; and

WHEREAS, after starting every game of the 1997

season and helping the Packers to a Super Bowl XXXI

appearance, Adam Timmerman became a free agent in 1998

and was signed by the St. Louis Rams; and

WHEREAS, Adam Timmerman played an important role in

the remarkable turnaround of the St. Louis Rams

football team this season, helping the Rams win a

division championship, the National Football

Conference championship, and the National Football

League championship; and

WHEREAS, the Rams' Super Bowl XXXIV victory marks

Adam Timmerman's third Super Bowl appearance in four

years; and

WHEREAS, Adam Timmerman still returns annually to

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the family farm near Cherokee to help his brother with

spring planting; and

WHEREAS, the citizens of Iowa are extremely proud

of Adam Timmerman and admire the hard work,

determination, and integrity he has shown in achieving

his success; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That Adam Timmerman

be congratulated for his outstanding accomplishments

and be thanked for the excitement and inspiration he

has brought to the citizens of the State of Iowa.

## SENATE RESOLUTION NO. 104

By: Iverson, Angelo, Bartz, Behn, Boettger, Drake,

Freeman, Gaskill, Hedge, Jensen, Johnson, King,

Kramer, Lamberti, Lundby, Maddox, McKean, McKibben,

McLaren, Miller, Redfern, Redwine, Rehberg, Rife,

Rittmer, Schuerer, Sexton, Tinsman, Veenstra,

and Zieman

(COMPANION TO LSB 6626HH BY RANTS)

9 A resolution honoring Kayne Robinson, Chairman of the  
10 Republican Party of Iowa, and the Republican Party  
11 of Iowa for outstanding achievements in bringing  
12 about nationwide recognition for the year 2000  
13 presidential precinct caucuses.

14 WHEREAS, every two years the major political  
15 parties in the State of Iowa hold precinct caucuses to  
16 select delegates from each major political party to  
17 attend the county conventions; and

18 WHEREAS, since 1976, the precinct caucuses held in  
19 presidential election years by the two major political  
20 parties have been used for determining support for  
21 presidential candidates and have served as our  
22 nation's first important test of the presidential  
23 candidates; and

24 WHEREAS, the Iowa voters are civic-minded citizens  
25 who take their caucus responsibilities seriously; and

26 WHEREAS, the presidential precinct caucuses held in  
27 the year 2000 benefited Iowa's economy by bringing  
28 thousands of volunteers to the state for several  
29 months, by serving as a base for national media and  
30 for nationally telecast news and interview shows, and

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1 by showcasing Iowa to citizens throughout the world;  
2 and

3 WHEREAS, Kayne Robinson, Chairman of the Republican  
4 Party of Iowa, ably served as a spokesperson for the  
5 Republican Party of Iowa during the caucuses and  
6 effectively coordinated the caucus activities for the  
7 Republican Party of Iowa; and

8 WHEREAS, Kayne Robinson coordinated the efforts of  
9 thousands of Republican Party activists as the  
10 Republican Party of Iowa successfully hosted 2,134  
11 precinct caucuses; NOW THEREFORE,

12 BE IT RESOLVED BY THE SENATE, That the Senate  
13 extends its heartiest congratulations to Kayne  
14 Robinson, Chairman of the Republican Party of Iowa,  
15 and to the Republican Party of Iowa, for their  
16 outstanding achievements in bringing about nationwide  
17 recognition for the year 2000 presidential precinct  
18 caucuses; and

19 BE IT FURTHER RESOLVED, That an official copy of  
20 this Resolution be prepared and presented to Chairman  
21 Robinson.

1 SENATE RESOLUTION NO. 105

2 By: Gronstal, Black, Bolkcom, Connolly, Dearden,  
3 Deluhery, Dvorsky, Fink, Flynn, Fraise, Hammond,  
4 Hansen, Harper, Horn, Judge, Kibbie, McCoy,  
5 Shearer, Soukup, and Szymoniak

(COMPANION TO LSB 6627HH BY SCHRADER)

A resolution honoring Rob Tully, Chairman of the Iowa Democratic Party, and the Iowa Democratic Party for outstanding achievements in bringing about nationwide recognition for the year 2000 presidential precinct caucuses.

WHEREAS, every two years the major political parties in the State of Iowa hold precinct caucuses to select delegates from each major political party to attend the county conventions; and

WHEREAS, since 1976, the precinct caucuses held in presidential election years by the two major political parties have been used for determining support for presidential candidates and have served as our nation's first important test of the presidential candidates; and

WHEREAS, the Iowa voters are civic-minded citizens who take their caucus responsibilities seriously; and

WHEREAS, the presidential precinct caucuses held in the year 2000 benefited Iowa's economy by bringing thousands of volunteers to the state for several months, by serving as a base for national media and for nationally telecast news and interview shows, and by showcasing Iowa to citizens throughout the world; and

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WHEREAS, Rob Tully, Chairman of the Iowa Democratic Party, ably served as a spokesperson for the Iowa Democratic Party during the caucuses and effectively coordinated the caucus activities for the Iowa Democratic Party; and

WHEREAS, Rob Tully coordinated the efforts of thousands of Democratic Party activists as the Iowa Democratic Party successfully hosted 2,134 precinct caucuses; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate extends its heartiest congratulations to Rob Tully, Chairman of the Iowa Democratic Party, and to the Iowa Democratic Party, for their outstanding achievements in bringing about nationwide recognition for the year 2000 presidential precinct caucuses; and

BE IT FURTHER RESOLVED, That an official copy of this Resolution be prepared and presented to Chairman Tully.

SENATE RESOLUTION NO. 106

By: Committee on Rules and Administration

A resolution relating to gubernatorial appointments and other appointments requiring Senate confirmation.

WHEREAS, section 2.32, subsection 7, requires the

6 Governor to provide the Secretary of the Senate with a  
7 list of all gubernatorial appointments requiring  
8 Senate confirmation during this session by February 1;  
9 and  
10 WHEREAS, this information has been submitted and is  
11 on file in the office of the Secretary of the Senate;  
12 and  
13 WHEREAS, section 2.32, subsections 7 and 9, also  
14 require that the Senate by resolution approve the list  
15 of gubernatorial and other appointments or request  
16 corrections by February 15; NOW THEREFORE,  
17 BE IT RESOLVED BY THE SENATE, That the list of  
18 appointment positions submitted by the Governor and  
19 others pursuant to section 2.32, subsections 7 and 9,  
20 and on file with the Secretary of the Senate, is  
21 approved.

1           SENATE RESOLUTION NO. 107  
2 By: Committee on State Government  
3       (SUCCESSOR TO SR 10)  
4 A resolution supporting the placement of  
5 additional federal production work at, and  
6 continued utilization of, the Rock Island Arsenal.  
7 WHEREAS, the facilities of the Rock Island Arsenal  
8 employ several thousand people; reflect a greatly  
9 enhanced physical plant, machine tool inventory, and  
10 data processing capabilities; and comprise one of the  
11 largest weapons manufacturing arsenals in the world;  
12 and  
13 WHEREAS, the Rock Island Arsenal has proven capable  
14 of producing many weapons systems at a lower cost than  
15 producers of such systems in the private sector; and  
16 WHEREAS, the Defense Megacenter-Rock Island,  
17 located at the Rock Island Arsenal, has the  
18 significant ability to furnish a full range of  
19 automation services, including business, tactical, and  
20 logistical systems support; and  
21 WHEREAS, the communities in the states of Illinois  
22 and Iowa which are located in the vicinity of the Rock  
23 Island Arsenal recognize and appreciate the  
24 contribution which the Rock Island Arsenal makes to  
25 the economic vitality and stability of the region; NOW  
26 THEREFORE,  
27 BE IT RESOLVED BY THE SENATE, That the United  
28 States Department of Defense, the United States Army,  
29 and the United States Congress are urged to place  
30 production work at the Rock Island Arsenal, and to

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1 consider increased utilization of the Arsenal's  
2 facilities, so that the capabilities of the Rock



3 Island Arsenal, and economic vitality of the  
4 surrounding region, may be utilized to the fullest  
5 extent possible.  
6 BE IT FURTHER RESOLVED, That copies of this  
7 Resolution be sent to the President of the United  
8 States, the United States Secretary of Defense, the  
9 Secretary of the Army, the Commander of Headquarters  
10 of the Army Materiel Command, the President, Majority  
11 Leader, and Minority Leader of the United States  
12 Senate, the Speaker, Majority Leader, and Minority  
13 Leader of the United States House of Representatives,  
14 and to members of the Illinois and Iowa congressional  
15 delegations.

1 SENATE RESOLUTION NO. 108

2 By: Kramer and Schuerer

3 A resolution honoring student volunteers Alison  
4 Mostrom of West Des Moines and Matthew Ternus of  
5 Vinton for their outstanding community service.

6 WHEREAS, Alison Mostrom, a resident of West Des  
7 Moines, Iowa, and a senior at Valley High School, and  
8 Matthew Ternus, a resident of Vinton, Iowa, and an  
9 eighth-grader at Tilford Middle School, have each  
10 achieved national recognition for exemplary volunteer  
11 service by receiving a 2000 Prudential Spirit of  
12 Community Award; and

13 WHEREAS, this prestigious award, presented by The  
14 Prudential Insurance Company of America in partnership  
15 with the National Association of Secondary School  
16 Principals, honors young volunteers across America who  
17 have demonstrated an extraordinary commitment to  
18 serving their communities; and

19 WHEREAS, Alison earned this award by giving  
20 generously of her time and energy as an actor and  
21 educator for the HOPE Drama Troupe, a group of teen  
22 volunteers who write and perform skits that educate  
23 children and adults about child abuse; and

24 WHEREAS, Matthew earned this award by giving  
25 generously of his time and energy in starting a local  
26 chapter of Suitcases for Kids, a suitcase donation  
27 program for foster children; and

28 WHEREAS, the success of the citizens of the State  
29 of Iowa, the strength of the state's communities, and  
30 the overall vitality of American society depend, in

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1 great measure, upon the dedication of young people  
2 like Alison and Matthew who use their considerable  
3 talents and resources to serve others; NOW THEREFORE,  
4 BE IT RESOLVED BY THE SENATE, That the Senate  
5 congratulate and honor Alison Mostrom and Matthew

6 Ternus as recipients of the Prudential Spirit of  
7 Community Award, recognize their outstanding record of  
8 volunteer service, peer leadership, and community  
9 spirit, and extend best wishes for their continued  
10 success and happiness.

SENATE RESOLUTION NO. 110  
(See SJ 1015)

1 SENATE RESOLUTION NO. 112  
2 By: McKibben  
3 A resolution honoring the Story City firefighter  
4 who died in the line of duty.  
5 WHEREAS, Doug Stevens, age 42 and a volunteer fire  
6 department veteran of nearly seven years, died in the  
7 line of duty while fighting a house fire in Story City  
8 on February 6, 2000; and  
9 WHEREAS, Doug Stevens was a training officer and  
10 was instrumental in the expansion of the fire  
11 prevention program at the Roland-Story Elementary  
12 School; and  
13 WHEREAS, Doug Stevens, in his capacity as a  
14 volunteer firefighter, dedicated himself to the call  
15 of his community seven days a week, and made the  
16 ultimate sacrifice in furtherance of his duty; and  
17 WHEREAS, this sorrowful event serves as a reminder  
18 of the risks that all firefighters face while  
19 protecting their communities against the rages of  
20 fires and other perils; NOW THEREFORE,  
21 BE IT RESOLVED BY THE SENATE, That Story City  
22 firefighter Doug Stevens be honored posthumously and  
23 remembered by the citizens of the State of Iowa for  
24 his remarkable courage, heroism, and self-sacrifice in  
25 the line of duty.

1 SENATE RESOLUTION NO. 113  
2 By: Rife, McLaren, Hammond, Johnson, McKibben,  
3 Gaskill, Boettger, Fink, Kramer, and Behn  
4 A resolution congratulating the Iowa State  
5 Cyclones Women's Gymnastics Team.  
6 WHEREAS, Iowans are justly proud of the Iowa State  
7 Cyclones Women's Gymnastics Team for winning the Big  
8 12 Conference championship; and  
9 WHEREAS, the Iowa State Women's Gymnastics Team  
10 tied the Big 12 Conference scoring record to claim its  
11 first conference championship in 23 years; and  
12 WHEREAS, the Iowa State Women's Gymnastics Team had  
13 all-conference performer honors in every event at the  
14 championship and won the all-around all-conference  
15 performer, setting a new Big 12 scoring record; and  
16 WHEREAS, the Iowa State Women's Gymnastics Team  
17 entered the NCAA Region 4 Gymnastics Championship as

18 the No. 2 seed and placed second, qualifying for  
19 national competition for the first time in school  
20 history; and  
21 WHEREAS, Head Coach Amy Pyle was named Region 2  
22 Head Coach of the Year in this, her eighth season at  
23 Iowa State University, where she has led the last four  
24 squads to the NCAA Regional Tournament, and has guided  
25 Iowa State teams which have broken every team and  
26 individual school record during her tenure; and  
27 WHEREAS, the hard work and efforts of the team and  
28 Head Coach Amy Pyle and the assistant coaches are  
29 recognized and appreciated by all Iowans; NOW  
30 THEREFORE,

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1 BE IT RESOLVED BY THE SENATE, That the Senate  
2 congratulates the Iowa State Cyclones Women's  
3 Gymnastics Team on the great success of their season  
4 and wish the best of luck during the 2000 NCAA  
5 National Gymnastics Competition.

### 1 SENATE RESOLUTION NO. 114

2 By: Miller

3 A resolution honoring the Harper Brush Works for  
4 its 100 years of continuing business.

5 WHEREAS, Harper Brush Works of Fairfield, Iowa, was  
6 founded in 1900 by A.K. Harper to manufacture brushes  
7 and brooms; and

8 WHEREAS, Harper Brush Works has remained in  
9 business continually since its founding, and  
10 celebrates its one hundredth anniversary this year;  
11 and

12 WHEREAS, Harper Brush Works remains a family-owned  
13 business, and currently employs over 120 persons; and

14 WHEREAS, the initiative and industry of individuals  
15 and families are the cornerstones of a stable economic  
16 environment, and Harper Brush Works exemplifies the  
17 standards and quality products of the American  
18 Heartland; NOW THEREFORE,

19 BE IT RESOLVED BY THE SENATE, That the Senate  
20 recognizes and congratulates Harper Brush Works for  
21 100 years of continual business operation in  
22 Fairfield, Iowa, and wishes the business continuing  
23 success in the years to come.

### 1 SENATE RESOLUTION NO. 115

2 By: Hammond, Rife, McLaren, Fink, Johnson,

3 Lamberti, Boettger, Drake, Rittmer, Maddox,

4 McKean, Connolly, Horn, Dearden, Jensen, Iverson,

5 Black, Tinsman, Behn, King, Veenstra, McKibben,

6 Rehberg, Miller, Freeman, Hedge, McCoy, Angelo,

7 Bartz, Sexton, Kramer, Lundby, Gaskill, Soukup,  
8 Harper, Judge, Bolkcom, Shearer, Flynn, Deluhery,  
9 Zieman, Schuerer, Szymoniak, Fraise, Kibbie,  
10 Hansen, Gronstal, Redwine, Redfern, and Dvorsky  
11 A resolution congratulating the Iowa State  
12 Cyclones Women's Basketball Team.  
13 WHEREAS, the citizens of Iowa are greatly pleased  
14 and justly proud that the Iowa State Cyclones Women's  
15 Basketball Team won their first-ever championship at  
16 the Big 12 Conference Tournament, defeating their  
17 three opponents by an average of more than 27 points  
18 and breaking single-game tournament records for three-  
19 pointers made, three-point attempts, margin of  
20 victory, points in a half, and defensive rebounds; and  
21 WHEREAS, the Iowa State Cyclones Women's Basketball  
22 Team won a school record of 27 games this season, and  
23 finished the season with the fewest losses in program  
24 history; and  
25 WHEREAS, the Iowa State Cyclones Women's Basketball  
26 Team advanced to the NCAA Sweet Sixteen seeded no. 3,  
27 set an NCAA Midwest Region record with 15 three-  
28 pointers in the game against Saint Francis; and  
29 WHEREAS, the Iowa State Cyclones Women's Basketball  
30 Team consistently thrilled spectators and drew

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1 tremendous attendance and support from its fans,  
2 setting Big 12 Conference and NCAA Tournament  
3 attendance records; and  
4 WHEREAS, the Iowa State Cyclones Women's Basketball  
5 Team and Coach Bill Fennelly and the coaching staff  
6 delighted Iowans with their hard work, teamwork, and  
7 victories; NOW THEREFORE,  
8 BE IT RESOLVED BY THE SENATE, That the Senate  
9 congratulates Coach Bill Fennelly and the Iowa State  
10 Cyclones Women's Basketball Team on their successful  
11 season, thanks them for the honor and excitement they  
12 brought to the State of Iowa, and wishes them the very  
13 best in the future.

1 SENATE RESOLUTION NO. 117  
2 By: Szymoniak, Kramer, McCoy, Horn, Fraise, Fink,  
3 Deluhery, Kibbie, Hansen, Black, Judge, Dearden,  
4 Shearer, Soukup, Hammond, Dvorsky, Bolkcom, Flynn,  
5 Connolly, Harper, Gronstal, Drake, Iverson, Rife,  
6 Jensen, Rittmer, McKean, Tinsman, Hedge, Boettger,  
7 Lamberti, Behn, Zieman, Rehberg, Redfern, Angelo,  
8 Schuerer, Veenstra, King, Miller, Gaskill, Redwine,  
9 Sexton, Lundby, Maddox, Johnson, Bartz, McKibben,  
10 Freeman, and McLaren  
11 A resolution congratulating the Drake Women's

12 Basketball Team.

13 WHEREAS, the fans of Drake University and the  
14 citizens of Iowa are greatly pleased that the Drake  
15 Women's Basketball Team had a spectacular season in  
16 compiling a 23-7 record and its fourth consecutive 20-  
17 victory season; and

18 WHEREAS, the Drake Women's Basketball Team made its  
19 fans and all Iowans proud by receiving a bid as an  
20 eighth seed in the Women's NCAA Tournament; and

21 WHEREAS, the Drake Women's Basketball Team thrilled  
22 its fans and delighted the citizens of Iowa by  
23 finishing first in the Missouri Valley conference with  
24 a conference record of 15-3 and by winning the  
25 Missouri Valley Conference Tournament Championship;  
26 and

27 WHEREAS, the citizens of Iowa recognize the  
28 academic accomplishments of the Drake Women's  
29 Basketball Team for having the eighth highest grade  
30 point average in the United States at 3.34; and

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1 WHEREAS, the citizens of Iowa recognize the Drake  
2 Women's Basketball Team as mythical State Champions,  
3 with victories over the University of Iowa, the  
4 University of Northern Iowa, and Iowa State  
5 University; and

6 WHEREAS, the citizens of Iowa applaud Drake Women's  
7 Basketball Head Coach Lisa Bluder for her outstanding  
8 coaching and for being a fine role model for her  
9 players and basketball fans around the state; NOW  
10 THEREFORE,

11 BE IT RESOLVED BY THE SENATE, That the Senate  
12 congratulates Coach Lisa Bluder and the Drake Women's  
13 Basketball Team on their successful season and thanks  
14 them for the honor and excitement they brought to the  
15 State of Iowa.

## 1 SENATE RESOLUTION NO. 118

2 By: Rehberg and Kibbie

3 A resolution congratulating members of the  
4 All-Iowa 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 2000 Iowa All-State Student Nominees  
19 by community colleges are as follows:  
20 From Des Moines Area Community College, Boone  
21 Campus, Katheryn Howe and Jo Webster;  
22 From the Eastern Iowa Community College District:  
23 Clinton Community College, Kelly Gerlach and James  
24 Koch; Muscatine Community College, Kelly Hirsch and  
25 Ardyth Orr; Scott Community College, Duane "Butch"  
26 Meyer, Jr., and Tracey Owens;  
27 From Hawkeye Community College, Irene Hall and  
28 April Hutchison;  
29 From Indian Hills Community College, Jennifer  
30 LaPoint and Troy Morgan;

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1 From Iowa Central Community College, the Fort Dodge  
2 Center, Samantha Kinne and Thomas Touney;  
3 From Iowa Lakes Community College: Emmetsburg  
4 Center, Betsy Doorneweerd; Estherville Center, Tamra  
5 Jensen and Kimberly Kramer;  
6 From the Iowa Valley Community College District:  
7 Ellsworth Community College, Timothy Boelts;  
8 Marshalltown Community College, Elizabeth Brown and  
9 Angela Kilker;  
10 From Iowa Western Community College: Clarinda  
11 Campus, Desiree Skinner and Andrea Hammons; Council  
12 Bluffs Campus, Jay Eason and Jennifer Obrecht;  
13 From Kirkwood Community College, Lynda Dalnodar and  
14 Robin McBeth;  
15 From North Iowa Area Community College, Amy  
16 Hackbart and Laura Ostrander;  
17 From Northeast Iowa Community College: Calmar  
18 Campus, Lori Lee Bouska and Carol Jeglum; Peosta  
19 Campus, Keith Chaston and Kimberly Christensen;  
20 From Northwest Iowa Community College, Grace DeBoer  
21 and Terri Mulder;  
22 From Southeastern Community College, West  
23 Burlington Campus, Jamie Smith;  
24 From Southwestern Community College, Alex Bolinger  
25 and Sara Mullen; and  
26 From Western Iowa Tech Community College, Ginger  
27 Zaber; and  
28 WHEREAS, these outstanding student nominees are  
29 from many different walks of life and range in age  
30 from 17 to over 50; NOW THEREFORE,

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1 BE IT RESOLVED BY THE SENATE, That the nominees for  
2 the 2000 All-State Iowa Community College Academic  
3 Team be congratulated for their accomplishments in the  
4 areas of academic achievement, leadership, and service  
5 to the community.

1 SENATE RESOLUTION NO. 119

2 By: McLaren, Iverson, and Gronstal

3 A resolution recognizing the contribution of a  
4 singular farm employee for his contribution to the  
5 Senate during the 2000 Session of the Seventy-eighth  
6 General Assembly.

7 WHEREAS, during the 2000 Session of the Seventy-  
8 eighth General Assembly, the Senate has debated bills  
9 and amendments by considering the consequences of  
10 legislation on a singular employee running a farm in  
11 Cedar county; and

12 WHEREAS, this employee, old beyond his years, is an  
13 example of boundless energy and a tireless commitment  
14 to his field during all hours of the day and night;  
15 and

16 WHEREAS, in addition to his regular duties, this  
17 employee, referred to affectionately on a first-name  
18 basis by members of the Senate and staff, has  
19 illuminated issues before the Senate, while never  
20 attempting to lobby any Senator on legislation; and

21 WHEREAS, the old legislative maxim of "that dog  
22 don't hunt" cannot be applied to the working life of  
23 this farm employee who serves as a constant reminder  
24 that when enacting legislation there is little room  
25 for a shotgun approach; NOW THEREFORE,

26 BE IT RESOLVED BY THE SENATE, That before returning  
27 home from hard days and long nights of work during the  
28 2000 Session, the members of the Senate take pause to  
29 recognize Old Blue for his shining contribution to the  
30 consideration of legislation by the Senate; and

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1 BE IT FURTHER RESOLVED, That copies of this  
2 resolution be delivered by the Secretary of the Senate  
3 to the Honorable Senator Jack Rife for presentation to  
4 Old Blue.

1 SENATE RESOLUTION NO. 120

2 By: Redfern, Horn, and Lundby

3 A resolution honoring native Iowan and St. Louis  
4 Rams quarterback Kurt Warner.

5 WHEREAS, Kurt Warner, born in Burlington, Iowa, and  
6 raised in the Cedar Rapids area, is a graduate of

7 Cedar Rapids Regis High School; and  
8 WHEREAS, Kurt Warner attended college at the  
9 University of Northern Iowa and earned Gateway  
10 Conference offensive player of the year honors as a  
11 senior quarterback for the Panther football team; and  
12 WHEREAS, Kurt Warner, as a quarterback for the Iowa  
13 Barnstormers (1995-1997), led the team to the Arena  
14 Bowl for two straight years and set all of the  
15 Barnstormers' individual passing records; and  
16 WHEREAS, Kurt Warner, after a stint with the  
17 Amsterdam Admirals in Europe and a year as the St.  
18 Louis Rams' third-string quarterback, emerged as a  
19 starter for the Rams this season; and  
20 WHEREAS, Kurt Warner threw 41 touchdown passes  
21 during the National Football League regular season,  
22 making him one of only two quarterbacks in league  
23 history to throw 40 or more touchdown passes in one  
24 season; and  
25 WHEREAS, Kurt Warner was selected to be a starter  
26 in the National Football League's 2000 Pro Bowl game;  
27 and  
28 WHEREAS, Kurt Warner became the first Iowan to be  
29 named most valuable player in the National Football  
30 League; and

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1 WHEREAS, Kurt Warner played a key role in guiding  
2 the St. Louis Rams to a division championship, the  
3 National Football Conference championship, and the  
4 National Football League championship; and  
5 WHEREAS, Kurt Warner threw for a championship-game-  
6 record 414 passing yards and was named the game's most  
7 valuable player in the St. Louis Rams' victory in  
8 Super Bowl XXXIV; and  
9 WHEREAS, the citizens of Iowa are extremely proud  
10 of Kurt Warner and admire his perseverance in  
11 achieving success, his professionalism and integrity  
12 in the media spotlight, and his commitment to faith  
13 and family; NOW THEREFORE,  
14 BE IT RESOLVED BY THE SENATE, That Kurt Warner be  
15 congratulated for his outstanding accomplishments and  
16 be thanked for the excitement and inspiration he has  
17 brought to the citizens of the State of Iowa.

SENATE RESOLUTION NO. 122  
(See SJ 1379)

SENATE RESOLUTION NO.123  
(See SJ 1364)



SENATE RESOLUTION NO. 124  
(See SJ 1314)

SENATE RESOLUTION NO. 125  
(See SJ 1366)

SENATE RESOLUTION NO. 126  
(See SJ 1377)

SENATE RESOLUTION NO. 127

By: Committee on Natural Resources and Environment  
(SUCCESSOR TO SSB 3238)

A resolution requesting an interim study of  
issues relating to increasing the demand and  
availability of renewable reformulated fuel.

WHEREAS, the state has a vital interest in  
protecting the public health; and

WHEREAS, it is critical to the prosperity of this  
state that the state capture the greatest economic  
benefit from opportunities created by the use of  
value-added products derived from abundant resources  
of this state; and

WHEREAS, it is important to capture the greatest  
benefit from opportunities which rely upon the  
creation of synergies between such value-added  
ventures, and

WHEREAS, the increased availability of renewable  
reformulated fuel will promote the public health and  
strengthen the state's economy; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the legislative  
council is requested to create a legislative study  
committee to meet during the 2000 interim in order to  
study issues related to renewable reformulated  
gasoline; and

BE IT FURTHER RESOLVED, That the study committee  
consider the availability of motor vehicle fuel with  
levels of octane customarily used to combine with  
alcohol in order to produce renewable reformulated  
gasoline; and

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BE IT FURTHER RESOLVED, That the interim study  
committee consider methods in order to promote and  
educate consumers purchasing gasoline regarding the  
benefits of using renewable reformulated gasoline.  
The interim study committee may consider the use of  
information designed to increase consumer awareness of  
renewable reformulated gasoline at the point of sale;  
and

BE IT FURTHER RESOLVED, That the interim study  
committee consider strategies to support renewable

11 fuel production facilities which manufacture  
12 coproducts used to feed livestock, and specifically  
13 cattle, kept in facilities operating in conjunction  
14 with the renewable fuel production facilities, by  
15 encouraging local agricultural producer-led ventures  
16 formed on a cooperative basis; and

17 BE IT FURTHER RESOLVED, That associations  
18 representing motor vehicle fuel dealers, cooperative  
19 associations, and farmers, including corn growers and  
20 livestock producers, cooperate with the interim study  
21 committee in order to carry out the provisions of this  
22 resolution; and

23 BE IT FURTHER RESOLVED, That the interim study  
24 committee is directed to submit its findings, together  
25 with any recommendations, in a report to the general  
26 assembly which convenes in January 2001.

1 SENATE RESOLUTION NO. 128

2 By: King

3 A resolution congratulating members of the  
4 Denison, Iowa, Academic Decathlon Team.

5 WHEREAS, members of academic decathlon teams  
6 include students enrolled in grades nine through  
7 twelve with a range of grade averages; and

8 WHEREAS, the Denison Academic Decathlon Team  
9 captured the state championship on March 11, 2000, by  
10 defeating 24 other academic decathlon teams from  
11 around the state of Iowa; and

12 WHEREAS, the Denison Academic Decathlon Team  
13 represented the state of Iowa at the National Academic  
14 Decathlon competition in San Antonio, Texas, on April  
15 12 through April 16; and

16 WHEREAS, two members of the Denison Academic  
17 Decathlon Team, Alex Kipp and Brij Patnaik, won a  
18 total of four medals and the privilege of representing  
19 Iowa as members of the Iowa All-Star Academic  
20 Decathlon Team competing in the Panasonic Academic  
21 Challenge in June 2000; and

22 WHEREAS, the members of the Denison Academic  
23 Decathlon Team are as follows:

24 Kerri Bilsten, Jessica Boland, Emily Collins, Tony  
25 Crabb, David Franck, Alex Kipp, Brij Patnaik, Jason  
26 Pope, and Matt Swanson; NOW THEREFORE,

27 BE IT RESOLVED BY THE SENATE, That the members of  
28 the Denison Academic Decathlon Team, representing the  
29 state of Iowa, be congratulated for their academic  
30 achievement.

1 SENATE RESOLUTION NO. 129

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, 2000 and ending June 30, 2001, 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 \$3,037,101.  
27 2. Interim expenses including members' and staff  
28 compensation and other current expenses in an amount  
29 not to exceed \$341,000.  
30 3. Fixed expenses, including permanent employees'

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1 compensation and equipment in an amount not to exceed  
2 \$2,148,805.  
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 \$35,000.  
8 5. A special fund for technology and  
9 computerization improvements to be used with the  
10 authorization of the Committee on Rules and  
11 Administration, in an amount not to exceed \$100,000.  
12 6. A special Senator Dale L. Tieden 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. 101  
2 By: Miller  
3 A concurrent resolution to request a United States  
4 Corps of Engineers' study of the lower Des Moines  
5 River.  
6 WHEREAS, the lower Des Moines River is one of the  
7 most important natural resources in southeast Iowa;  
8 and  
9 WHEREAS, the lower Des Moines River is impacted by  
10 the reservoir at Lake Red Rock; and  
11 WHEREAS, the United States Corps of Engineers is  
12 responsible for the management of the reservoir; and  
13 WHEREAS, the last management plan was put into  
14 effect for the reservoir at Lake Red Rock in 1993; and  
15 WHEREAS, the management plan has had a tremendous  
16 impact on the lower Des Moines River, concerning both  
17 water quality and recreation; and  
18 WHEREAS, there seems to be an adverse impact on the  
19 environment due to the present management plan of Red  
20 Rock Reservoir; NOW THEREFORE,  
21 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
22 REPRESENTATIVES CONCURRING, That the Iowa General  
23 Assembly requests the United States Corps of Engineers  
24 to conduct a new study regarding the management of the  
25 lower Des Moines River; and  
26 BE IT FURTHER RESOLVED, That copies of this  
27 Concurrent Resolution be sent by the Secretary of the  
28 Senate to the members of Iowa's delegation, to the

29 President of the United States, to the President of  
30 the United States Senate, and to the Speaker of the

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1 United States House of Representatives.

1 SENATE CONCURRENT RESOLUTION NO. 103

2 By: Kibbie

3 A concurrent resolution relating to the observation  
4 of the decade of the bone and joint.

5 WHEREAS, one in every seven Americans reports a  
6 musculoskeletal impairment; and

7 WHEREAS, musculoskeletal conditions and deformities  
8 deprive children of normal development; and

9 WHEREAS, musculoskeletal impairments are the  
10 highest ranking impairment for both men and women, and  
11 arthritis is the leading chronic condition reported by  
12 the elderly; and,

13 WHEREAS, in the United States, alone,  
14 musculoskeletal conditions are estimated to cost \$215  
15 billion annually; and,

16 WHEREAS, scientific evidence supports the efficacy  
17 of early diagnosis, treatment, and prevention of these  
18 diseases; and

19 WHEREAS, musculoskeletal research currently is at  
20 the precipice of major breakthroughs that likely will  
21 change and simplify the way bone and joint disorders  
22 are treated and prevented throughout the world; and

23 WHEREAS, many countries and international  
24 organizations have joined together to recognize the  
25 years 2000 through 2010 as the "Bone and Joint Decade"  
26 to increase public awareness of this problem and to  
27 promote research to find the cure for musculoskeletal  
28 impairments; NOW THEREFORE,

29 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
30 REPRESENTATIVES CONCURRING, That the General Assembly

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1 recognizes the years 2000 through 2010 as the "Bone  
2 and Joint Decade."

1 SENATE CONCURRENT RESOLUTION NO. 108

2 By: Hedge

3 A concurrent resolution recognizing the  
4 accomplishments of John Fletcher Lacey and  
5 commemorating the one-hundredth-year anniversary  
6 of the Lacey Act.

7 WHEREAS, John Fletcher Lacey, who was a long-time  
8 resident of Oskaloosa, served as a member of the Iowa  
9 General Assembly from 1870 to 1872, and later  
10 represented Iowa in the Congress of the United States

11 from 1888 to 1906; and  
12 WHEREAS, Congressman Lacey distinguished himself  
13 through his service in the Civil War, work as a  
14 private attorney, and service in the Iowa House of  
15 Representatives, and the Congress of the United  
16 States, and through his many achievements which  
17 included legal scholarship, advocacy of the  
18 conservation of natural and cultural resources,  
19 support for improvement of the condition of Native  
20 Americans, and his involvement in passage of important  
21 federal legislation affording some of the earliest  
22 protections to our nation's natural resources; and  
23 WHEREAS, his most significant achievement was  
24 authorship and passage of the Lacey Act of 1900,  
25 outlawing the interstate transport of illegally taken  
26 wildlife; and  
27 WHEREAS, due to the importance of protecting and  
28 enhancing the environment, the year 2000 has been  
29 proclaimed Earth Year 2000, which Iowa is in the  
30 process of observing; and

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1 WHEREAS, no person better represents the model of a  
2 citizen conservationist than John Fletcher Lacey, and  
3 no act better represents the progress made in  
4 conservation of the environment in the last century  
5 than the Lacey Act; NOW THEREFORE,  
6 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
7 REPRESENTATIVES CONCURRING, That the Iowa General  
8 Assembly honor the accomplishments and legacy of John  
9 Fletcher Lacey and commemorate the year 2000 as the  
10 one-hundredth-year anniversary of the Lacey Act; and  
11 BE IT FURTHER RESOLVED, That the Governor of the  
12 State of Iowa direct the Iowa Department of Natural  
13 Resources to observe this anniversary with the  
14 dedication of a public area in John Fletcher Lacey's  
15 honor.

1 SENATE CONCURRENT RESOLUTION NO. 113  
2 By: Drake, Johnson, Judge, Harper,  
3 Fraise, Rittmer, and Redfern  
4 A concurrent resolution establishing a special  
5 commission to study and make recommendations  
6 concerning the impact of current and future state  
7 replacement funds paid to local governments to mitigate  
8 the effects of the elimination of the property tax on  
9 industrial machinery, equipment, and computers.  
10 WHEREAS, it was the intent of the General Assembly  
11 to provide replacement funds to local governments to  
12 mitigate the loss of property tax revenue resulting  
13 from the elimination of industrial machinery,

14 equipment, and computers from the local property tax  
15 base for a period of time sufficient to allow growth  
16 from economic development to replenish the tax base;  
17 and  
18 WHEREAS, the manner of calculating claims for  
19 reimbursement paid from the state replacement fund may  
20 have a severe adverse fiscal impact on certain local  
21 governments whose property tax base contained a  
22 significant proportion of industrial machinery,  
23 equipment, and computers; NOW THEREFORE,  
24 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
25 REPRESENTATIVES CONCURRING, That the Legislative  
26 Council is requested to establish a special commission  
27 to study the current statutory system under which  
28 reimbursement claims are calculated and funds paid by  
29 the state to local governments to replace revenue lost  
30 from the elimination of property tax on industrial

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1 machinery, equipment, and computers; and  
2 BE IT FURTHER RESOLVED, That the special commission  
3 be comprised of twelve voting members with diverse  
4 expertise in economic development and local government  
5 finance and administration, including all of the  
6 following:  
7 1. Four members of the General Assembly with not  
8 more than one member from each chamber being from the  
9 same political party. The two senators shall be  
10 appointed by the majority leader of the Senate after  
11 consultation with the president of the Senate and the  
12 minority leader of the Senate. The two  
13 representatives shall be appointed by the Speaker of  
14 the House of Representatives after consultation with  
15 the majority and minority leaders of the House of  
16 Representatives.  
17 2. One member appointed by the Governor.  
18 3. The director of the Iowa Department of Economic  
19 Development or the director's designee.  
20 4. The executive director of the Iowa League of  
21 Cities or the executive director's designee.  
22 5. The executive director of the Iowa State  
23 Association of Counties or the executive director's  
24 designee.  
25 6. The president of the Iowa Municipal Finance  
26 Officers Association or the president's designee.  
27 7. The director of Revenue and Finance or the  
28 director's designee.  
29 8. An economist designated by the president of  
30 Iowa State University of Science and Technology.

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1 9. The president of the Professional Developers of  
2 Iowa or the president's designee; and  
3 BE IT FURTHER RESOLVED, That the chairpersons of  
4 the special commission shall be the General Assembly  
5 members of the majority party from each chamber; and  
6 BE IT FURTHER RESOLVED, That the special commission  
7 shall do all of the following:  
8 1. Review the impact of the phase-out of property  
9 taxation of industrial machinery, equipment, and  
10 computers on individual units of local government.  
11 2. Evaluate the impact, from an economic  
12 development perspective, of the phase-out of property  
13 taxation of industrial machinery, equipment, and  
14 computers.  
15 3. Assess the impact of state replacement funds in  
16 mitigating the loss of local government revenue due to  
17 the phase-out of property taxation of industrial  
18 machinery, equipment, and computers.  
19 4. Project the amount of replacement funds  
20 necessary to pay reimbursement claims to local  
21 governments through fiscal year 2006-2007.  
22 5. Recommend modifications to the current  
23 statutory system under which reimbursement claims are  
24 calculated in order to further mitigate revenue loss  
25 to those local governments for which the elimination  
26 of the property tax on industrial machinery,  
27 equipment, and computers will have a severe adverse  
28 fiscal impact; and  
29 BE IT FURTHER RESOLVED, That the special commission  
30 shall convene, at a minimum, once each month, if

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1 necessary; and  
2 BE IT FURTHER RESOLVED, That the special commission  
3 shall submit a final report to the General Assembly  
4 and to the Governor for consideration during the 2001  
5 legislative session, which report shall include, but  
6 not be limited to, findings, analyses, and  
7 recommendations by the special commission; and  
8 BE IT FURTHER RESOLVED, That the Legislative  
9 Council, pursuant to its authority in section 2.43 may  
10 allocate funding from moneys available to it in  
11 section 2.12, to the special commission created in  
12 this Resolution for studies, consultants, surveys, and  
13 reimbursement of any public or private department or  
14 agency that provides staffing services for the  
15 commission; and  
16 BE IT FURTHER RESOLVED, That the members of the  
17 General Assembly serving on the special commission



18 shall, by January 15, 2001, file their recommendations  
19 for consideration during the 2001 legislative session.



## **IN MEMORIAM**

### **Senate**

Clifford E. Burroughs .....	January 28, 1917 – June 11, 1999
Lucas J. De Koster .....	June 18, 1918 – February 23, 2000
Charles F. Eppers.....	September 16, 1919 – January 17, 1999
Jack W. Hester .....	June 22, 1929 – April 29, 1999
Ernest Kosek.....	March 13, 1907 – August 31, 1999
Harold A. Thordsen.....	September 25, 1907 – November 8, 1999

## CLIFFORD E. BURROUGHS

Clifford E. Burroughs was born on January 28, 1917, in rural Clarksville, Iowa, to Alfred and Effie Mae Burroughs. He passed away on June 11, 1999, at the age of eighty-two. He is survived by his wife, Mary; his two daughters, Vicki Bixler of Hawthorn Woods, Illinois, and Linda Rabbitt of Greene; his five sons, Craig of Chicago, Kent and LCDR Bruce Burroughs, USN, Ret., of Greene, Neil of Aurora, Colorado, and Brian of Lenoir City, Tennessee; seventeen grandchildren; two step-grandchildren; and eight great-grandchildren.

Clifford attended country schools in Butler County and graduated from Greene High School in 1935. In 1937, he started work at the John Deere Tractor Co. in Waterloo, and later in 1942 he transferred to Iowa Transmission where he assembled tank transmissions. He moved to Phoenix, Arizona, where he worked as an airplane mechanic at Luke Field and then at Yuma Army Air Base. In 1945, he was drafted into the Army where he counseled returning servicemen prior to discharge. After being discharged from the Army, he worked for an investment company where he sold securities until 1974.

On June 29, 1940, he married Mary Virginia Pooley, and in 1947 they settled in Greene where he was active in the Greene community, serving as mayor in 1948 and 1949. He was a past president of the Greene Commercial Club, a member of the American Legion and the Lions Club, and a past president of the PTA. He served as assistant Cubmaster and was on the Board of Review of the Boy Scouts. He taught radiological monitoring as part of the Butler County Civil Defense. He filmed football and basketball games for the high school athletic department.

He and his wife Mary enjoyed traveling and visited all fifty states, Canada, and Europe. He had many hobbies, including bird watching, stamp collecting, astronomy, genealogy, carpentry, and furniture refinishing. He was an avid reader and followed current events.

Clifford Burroughs was a Butler County Republican. He served in the Senate five years, from 1974 to 1978, during the second half of the 65th General Assembly, and through the 66th and 67th General Assemblies. In 1978, he was appointed by Governor Robert Ray as administrative law judge with the Appeals Board of Job Service, where he served until his retirement in 1982.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-EIGHTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Clifford E. Burroughs, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

JOHN W. JENSEN, Chair  
BETTY A. SOUKUP  
STEWART E. IVERSON, JR.

Committee

## LUCAS J. DE KOSTER

Lucas James De Koster was born on June 18, 1918, in Hull, Iowa, to John and Sarah Katherine De Koster. He passed away on February 23, 2000, at his home in Hull at the age of eighty-one. He is survived by his wife; five children and their spouses, Sarah K. and Dr. Randall C. Hart of Oskaloosa, the Reverend Jacqueline A. and Frank D. Thomas of St. Joseph, Missouri, John G. and Glenda De Koster of Hull, Claire E. and Paul W. Gillaspey of Sioux Falls, South Dakota, and Mary D. and Philip A. Ness of Albert Lea, Minnesota; twelve grandchildren; and four sisters.

Lucas De Koster was raised in Hull. He attended Kansas State College (now Kansas State University) in Manhattan, Kansas, and later he attended Iowa State College in Ames. He graduated with a bachelor's degree in mechanical engineering in 1939. On December 30, 1942, he married Dorothea LaVonne Hymans in Hull. He was employed in the aeronautical industry in New Jersey, Virginia and Ohio, where he designed jet-propulsion engines. While in Ohio, he attended Cleveland Marshall Law School and received a doctor of laws degree, cum laude. After being admitted to the Iowa Bar in June 1952, he practiced general law and patent law in Hull, Iowa.

Mr. De Koster was an active member of the American Reformed Church and a founding member of the Hull Public Library. Reading was important to him, and he spent much time promoting the library. He was devoted to his family and church and gave many years of dedicated service to his community, state, and nation.

Senator De Koster was a Sioux County Republican and was elected to the Iowa Senate in 1964. He served from 1965 to 1982, during the 61st through the 69th General Assemblies. Senator De Koster was chair of the Senate Judiciary Committee. He served on the Iowa State Board of Public Instruction for six years and was a loyal and valued member of numerous civic, community, and state organizations. He was noted for his ability to listen to all sides of an issue and make his decision based on what he thought was in the best interest of the people of his district and the state.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-EIGHTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Lucas J. De Koster, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

KENNETH VEENSTRA, Chair  
JOHN REDWINE  
MARY LOU FREEMAN

Committee

## CHARLES F. EPPERS

Charles F. Eppers was born on September 16, 1919, in Keokuk to Frederick and Bertha Eppers. He passed away on January 17, 1999, at the age of seventy-nine years. Charles Eppers and Ferne Flambeau were married on August 30, 1975. He is survived by his wife, Ferne; a stepdaughter, Linda Schilson, of St. Petersburg, Florida; three stepsons, Roger Flambeau of Durham, North Carolina, Larry Flambeau of Keokuk, and Randy Flambeau of Warsaw, Illinois; nine stepgrandchildren; eight stepgreat-grandchildren; two sisters, Viola Cramer and Marjorie Huston of Keokuk; and nieces, nephews, and cousins.

Charles Eppers served as an Air Force bombardier during World War II. He was very instrumental in the development of the toll-free Keokuk-Hamilton Bridge. He owned and operated several Chuck Wagon Cafes and the Eppers Hotel. Charles enjoyed many activities, some of which were hunting, fishing, biking, and being with his family, and he was an avid reader.

Mr. Eppers was a long-time member of the Elks Lodge #106, a 52-year member of the American Legion, a past member of the Moose Club, a past member of the Masonic and Fez Club, a past president of Keokuk Jaycees, and a member of the St. Paul United Church of Christ. He was a former member of the Lee County Board of Supervisors.

Charles Eppers was a Lee County Democrat, and in 1958 he was elected to the Senate, where he served in the 58th and 59th General Assemblies until 1962. After leaving the Legislature, he became the mayor of Keokuk from 1972 to 1978.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-EIGHTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Charles F. Eppers, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

MARK S. SHEARER, Chair  
GENE FRAISE  
JOHN JUDGE

Committee

## JACK W. HESTER

Jack W. Hester passed away on April 29, 1999, at the age of sixty-nine. He is survived by his wife, Joan; four daughters, Mrs. Bill Hileman and Mrs. Bob Baker, both of Dallas, Texas, Mrs. Neal Kunzman and Mrs. Brian Flemming, both of Minden, Iowa; two sons, Dave of Council Bluffs, and Ken of Honey Creek; two brothers, Everett Jr. of Denver and Richard of Clearwater, Florida; ten grandchildren; and nieces and nephews.

Jack Hester was born in Modale, Iowa, and graduated from Persia High School in 1947. He served in the U.S. Air Force during the Korean War. He and Joan were married for forty-six years. They became the first husband-and-wife team to serve in the Iowa Legislature when Joan was elected to the House in 1984. Mr. Hester was active in many community activities and organizations. He was a township trustee and a member of the Extension Council and Westfair Board, the Neola Community Choir, and the Pottawattamie County Pork Producers. He was also a member of American Legion Post No. 337, the Loess Hills Eagles Model Aircraft Club, the Hazel Dell United Methodist Church, and the Husker Chapter of the Studebaker Drivers Club. In his retirement, he spent his time traveling, and he spent many hours building and flying radio-controlled airplanes.

Jack Hester farmed for thirty years, and he was a 4H leader and a past president of the West Pottawattamie Farm Bureau. His family was named the 1975 Farmers Home Administration Farm Family of the Year for Cass and Pottawattamie counties.

Senator Hester was a Pottawattamie County Republican and was elected to the Iowa Senate in 1978. He served from 1979 to 1994, during the 68th through the 75th General Assemblies. He was ranking member of the Senate Natural Resources Committee and the ranking Republican on the Ways and Means Committee. Fellow lawmakers spoke many kind words about Senator Hester. Some were that he was a quiet man on the floor but always worked hard behind the scene, and that he was a gentleman and a good legislator and everyone liked him.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-EIGHTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Jack W. Hester, 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.

NANCY BOETTGER, Chair  
MICHAEL GRONSTAL  
DERRYL McLAREN

Committee

#### ERNEST KOSEK

Ernest Kosek was born in Cedar Rapids on March 13, 1907, in the Kosek Bakery on 16th Avenue, now know as Sykora's Bakery. He passed away on August 31, 1999, at the age of ninety-two years. In 1934, he married Vlasta Victoria Vondracek in the Coe College Chapel. He is survived by his son, Ernest G. Kosek, and wife, Susan, of Cedar Rapids; a daughter, Karen V. Nelson of Minneapolis; a sister, Rose Prastka; eight grandchildren; and four great-grandchildren.

Ernest graduated from old Washington High School located in downtown Cedar Rapids and then went on to study at Coe College. He transferred to the University of Iowa, where in 1931 he graduated with an electrical engineering degree and a minor in

money and banking. He received a commission in the Army Engineers and was accepted for training as an Army Air Corps cadet. In 1932, Ernest left the Army Air Corps and worked as an investment banker starting his own investment banking business, which he successfully ran for forty years. He served on the Board of Governors of the National Association of Securities Dealers. Ernest served in the Navy during World War II as a Lt. Senior Grade. He was stationed in New York City, where he helped set up some of the first discharge centers.

Ernest Kosek was a Linn County Republican, and in 1946 he was elected to the House of Representatives and served twelve years during the 52nd through the 57th General Assemblies until 1958. In 1966, he was elected to the Senate and served for four years during the 62nd and 63rd General Assemblies until 1970. While in the Legislature, he championed many mental health bills helping those affected by mental illness. He also served on the executive committee of the National Association of Mental Health.

Senator Kosek was a member of the First Presbyterian Church, the El Kahir Shrine, the Odd Fellows, the Elks, the American Legion, and he was a 32nd degree Mason. He was a member of the Cedar Rapids Country Club, the Sokol, the Iowa Republican Party, the Czech Heritage Society, the Czech Village Association, and Western Fraternal. Senator Kosek and United States Senator Hruska started the first English-speaking lodges in the Western Fraternal.

NOW, THEREFORE, BE IT RESOLVED, BY THE SENATE OF THE SEVENTY-EIGHTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Ernest Kosek, the State has lost an honored citizen and a faithful and useful public servant, and 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 A. LUNDBY, Chair  
WALLY E. HORN  
ANDY MCKEAN

Committee

#### HAROLD A. THORSDEN

Harold A. Thordsen was born on September 25, 1907, in Davenport, Iowa, to Jess and Hazel Thordsen. He passed away on November 8, 1999, in Davenport, Iowa, at the age of ninety-two. He is survived by his wife, Carolyn; sons and daughters-in-law, the Reverend Jerry and Vicki Thordsen of Bondurant, Iowa, Jim and Marsha McKinney of Eldridge, Iowa, and Lt. Col. Joseph and Ann Arnold of Price George, Virginia; a daughter, Pat Simms of Madison, Wisconsin; daughters and sons-in-law, Nadine and Charles Palmer of Peoria, Illinois, and Nancy and Ronald Pike of Waynesboro, Pennsylvania.; 24 grandchildren; 46 great-grandchildren; and four great-great-grandchildren; sisters Marsha Bogue of Tucson, Arizona, and Honey Weber of Davenport; plus several nieces and nephews.



Harold Thordsen joined the Davenport Police Department in the 1930s and worked there for more than eighteen years. He was the first Davenport police officer to attend the FBI's National Police Academy in Washington, D.C. When he graduated in 1942, he personally received his diploma from J. Edgar Hoover. Mr. Thordsen was chief of detectives for the Davenport Police Department.

During World War II, he served in the United States Navy.

Harold Thordsen was a Scott County Republican and was elected to the House of Representatives in 1966. He served there during the 62nd General Assembly. He was elected to the Senate in 1968 and served during the 63rd and 64th General Assemblies until 1972. As a state legislator in the early 1970s, he was chairman of the Law Enforcement Committee and was largely responsible for the creation of Iowa's first Law Enforcement Academy in Des Moines. He also played a key role in introducing a bill in the Iowa Legislature to legalize bingo.

After serving in the Legislature, Senator Thordsen and his wife owned and operated a Wisconsin Dells resort for four years. He also worked as a real estate broker in Davenport and played pro football with the Moline Indians for four seasons. He founded and was past president of the Davenport Alumni Diamond Ball Association.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-EIGHTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Harold A. Thordsen, 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.

MAGGIE TINSMAN, Chair  
RICHARD F. DRAKE  
JACK RIFE

Committee



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Amendments withdrawn — 1194  
Bills introduced — 56, 83, 84, 87, 101, 109, 110, 124, 167–169, 191, 208, 209, 221, 227, 242–246, 260, 262, 278, 279, 295–297, 311, 326, 340, 346, 364, 365, 372–376, 378, 394, 395, 397, 434–439, 463–465, 479, 537, 558, 587  
Certificates of recognition — 1442  
Explanations of votes — 565, 840, 926  
Resolutions introduced — 201, 262, 439, 1039, 1058, 1059, 1284

#### FLYNN, TOM — Senator, Seventeenth District

Amendments filed — 540, 573, 575, 609, 786–790, 813, 814, 816, 824, 825, 844, 879, 898, 909, 941, 962, 984, 1028, 1095, 1101, 1235, 1236, 1323, 1324, 1334, 1340, 1355, 1369, 1430  
Amendments offered — 788, 962, 963, 1028, 1136, 1334, 1430  
Amendments withdrawn — 1430, 1432  
Bills introduced — 56, 87, 124, 156, 167–169, 209, 221, 242–246, 260, 262, 278, 279, 295–297, 340, 346, 364, 365, 372–376, 378, 394, 395, 397, 434–439, 463, 464, 479, 537, 558, 587  
Certificates of recognition — 556, 878  
Explanations of votes — 204, 390, 493, 536, 644, 756, 1091

Petitions presented — 829

Resolutions introduced — 201, 262, 393, 439, 1058, 1059, 1284

FRAISE, EUGENE — Senator, Fiftieth District, Assistant Minority Leader

Amendments filed — 460, 573, 575, 769, 788, 814–816, 824, 825, 909, 921, 1030, 1168, 1204, 1235, 1236, 1282, 1307, 1323, 1335, 1336, 1340, 1355, 1369

Amendments offered — 460, 815, 1335

Bills introduced — 44, 56, 87, 109, 124, 167–169, 182, 208, 209, 221, 242–246, 260, 262, 278, 279, 295–297, 311, 312, 326, 340, 341, 346, 364, 365, 372–376, 378, 394, 395, 397, 434–439, 463–465, 479, 537, 558, 587

Conference committee appointment — 1127

Presentations — 11

Resolutions introduced — 201, 262, 393, 439, 999, 1058, 1059, 1133, 1284

Senate committee appointments — 48

FREEMAN, MARY LOU — Senator, Fifth District

Amendments filed — 1101, 1242, 1248, 1422

Amendments offered — 1248

Amendments withdrawn — 1242, 1249, 1422

Bills introduced — 56, 109, 182, 200, 260, 262

Resolutions introduced — 167, 200, 439, 479, 1058, 1059

GASKILL, E. THURMAN — Senator, Eighth District

Amendments filed — 305, 522, 551, 575, 590, 898, 921, 984, 1030, 1138

Amendments offered — 653, 1138

Amendments withdrawn — 1138

Bills introduced — 56, 280, 345

Certificates of recognition — 878

Resolutions introduced — 200, 439, 1039, 1058, 1059, 1133

GENERAL ASSEMBLY — (See JOINT CONVENTIONS)

GOVERNOR VILSACK, THOMAS

Address to joint convention — 28

Appointments by — 128–132, 743–749, 896

Bills signed by — 230, 500, 617, 676, 756, 939, 978, 979, 1042, 1073, 1091, 1132, 1152, 1180, 1191, 1303, 1304, 1312, 1313, 1383, 1443, 1450, 1456–1458

Closing message — 1452

Committees to notify — 5, 7, 28, 1451

Communications from — 175, 644, 755, 941

Condition of the State and Budget Message — 28

Deferral letters — 755, 756

Item veto messages — 1459–1467



Resolution relating to Condition of the State and Budget Message — 8, 9  
Veto messages — 979, 1171, 1180, 1458

GRONSTAL, MICHAEL E. — Senator, Forty-second District, Minority Floor Leader

Address to the Senate — 4

Amendments filed — 367, 501, 508, 573, 575, 582, 590, 604, 609, 630, 667, 758, 788, 791, 814, 824, 825, 909, 930, 966, 1129, 1162, 1282, 1291, 1323, 1328, 1340, 1355, 1369, 1402, 1432

Amendments offered — 508, 582, 630, 667, 824, 859, 966, 1290, 1291, 1328

Amendments withdrawn — 930, 1033

Bills introduced — 56, 87, 110, 124, 167, 169, 209, 221, 227, 242–246, 260, 262, 278, 279, 295–297, 311, 312, 326, 340, 341, 346, 364, 365, 372–376, 378, 394–397, 434–439, 463–465, 479, 537, 558, 587, 988, 1040, 1191, 1217

Certificates of recognition — 743

Leadership recognition — 1426

Presentations — 1378

Resolutions introduced — 100, 201, 262, 393, 439, 1058, 1059, 1172, 1210, 1284, 1305, 1312

Senate committee appointments — 1451

GUESTS — (See PRESENTATIONS)

HAMMOND, JOHNIE — Senator, Thirty-first District

Amendments filed — 367, 495, 501, 540, 573, 575, 634, 689, 690, 782, 786–788, 814, 816, 824, 825, 898, 906–914, 1055, 1056, 1059, 1168, 1236, 1282, 1323, 1330, 1355, 1360, 1369, 1403, 1429

Amendments offered — 581, 634, 689, 690, 782, 906–912, 1056, 1080, 1219, 1330

Amendments withdrawn — 1055, 1056, 1081, 1290, 1353, 1368, 1385

Bills introduced — 25, 55, 56, 87, 102, 110, 124, 145, 156, 169, 209, 221, 242–246, 260, 278, 279, 295, 296, 311, 326, 364, 365, 372, 373, 375, 376, 378, 394–397, 434–436, 438, 489, 463, 465, 537

Certificates of recognition — 369, 1442

Presentations — 290

Resolutions introduced — 201, 439, 1039, 1058, 1059, 1284

Senate committee appointments — 252

HANSEN, STEVE — Senator, First District, Assistant Minority Leader

Amendments filed — 573, 786–789, 909, 1101, 1162, 1201, 1232, 1323, 1348, 1355, 1369

Amendments offered — 1353–1355, 1368

Bills introduced — 56, 87, 110, 124, 167, 182, 209, 243–246, 260, 262, 278, 279, 295, 311, 340, 372–376, 378, 394, 395, 397, 434, 436–439, 463, 464, 537, 558, 587

Resolutions introduced — 201, 439, 1058, 1059, 1284

HARPER, PATRICIA M. — Senator, Thirteenth District

Amendments filed — 367, 501, 533, 573, 575, 609, 634, 656, 690, 786–788, 790, 813, 814, 816, 824, 825, 905, 909, 921, 1116, 1128, 1129, 1162, 1201, 1235, 1236, 1253, 1282, 1323, 1324, 1341, 1355, 1369, 1390, 1403

Amendments offered — 533, 905, 1128, 1245, 1338, 1341, 1390

Bills introduced — 56, 68, 87, 100, 102, 109, 110, 124, 145, 167, 169, 182, 209, 221, 242–246, 260, 262, 278, 279, 295–297, 311, 326, 340, 341, 346, 364, 365, 372–376, 378, 394–397, 434–439, 463–465, 479, 537, 558, 587

Presentations — 564

Resolutions introduced — 201, 262, 393, 439, 999, 1058, 1059, 1284

Senate committee appointments — 252

HEDGE, H. KAY — Senator, Forty-eighth District, Assistant Majority Leader

Amendments filed — 814, 921, 926, 1030, 1129, 1201, 1254, 1403

Amendments offered — 1030

Amendments withdrawn — 1030

Bills introduced — 56, 156, 168, 345

Calling up appointees for confirmation — 1066

Presentations — 985, 1047

Presiding at sessions of the Senate — 104, 146, 218, 223, 335, 414, 469, 488, 573, 625, 650, 669, 686, 788, 836, 966, 1055, 1143, 1175, 1406

Resolutions introduced — 200, 439, 478, 479, 1058, 1059, 1073

Senate committee appointments — 58, 1451

HORN, WALLY E. — Senator, Twenty-seventh District

Amendments filed — 573, 788, 789, 824, 825, 899, 909, 1075, 1116, 1173, 1274, 1355, 1369, 1401

Amendments offered — 1401

Bills introduced — 56, 87, 244, 245, 278, 312, 374–376, 378, 395, 436

Resolutions introduced — 201, 439, 1058, 1059, 1282, 1284

Statutory appointments — 18

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Senate File 182, S-5019 — 362; Senate concurred — 866

Senate File 228, S-5240 — 838; Senate concurred — 1050

Senate File 324, S-5185 — 777; Senate concurred — 967

Senate File 419, S-5368 — 1071; Senate amended & concurred — 1309

Senate File 428, S-5207 — 810; Senate concurred — 931

Senate File 441, S-5650 — 1388; Senate concurred — 1416

Senate File 466, S-5398 — 1138; Senate amended & concurred — 1294  
Senate File 2010, S-5569 — 1319; Senate concurred — 1349  
Senate File 2031, S-5011 — 306; Senate concurred — 857  
Senate File 2079, S-5242 — 846; Senate refused to concur — 1010  
Senate File 2089, S-5180 — 777; Senate concurred — 855  
Senate File 2092, S-5315 — 975; Senate concurred — 1026  
Senate File 2111, S-5202 — 792; Senate amended & concurred — 854  
Senate File 2113, S-5335 — 996; Senate concurred — 1050  
Senate File 2126, S-5383 — 1109; Senate concurred — 1164  
Senate File 2143, S-5376 — 1090; Senate concurred — 1100  
Senate File 2144, S-5517 — 1250; Senate concurred — 1344  
Senate File 2147, S-5155 — 694; Senate concurred — 728  
Senate File 2194, S-5249 — 877; Senate concurred — 883  
Senate File 2214, S-5316 — 975; Senate concurred — 1110  
Senate File 2241, S-5562 — 1318; Senate amended & concurred — 1385  
Senate File 2245, S-5658 — 1412; Senate amended & concurred — 1417  
Senate File 2246, S-5588 — 1346; Senate concurred — 1409  
Senate File 2248, S-5068 — 544; Senate concurred — 902  
Senate File 2249, S-5330 — 977; Senate concurred — 1098  
Senate File 2252, S-5336 — 996; Senate amended & concurred — 1380  
Senate File 2253, S-5212 — 810; Senate concurred — 886  
Senate File 2254, S-5164 — 694; Senate amended & concurred — 784  
Senate File 2267, S-5370 — 1071  
Senate File 2300, S-5143 — 675; Senate concurred — 885  
Senate File 2302, S-5353 — 1037; Senate amended & concurred — 1088  
Senate File 2303, S-5241 — 838; Senate concurred — 864  
Senate File 2308, S-5188 — 781; Senate amended & concurred — 929  
Senate File 2313, S-5352 — 1037; Senate concurred — 1146  
Senate File 2314, S-5203 — 792; Senate concurred — 853  
Senate File 2327, S-5568 — 1319; Senate concurred — 1350  
Senate File 2329, S-5369 — 1071; Senate amended & concurred — 1097  
Senate File 2344, S-5210 — 810; Senate concurred — 862  
Senate File 2348, S-5248 — 877; Senate amended & concurred — 1053  
Senate File 2360, S-5344 — 1037; Senate concurred — 1087  
Senate File 2366, S-5314 — 975; Senate concurred — 1025  
Senate File 2369, S-5272 — 901; Senate concurred — 1052  
Senate File 2371, S-5239 — 838; Senate amended & concurred — 986  
Senate File 2395, S-5380 — 1108; Senate concurred — 1278  
Senate File 2411, S-5236 — 833; Senate concurred — 930  
Senate File 2418, S-5329 — 977; Senate concurred — 1065  
Senate File 2428, S-5430 — 1175; Senate concurred — 1185  
Senate File 2429, S-5415 — 1170; Senate amended & concurred — 1227  
Senate File 2430, S-5431 — 1175; Senate amended & concurred — 1195  
Senate File 2433, S-5678 — 1426; Senate concurred — 1427  
Senate File 2435, S-5387 — 1126; Senate amended & concurred — 1363  
Senate File 2438, S-5578 — 1319; Senate concurred — 1332

Senate File 2447, S-5545 — 1283; Senate concurred — 1284  
 Senate File 2450, S-5449 — 1208; Senate concurred — 1224  
 Senate File 2453, S-5663 — 1413; Senate concurred — 1423  
 House File 683, S-5237 — 833; Senate concurred — 1044  
 House File 723, S-5390 — 1126; Senate concurred — 1143  
 House File 2378, S-5485 — 1233  
 House File 2491, S-5379 — 1109; Senate concurred — 1111  
 House File 2496, S-5497 — 1233; Senate concurred — 1421  
 House File 2549, S-5681 — 1435; Senate concurred — 1437  
 House File 2552, S-5652 — 1388; Senate concurred — 1436  
 House File 2560, S-5666 — 1414; Senate concurred — 1419  
 House File 2562, S-5605 — 1351; Senate refused to concur — 1352

#### HUMAN RESOURCES, COMMITTEE ON

Amendments filed — 702, 1172  
 Appointees, investigation of — 133, 134, 149, 150, 366, 367, 388, 751, 752, 794, 795, 919, 920  
 Bills introduced by — 297, 298, 344, 345, 377, 394, 397-399, 430-433, 466  
 Bills referred to — 10, 56, 68, 83, 101, 124, 156, 168, 209, 210, 218, 242, 244, 256, 278, 306, 311, 313, 325, 378, 394, 395, 477, 484, 520, 535, 592, 621, 635, 681, 706, 714, 727, 1114  
 Committee meeting reports — 43, 74, 108, 166, 205, 240, 258, 294, 338, 390, 429, 537, 556, 568, 645, 710, 711, 839, 878, 1151  
 Committee reports — 302, 353, 354, 384, 405, 406, 443, 444, 467, 588, 701-703, 713, 1172  
 Study bills — 210-212, 246, 283, 298, 327, 329, 349, 380, 381  
 Subcommittee assignments — 68, 113, 171, 196, 215, 216, 222, 248, 272, 286, 300, 329-331, 349-351, 382, 401, 521, 568, 647, 648, 683, 715, 1115

#### INDIVIDUAL CONFIRMATION CALENDAR — (See APPOINTMENTS BY GOVERNOR)

#### INTRODUCTIONS — (See PRESENTATIONS)

#### INVESTIGATION OF APPOINTEES — (See APPOINTEES; individual committees)

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Senate File 2428 — 1459  
 Senate File 2433 — 1460  
 Senate File 2435 — 1462  
 Senate File 2452 — 1465  
 Senate File 2453 — 1466

IVERSON, STEWART E., JR. — Senator, Ninth District, Majority Floor Leader

Address to the Senate — 3

Amendments filed — 590, 604, 815, 1030, 1129, 1340, 1360, 1429, 1432

Amendments offered — 815, 1415, 1429, 1432

Bills introduced — 56, 365, 988, 1040, 1114, 1191, 1217, 1251

Calling up appointees on En Bloc Confirmation Calendar — 234, 473, 1017, 1089, 1155

Calling up appointees on Individual Confirmation Calendar — 235, 775, 776, 874–876, 1157–1159

Certificates of recognition — 81, 238, 916, 1229

Committee announcement — 252

Leadership recognition — 1426

Petitions presented — 322

Presentations — 846, 1017, 1378

Presiding at sessions of the Senate — 1335, 1379

Resolutions introduced — 24, 76, 200, 439, 479, 1058, 1059, 1133, 1172, 1210, 1305, 1312

JENSEN, JOHN W. — Senator, Eleventh District

Amendments filed — 575, 769, 966, 984, 1201, 1323

Amendments offered — 805, 1024

Bills introduced — 56, 345

Certificates of recognition — 123, 144, 643, 743

Presentations — 141, 1237

Resolutions introduced — 100, 200, 439, 1058, 1059, 1133

JOHNSON, JOANN — Senator, Thirty-ninth District

Amendments filed — 595, 609, 640, 953, 1003, 1129, 1192, 1232, 1280, 1282, 1348

Amendments offered — 659, 949, 953, 1024, 1280, 1288, 1353, 1367

Amendments withdrawn — 1310, 1368

Bills introduced — 55, 56, 81, 209, 242, 312, 364, 365

Certificates of recognition — 643

Resolutions introduced — 200, 439, 999, 1039, 1058, 1059

Senate committee appointments — 5

JOINT CONVENTIONS

Called to order — 27, 47

Condition of the Iowa Judiciary Message by Chief Justice Arthur A. McGiverin — 49

Condition of the State and Budget Message by Governor Tom Vilsack — 28

Resolutions relating to:

HCR 101 — 8–10

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## JUDGE, JOHN — Senator, Forty-sixth District

- Amendments filed — 573, 575, 786, 787, 789, 790, 814, 816, 824, 825, 909, 958, 984, 1128, 1131, 1201, 1236, 1323, 1336, 1355, 1369, 1429
- Amendments offered — 787, 825, 1010, 1244, 1336
- Bills introduced — 56, 87, 167, 182, 209, 242–246, 260–262, 278, 279, 295, 296, 311–313, 340, 346, 364, 365, 372, 374–376, 378, 394, 395, 397, 434–438, 463–465, 479, 537, 558, 587
- Resolutions introduced — 201, 439, 999, 1058, 1059, 1133, 1284
- Senate committee appointments — 5

## JUDICIARY, COMMITTEE ON

- Amendments filed — 217, 229, 332, 559, 615, 678, 719, 757, 1382
- Appointees, investigation of — 134, 150, 188, 217, 287, 367, 388, 752, 796, 808, 939
- Bills introduced by — 169, 190, 221, 246, 259, 314, 325, 342–344, 346, 372, 373, 377, 379, 396, 431–434
- Bills referred to — 10, 24, 25, 54, 55, 68, 76, 83, 101, 109, 110, 124, 168, 169, 182, 200, 208, 210, 237, 242, 256, 261, 263, 269, 279, 280, 296, 297, 306, 325, 326, 340, 394, 461, 476, 477, 520, 536, 563, 585, 586, 592, 596, 636, 672–674, 693, 714, 726, 727, 1251, 1347
- Committee meeting reports — 44, 74, 108, 156, 181, 207, 241, 277, 310, 323, 363, 371, 557, 593, 646, 710, 715, 807, 924, 1304, 1320, 1382
- Committee reports — 173, 198, 222, 229, 249, 266, 286, 317, 331, 332, 354–356, 384–386, 407, 445, 468, 559, 615, 616, 678, 679, 717–720, 757, 1382
- Study bills — 111, 112, 158, 159, 170, 183, 184, 213, 247, 263, 282, 283, 299, 314, 347, 380
- Subcommittee assignments — 45, 46, 77, 78, 113, 114, 120, 145, 160, 161, 171, 172, 185, 186, 214, 216, 248, 249, 265, 266, 273, 285, 300, 315–317, 349, 350, 382, 440, 538, 543, 594, 638, 639, 677, 696, 697, 808, 1282, 1359

## KIBBIE, JOHN P. — Senator, Fourth District

- Amendments filed — 333, 501, 551, 553, 561, 572–576, 590, 713, 758, 769, 809, 814, 824, 825, 831, 909, 921, 926, 984, 1030, 1075, 1116, 1128, 1131, 1152, 1201, 1204, 1236, 1274, 1323, 1329, 1355, 1357, 1369, 1386, 1388, 1389, 1391–1394, 1397–1401
- Amendments offered — 553, 572, 574, 576, 598, 884, 1030, 1035, 1204, 1242, 1329, 1357, 1391–1393, 1397, 1398, 1401
- Amendments withdrawn — 1033, 1242, 1329
- Bills introduced — 56, 87, 101, 109, 124, 145, 156, 167, 169, 182, 209, 221, 242–246, 260, 262, 278, 279, 295–297, 311, 326, 340, 341, 345, 346, 364, 365, 372–376, 378, 394–397, 434–439, 463–465, 479, 537, 558, 587
- Certificates of recognition — 81, 193, 452, 1113, 1119, 1229
- Explanations of votes — 257

Presentations — 706, 7007, 1178

Resolutions introduced — 24, 201, 227, 262, 379, 393, 439, 1058, 1059, 1073, 1094, 1133, 1284

Senate committee appointments — 252

**KING, STEVE** — Senator, Sixth District

Amendments filed — 57, 63, 539, 551, 575, 609, 630, 640, 660, 898, 920, 926, 941, 952, 1004, 1068, 1173, 1201, 1232, 1235, 1254, 1279, 1313, 1323, 1357, 1403, 1432

Amendments offered — 59, 609, 630, 632, 660, 952, 969, 1263, 1267, 1275, 1279

Amendments withdrawn — 59, 601, 1068, 1263

Bills introduced — 56, 156, 168, 262, 297, 313, 340

Certificates of recognition — 1039, 1373, 1442

Presentations — 1407

Resolutions introduced — 200, 439, 479, 1058, 1059, 1382

Senate committee appointments — 252

Statutory appointments — 18

**KRAMER, MARY E.** — Senator, Thirty-seventh District, President of the Senate

Address to the Senate — 1

Amendments filed — 335, 1125

Amendments offered — 335, 1168

Announcements — 18

Bills introduced — 56

Certificates of recognition — 166, 167, 1269

Leadership recognition — 1426

Resolutions introduced — 76, 200, 314, 439, 479, 1039, 1058, 1059

**LAMBERTI, JEFF** — Senator, Thirty-third District

Amendments filed — 427, 472, 483, 588, 604, 609, 770, 809, 898, 921, 1147, 1166, 1173, 1192, 1200, 1205, 1206, 1232, 1236, 1245, 1246, 1299, 1383, 1424, 1425, 1430

Amendments offered — 416, 427, 472, 527, 604, 609, 770, 1136, 1166, 1200, 1205, 1206, 1245, 1288, 1410, 1411, 1424, 1430

Amendments withdrawn — 904, 964, 1147, 1241, 1242, 1245, 1246, 1299

Bills introduced — 56, 101, 136, 168, 169, 191, 200, 280

Certificates of recognition — 593

Resolutions introduced — 200, 439, 999, 1058, 1059

Senate committee appointments — 48, 1451

**LEGISLATIVE EMPLOYEES** — (See OFFICERS AND EMPLOYEES OF THE SENATE)

## LOCAL GOVERNMENT, COMMITTEE ON

Amendments filed — 679, 721

Appointees, investigation of — 134, 150, 303, 367, 752, 796, 940

Bills introduced by — 108, 183, 324, 342, 344, 396, 432, 433

Bills referred to — 25, 102, 109, 167, 208, 209, 237, 325, 341, 346, 436, 477, 523, 563, 612, 621, 636, 672, 693, 726

Committee meeting reports — 99, 181, 291, 310, 323, 363, 392, 557, 593, 646, 710, 711, 924

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## LUNDBY, MARY A. — Senator, Twenty-sixth District

Amendments filed — 453, 575, 577, 801, 803, 819, 820, 1022, 1173, 1201, 1205

Amendments offered — 577, 865, 991, 1202

Amendments withdrawn — 550, 577, 1202, 1205

Bills introduced — 56, 102, 109, 110, 124, 242, 244, 296, 312

Explanations of votes — 188, 1072, 1373

Resolutions introduced — 200, 439, 478, 1058, 1059, 1282

Senate committee appointments — 252

## MADDOX, GENE — Senator, Thirty-eighth District, Assistant Majority Leader

Amendments filed — 287, 468, 984, 1014, 1062, 1212, 1272, 1274, 1282, 1307, 1334, 1340, 1343, 1430

Amendments offered — 508, 1334, 1340, 1343

Amendments withdrawn — 1261, 1334, 1337, 1343, 1430

Bills introduced — 55, 56, 109, 168, 243, 312

Certificates of recognition — 478, 556, 643, 801

Presentations — 564

Resolutions introduced — 200, 393, 439, 1058, 1059

Senate committee appointments — 5

## MAJORITY LEADER, Senator Stewart Iverson Jr. — (See IVERSON, STEWART E., JR.)

## McCOY, MATT — Senator, Thirty-fourth District

Amendments filed — 305, 333, 573, 575, 578, 579, 590, 604, 609, 724, 801, 820, 1004, 1022, 1055, 1059, 1095, 1101, 1129, 1253, 1272, 1274, 1297, 1298, 1323–1327, 1329, 1355, 1369

Amendments offered — 578, 579, 733, 1009, 1055, 1078, 1297, 1298, 1325–1329



Amendments withdrawn — 892, 1298, 1327  
Bills introduced — 56, 87, 102, 109, 110, 124, 167, 209, 221, 242–246,  
260, 262, 278, 279, 295–297, 311, 326, 340, 341, 346, 364, 365, 372–  
376, 378, 394, 395, 397, 434–439, 463–465, 479, 537, 558, 587  
Resolutions introduced — 201, 262, 439, 1058, 1059, 1284  
Senate committee appointments — 5

McGIVERIN, ARTHUR A., Chief Justice of the Supreme Court — (See  
CHIEF JUSTICE OF THE SUPREME COURT)

McKEAN, ANDY — Senator, Twenty-eighth District  
Amendments filed — 469, 501, 575, 958, 1004, 1014, 1062, 1173, 1204,  
1274, 1340, 1360, 1385, 1417  
Amendments offered — 469, 509, 575, 735, 761, 785, 894, 1027, 1045,  
1062, 1204, 1340, 1385, 1417  
Amendments withdrawn — 1062, 1204, 1330  
Bills introduced — 24, 56, 81, 168, 209, 345  
Presiding at sessions of the Senate — 601, 603, 762, 915, 1029, 1117  
Resolutions introduced — 200, 439, 999, 1058, 1059

McKIBBEN, LARRY — Senator, Thirty-second District  
Amendments filed — 609, 803, 832, 879, 984, 1028, 1061, 1129, 1274,  
1279, 1287, 1313, 1368, 1432  
Amendments offered — 903, 953, 995, 1028, 1061, 1274, 1279, 1287, 1368  
Amendments withdrawn — 1129, 1368  
Bills introduced — 56, 147, 200, 242, 280, 296, 340  
Certificates of recognition — 478, 565, 643, 916, 957, 1229, 1373  
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